**INTERNATIONAL COURT OF JUSTICE**

# CASE CONCERNING APPLICATION OF THE INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE FINANCING OF TERRORISM AND OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

**(UKRAINE v. RUSSIAN FEDERATION)**

# COUNTER-MEMORIAL ON THE CASE CONCERNING APPLICATION OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

**SUBMITTED BY THE RUSSIAN FEDERATION**

**VOLUME V**

**(ANNEXES 244 - 341)**

**9 AUGUST 2021**

The Annexes contained in this Volume are either true copies of the original documents referred to in the Counter-Memorial, or translations (marked accordingly) from their original language into English, an official language of the Court, pursuant to Article 51 of the Rules of Court.

Pursuant to Article 51(3) of the Rules of Court, some translations are confined to parts of the annexes, as indicated at the beginning of the respective annexes. In further compliance with this Rule, the Russian Federation has provided two certified copies of the full documents in their original language with its submission. The Russian Federation stands ready to provide more extensive partial translations or a complete translation of submitted documents should the Court so require.

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# Annex 244

North Caucasus District Military Court, Case No. 1-39/2015, Decision, 25 August 2015 (excerpts)

Translation
Excerpts

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DECISION
IN THE NAME OF THE RUSSIAN FEDERATION

25 August 2015 Rostov-on-Don

North Caucasus District Military Court composed of:
the presiding judge S.A. Mikhaylyuk,
the judges E.V. Korobenko, V.A. Korsakov,
courtroom secretaries N.N. Shchelokova, K.Yu. Parakhin,
with attendance of the public prosecutors: the Head of the Criminal-Judicial Department of the Rostov Region Prosecutor's Directorate, Senior Counselor of Justice O.V. Tkachenko and the prosecutor of the same Department Adviser of Justice V.V. Kuznetsov, representatives of the victims: A.D. Kozenko, A.V. Bochkarev,
defendants: O.G. Sentsov and A.A. Kolchenko, defence counsel S.I. Sidorkina, V.N. Simokhin and D.V. Dinze, considered a criminal case against citizens

> Sentsov Oleg Gennadyevych, born 13 July 1976 in the settlement of Skalistoye of the Bakhchisaray district of the Republic of Crimea, with a higher education, married, having two dependent underage children, working as a film director in the "Kray Kinema" company, non-convicted, residing until his arrest at […]

accused of committing crimes under Part 1 of Article $205^4$ of the Criminal Code of the Russian Federation (as amended by Federal Law of 2 November 2013 No. 302-FZ), para. "a" of Part 2 of Article 205 of the Criminal Code of the Russian Federation (as amended by Federal Laws of 27 July 2006 No. 153-FZ, of 30 December 2008 No. 321-FZ, of 27 December 2009 No. 377-FZ) - two crimes, Part 1 Article 30 and para. "a" of Part 2 of Article 205 of the Criminal Code of the Russian Federation (as amended by Federal Laws of 27 July 2006 No. 153-FZ, of 30 December 2008 No. 321-FZ, of 27 December 2009 No. 377-FZ, of 5 May 2014, No. 130-FZ), Part 3 of Article 30 and Part 3 of Article 222 of the Criminal Code of the Russian Federation (as amended by Federal Laws of 25 June 1998 No. 92- FZ and 28 December 2010 No. 398- FZ), Part 3 of Article 222 of the Criminal Code of the Russian Federation (as amended by Federal Laws of 25 June 1998 No. 92- FZ, of 28 December 2010, No. 98- FZ),

> Kolchenko Aleksander Aleksandrovich, born 26 November 1989 in Simferopol of the Republic of Crimea, with secondary general education, single, unemployed, non-convicted, residing until his arrest at […]

accused of committing crimes, stipulated in Part 2 of Article $205^4$ of the Criminal Code of the Russian Federation as amended by Federal Law of 2 November 2013 No. 302- FZ), para. "a" of Part 2 of Article 205 of the Criminal Code of the Russian Federation (as amended by Federal Laws of 27 July 2006, No. 153- FZ, of 30 December 2008 No. 321- FZ and 27 December 2009 No. 377- FZ).

[…]

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When deciding on sentencing of Sentsov and Kolchenko, the court also takes into account that in the case materials there is evidence of Sentsov and Kolchenko being recognised as citizens of the Russian Federation in accordance with Article 4 of Federal Constitutional Law of 21 March 2014 No. 6-FKZ "On the

admission of the Republic of Crimea to the Russian Federation and the formation of the new constituent entities – the Republic of Crimea and the federal city of Sevastopol". At the same time, the court was not provided with any information about the withdrawal of Sentsov and Kolchenko from the citizenship of another state whose citizens they were. In connection with the aforementioned, the court does not appoint Kolchenko and Sentsov an additional punishment in the form of restriction of freedom, provided for by the sanction of Part 2 of Article 205 of the Criminal Code of the Russian Federation as mandatory, and in relation to Sentsov, also provided for by the sanction of Part 1 of Article $205^4$ of the Criminal Code of the Russian Federation as mandatory.

[…]

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decided:

Sentsov Oleg Gennadyevich to adjudge him guilty of creating a terrorist community, that is, a stable group of persons pre-united in order to carry out terrorist activities, as well as of leading this terrorist community, that is, of a crime under Part 1 of Article $205^4$ of the Criminal Code of the Russian Federation (as amended by Federal Law of 2 November 2013 No. 302-FZ), on the basis of which a penalty of imprisonment for a term of 15 (fifteen) years is imposed, without a fine or restriction of freedom.

Also he is to be found guilty of two terrorist acts - committing arson intimidating the population and creating the risk of death, causing significant property damage, in order to influence the decision-making by the authorities by the organised group, that is, of two crimes, each of which provided for by para "a" of Part 2 of Article 205 of the Criminal Code of the Russian Federation (as amended by Federal Laws of 27 July 2006 No. 153-FZ, of 30 December 2008 No. 321-FZ, of 27 December 2009 No. 377-FZ), and sentenced him to imprisonment:

- regarding the episode of 14 April 2014 - for a period of 10 (ten) years, without restriction of freedom;

- regarding the episode of 18 April 2014 - for a period of 11 (eleven) years, without restriction of freedom.

He is also to be found guilty of preparing for a terrorist act — an explosion intimidating the population and creating the risk of death, causing significant property damage, in order to destabilise the authorities and influence their decision-making by the organised group, that is, of a crime under Part 1 of Article 30, para. "a" of Part 2 of Article 205 of the Criminal Code of the Russian Federation (as amended by Federal Laws of 27 July 2006 No. 153-FZ, of 30 December 2008 No. 321-FZ, of 27 December 2009 No. 377-FZ, of 5 May 2014, No. 130-FZ), and he is to be sentenced applying Part 2 of Article 66 of the Criminal Code of the Russian Federation, to imprisonment for a term of 7 (seven) years without restriction of freedom.

He is also to be found guilty of attempted unlawful acquisition of explosive devices by the organised group, that is, of a crime, provided for by Part 3 of Article 30, Part 3 of Article 222 of the Criminal Code of the Russian Federation (as amended by Federal Laws of 25 June 1998 No. 92- FZ and of 28 December 2010 No. 398-FZ), and to be sentenced applying Part 3 of Article 66 of the Criminal Code, to imprisonment for a term 5 (five) years.

He is also to be found guilty of illegal possession of firearms and ammunition by the organised group, that is, of a crime under Part 3 of Article 222 of the Criminal Code of the Russian Federation (as amended by Federal Laws of 25 June 1998 No. 92-FZ, of 28 December 2010 No. 398-FZ), and to be sentenced to imprisonment for a term of 5 (five) years.

Based on Part 3 of Article 69 of the Criminal Code of the Russian Federation, the final punishment for the aggregate of crimes is to be appointed to Sentsov by partial addition of the imposed penalties of imprisonment for a term of 20 (twenty) years in a penal colony of strict regime.

Kolchenko Aleksander Aleksandrovich is to be found guilty of participating in a terrorist community, that is, a stable group of persons pre-united in order to carry out terrorist activities, that is, of a crime under Part 2 of Article 205 of the Criminal Code of the Russian Federation (as amended by Federal Law of 2 November 2013 No. 302-FZ), on the basis of which he is to be sentenced to imprisonment for 6 (six) years, without fine.

He is also to be found guilty of a terrorist act - committing arson, explosion intimidating the population and creating the risk of death, causing significant property damage, in order to influence the decision-making by the authorities by the organised group, that is, of a crime, provided for by para. “a” of Part 2 Article $205^4$ of the Criminal Code of the Russian Federation (as amended by Federal Law of 27 July 2006, No. 153-FZ, of 30 December 2008 No. 321-FZ, of 27 December 2009, No. 377-FZ), and to be sentenced applying Article 64 of the Criminal Code of the Russian Federation (as amended by Federal Law of 13 June 1996 No. 64-FZ), to imprisonment for a term of 8 (eight) years, without fine and restriction of freedom.

[…]

# Annex 245

Supreme Court of the Republic of Crimea, Case No. 22-2258/2015,
Appellate Decision, 26 August 2015 (excerpts)

Translation
Excerpts

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Case No. 22-2258/2015
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**APPELLATE DECISION**

26 August 2015 Simferopol

Supreme Court of the Republic of Crimea, composed of:
presiding judge S.N. Pogrebnyak,
in the presence of secretary E.V. Delibozhko,
with the participation of Prosecutor O.Yu. Maksimova,
convicted person A.F. Kostenko,
defence counsel attorney D.V. Sotnikov,
defence counsel of the convicted person E.P. Kostenko,

Having held an open appeal hearing of the criminal case on the basis of the appeal filed by the convicted person A.F. Kostenko, attorney D.V. Sotnikov acting in the interests of A.F. Kostenko, victim V.V. Polienko against the decision of 16 May 2015 issued by the Kievskiy District Court of Simferopol, the Republic of Crimea, according to which

> **Alexander Fedorovich Kostenko**, born 10 March 1986 in […], a citizen of the Russian Federation, a university graduate, unemployed, unmarried, having a dependent underage child, not previously convicted, residing at: […],

Under Paragraph "b" of Part 2 of Article 115 of the Criminal Code of the Russian Federation, sentenced to one year of correctional labor;

Under Part 1 of Article 222 of the Criminal Code of the Russian Federation, sentenced to 4 years of imprisonment without a fine.

On the basis of Part 2 of Article 69 of the Criminal Code of the Russian Federation, by aggregating the crimes, by partial summation of the sentences imposed, the ultimate sentence was 4 years 2 months of imprisonment in a general regime penal colony without a fine.

The term of the sentence started on 6 February 2015.

The issue of material evidence was resolved.

[…]

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**DECIDED:**

The appeal filed by the convicted person A.F. Kostenko to be dismissed.

The appeal filed by defence counsel attorney of the convicted person D.V. Sotnikov and the appeal filed by victim V.V. Polienko to be granted partially.

The decision of 15 May 2015 issued by the Kievskiy District Court of Simferopol, the Republic of Crimea, against Alexander Fedorovich Kostenko to be amended to the extent of the punishment imposed.

Alexander Fedorovich Kostenko to be sentenced to 1 year of correctional labor with deduction to the state of 15 percent from the salary of the convicted person under Paragraph "b" of Part 2 of Article 115 of the Criminal Code of the Russian Federation.

Alexander Fedorovich Kostenko's punishment under Part 1 of Article 222 of the Criminal Code of the Russian Federation to be reduced to three years nine months of imprisonment without a fine.

Pursuant to Part 2 of Article 69 of the Criminal Code of the Russian Federation, by aggregating the crimes, a more severe punishment absorbing a less severe one, the ultimate sentence to be 3 (three) years 11 (eleven) months of imprisonment without a fine, with serving the sentence in a general regime penal colony.

The rest of the decision of 15 May 2015 issued by the Kievskiy District Court of Simferopol, the Republic of Crimea, to be left unchanged.

Presiding Judge: *signed*

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*Judge: (Signature)*
*Secretary: (Signature)/*

*/SEAL: KIEVSKIY DISTRICT COURT OF SIMFEROPOL, THE REPUBLIC OF CRIMEA THE RUSSIAN FEDERATION/*

*/STAMP: Kievskiy District Court of Simferopol, the Republic of Crimea*
*The original document of the decision is kept in criminal case No. 1-213/2018*
*Copy issued on 2 August 2018*
*Judge (Signature)*
*Secretary (Signature)/*

*/SEAL: KIEVSKIY DISTRICT COURT OF SIMFEROPOL, THE REPUBLIC OF CRIMEA, THE RUSSIAN FEDERATION/*

# Annex 246

Supreme Court of the Republic of Crimea, Case No. 4a-285/2015,
Decision, 3 September 2015

Translation

**SUPREME COURT OF THE REPUBLIC OF CRIMEA**

No. 4a-285/2015

DECISION

3 September 2015 Simferopol

Vice Chair of the Supreme Court of the Republic of Crimea T.A. Shklyar, having considered an appeal submitted by defence counsel Alexander Vladimirovich Lesovoy in the interests of Sinaver Arifovich Kadyrov against the decision of the judge of the Armyansk City Court of the Republic of Crimea of 23 January 2015 and the decision of the Supreme Court of the Republic of Crimea of 6 February 2015 in the proceedings in relation to the administrative offence envisaged by Article 18.8(1.1) of the Code on the Administrative Offences of the Russian Federation against
Sinaver Arifovich Kadyrov, born 1 January 1955, a citizen of Ukraine registered at the address: […], residing at: […],

ESTABLISHED:

By virtue of the decision of the judge of the Armyansk City Court of the Republic of Crimea of 23 January 2015, Ukrainian national Sinaver Arifovich Kadyrov was found guilty of the administrative offence envisaged by Article 18.8(1.1) of the Code on Administrative Offences of the Russian Federation and administrative penalty consisting in an administrative fine amounting to 2,000 (Two thousand roubles) and administrative expulsion from the Russian Federation by means of supervised independent departure from the Russian Federation was imposed on him.

The decision of the Supreme Court of the Republic of Crimea of 6 February 2015 upheld the decision of the judge of the Armyansk City Court of the Republic of Crimea of 23 January 2015 issued against Sinaver Arifovich Kadyrov in administrative proceedings in relation to the administrative offence envisaged by Article 18.8(1.1) of the Code on Administrative Offences of the Russian Federation and dismissed the appeal filed by Sinaver Arifovich Kadyrov.

In the appeal, defence counsel Alexander Vladimirovich Lesovoy, in the interests of Sinaver Arifovich Kadyrov, is seeking to repeal the said judicial acts and terminate proceedings in the case due to the absence of the fact of the administrative offence.

Examination of the administrative case file and arguments set out in the appeal allow making the following conclusions.

It can be inferred from the record No. 52 of the administrative offence of 23 January 2015 that on 23 January 2015 at 08:00 a.m. in the course of passport control of individuals at Armyansk - Motorway Cargo and Passenger Multiway Border Crossing Point of the Russian Federation, the Ukrainian citizen Sinaver Arifovich Kadyrov who breached the rules of stay (residence) in the Russian Federation, which consisted in avoidance of leaving

*Category: Article 18.8(1.1) of the Code on Administrative Offences of the Russian Federation*
*Judge of the court of 1st instance: L.A. Likhacheva*
*Judge of the court of 2nd instance: V.V. Agin*

the Russian Federation upon expiry of the 90-day period of stay (case sheet 1).

This fact served as the grounds for holding Sinaver Arifovich Kadyrov liable in administrative proceedings under Article 18.8(1.1) of the Code on Administrative Offences of the Russian Federation.

Article 18.8(1.1) of the Code on Administrative Offences of the Russian Federation provides that the breach by a foreign national or stateless person of rules of stay (residence) in the Russian Federation consisting in the absence of documents confirming the right of stay (residence) in the Russian Federation or in case of loss of such documents or failure to file an application with regard to loss thereof with the relevant authority, or in avoidance of leaving the Russian Federation upon expiry of a certain term of stay, provided these acts

contain no elements of a criminal offence, shall be punishable by an administrative fine in the amount from two thousand to five thousand roubles with administrative expulsion from the Russian Federation.

The subject of the administrative offence envisaged by Article 18.8(1.1) of the Code on Administrative Offences of the Russian Federation includes foreign individual or a stateless person.

Under Article 24.1 of the Code on Administrative Offences of the Russian Federation the tasks of administrative proceedings include, in particular, comprehensive, full, objective and timely fact-finding of each case.

Under Article 26.1 of the Code on Administrative Offences of the Russian Federation the facts subject to examination in administrative proceedings in relation to an administrative offence include: existence of the fact of the administrative offence, the person who committed the unlawful action (omission) for which this Code or a law of the constituent entity of the Russian Federation establish administrative liability, that person's guilt of committing the administrative offence and other circumstances material to the correct resolution of the case as well as the reasons and conditions of commission of the administrative offence.

In these proceedings S.A. Kadyrov claimed that he is a citizen of the Russian Federation, therefore, his actions cannot be qualified under Article 18.8(1.1) of the Code on Administrative Offences of the Russian Federation.

The judges failed to verify the said arguments and request the supporting documents.

Thus, under Article 1 of the "Agreement between the Russian Federation and the Republic of Crimea for the admission of the Republic of Crimea to the Russian Federation and the formation of new constituent entities within the Russian Federation" (signed in Moscow on 18 March 2014) the Republic of Crimea is deemed to be admitted to the Russian Federation as of the date of signing of this Agreement.

Under Article 4(1) of the Federal Constitutional Law of 21 March 2014 No. 6-FKZ "On the admission of the Republic of Crimea to the Russian Federation and the formation of new constituent entities within the Russian Federation – the Republic of Crimea and the federal city of Sevastopol" as of the date of admission of the Republic of Crimea to the Russian Federation and forming of new constituent entities within the Russian Federation, Ukrainian nationals and stateless persons permanently residing in the Republic of Crimea and the federal city of Sevastopol shall be deemed to be the citizens of the Russian Federation, save for the persons who within one month from the said date manifest their wish to preserve their other citizenship and (or) that of their minor children or to remain stateless.

In can be seen from the copy of the passport of the Ukrainian national S.A. Kadyrov (case sheets 4-5) that the said passport series […] has a stamp confirming S.A. Kadyrov's registration in the Republic of Crimea at the address: […] as of 18 March 2014.

The courts failed to verify the arguments of the person held liable in administrative proceedings regarding his permanent residence in the Republic of Crimea as of 18 March 2014 and absence of his application to preserve his other citizenship.

It can be inferred from the case files in relation to the administrative offence that in the course of consideration of the case in question by the Supreme Court of the Republic of Crimea on 6 February 2015 the representative of the office of the Directorate of the Federal Migration Service for the Republic of Crimea was not notified and that explanations and evidence relating to whether the person held liable in administrative proceedings – S.A. Kadyrov – held citizenship of the Russian Federation were not requested by the Directorate of the Federal Migration Service.

At the same time, by virtue of Article 26.10 of the Code on Administrative Offences of the Russian Federation the judge, authority or official that has the administrative case pending may issue an order requesting the information needed for resolution of the case, including the data (information) required for calculation of the amount of the administrative fine. The information requested shall be provided within three days from the date of receipt of the order and in case of the administrative offence punishable by an administrative arrest or administrative expulsion such information shall be provided immediately. If it is impossible to provide such information the organisation shall notify the judge, authority or official that issued the order within three days.

The above shows that in the course of consideration of the administrative case the requirements of Articles 24.1 and 26.1 of the Code on Administrative Offences of the Russian Federation concerning the examination of all facts material to correct resolution of the case were not met.

Under Article 30.17 (2(3) of the Code on Administrative Offences of the Russian Federation following the consideration of the appeal or protest against the effective decision issued in administrative proceedings or the decision following the consideration of the appeals or protests, a decision shall be issued for the repeal of the decision issued in the administrative proceedings or the decision following the consideration of the appeal,

protest and for referral of the case for a new trial in case of substantial breach of the procedural requirements envisaged by this Code if it made a comprehensive, full and objective consideration of the case impossible.

As at the date of consideration by the Supreme Court of the Republic of Crimea of the appeal filed by defence counsel Alexander Vladimirovich Lesovoy in the interests of Sinaver Arifovich Kadyrov against the effective ruing issued in this administrative case and the decision following the consideration of the appeal, the one-year limitation period has not expired.

Given the above, the decision of the judge of the Armyansk City Court of the Republic of Crimea of 23 January 2015 and the decision of the Supreme Court of the Republic of Crimea of 6 February 2015 issued in the proceedings related to the administrative offence envisaged by Article 18.8 (1.1) of the Code on Administrative Offences of the Russian Federation against Sinaver Arifovich Kadyrov shall be repealed and this case shall be referred back to the Armyansk City Court of the Republic of Crimea for reconsideration.

Pursuant to Article 30.13, Article 30.17 of the Code on Administrative Offences of the Russian Federation,

DECIDED:

The appeal filed by the defence counsel Alexander Vladimirovich Lesovoy in the interests of Sinaver Arifovich Kadyrov shall be partially satisfied.

The decision of the judge of the Armyansk City Court of the Republic of Crimea of 23 January 2015 and the decision of the Supreme Court of the Republic of Crimea of 6 February 2015 issued in the proceedings in relation to the administrative offence envisaged by Article 18.8 (1.1) of the Code on Administrative Offences of the Russian Federation against Sinaver Arifovich Kadyrov shall be repealed.

The administrative case shall be referred back to the Armyansk City Court of the Republic of Crimea for reconsideration.

Vice Chair of the
Supreme Court of the Republic of Crimea T.A. Shklyar

# Annex 247

Moscow Arbitrazh Court, Case No. A40-131463/2015, Decision,
8 September 2015

Translation

**(QR code)** 900001546_10965796

**MOSCOW ARBITRAZH COURT**
17 Bolshaya Tulskaya St., 115191, Moscow
http://www.msk.arbitr.ru

**DECISION**
In the name of the Russian Federation

Moscow
8 September 2015 Case No. A40-131463/2015
Arbitrazh court composed of
presiding judge: judge I.V. Korogodov (139-1095),
with the courtroom secretary B.M. Asadov keeping the record,
having held an open court hearing of the case on the basis of the application filed by
"Children's TV Channel 'Lale'" LLC (Lale Children's TV Channel LLC)
against the Federal Service for Supervision of Communications, Information Technology, and Mass Media
on declaring actions illegal with the participation:
from the applicant: A.S. Titov, the power of attorney u/n of 24 August 2015
from the defendant: Yu.V. Vasina, power of attorney No. 469-D of 22 September 2014; A.A. Kulikov, the power of attorney No. 129-D of 30 July 2015

**ESTABLISHED:**

Lale Children's TV Channel LLC appealed to the Moscow Arbitrazh court to declare illegal the actions committed by the Federal Service for Supervision of Communications, Information Technology, and Mass Media (Roskomnadzor), namely on dismissal without consideration of the application of 20 March 2015 filed by the founder of Lale Children's TV Channel LLC (incoming reference No. 30318-smi of 24 March 2015) on registration of mass media outlet – LALE TV channel, inaction, and also to oblige it to rectify the violation of the rights and freedoms of the applicant and to consider the application filed by Lale Children's TV Channel LLC on registration of mass media outlet – LALE TV channel.

The applicant supported the claims by noting that it was unreasonable to return without consideration the company's application to register an information agency, thereby in essence refusing to register a mass media outlet since a complete package of documents stated in the Law "On mass media" was attached to the application.

The representative of the defendant objected to granting the claims on the grounds set out in the statement of defense, submitted a motion to terminate the proceedings.

Having examined the case materials, heard the explanations provided by the representatives of the persons participating in the case, evaluated the evidence included into the case materials, reviewed all the arguments set out in the application and the statement of defense, the court grants the application partially on the following grounds.

Subject to Part 1 of Article 198 of the Arbitrazh Procedural Code of the Russian Federation, citizens, organisations and other persons are entitled to apply to the arbitrazh court to have non-regulatory legal acts invalidated, resolutions and actions (inaction) of bodies exercising state powers and officials declared illegal, if they believe that the disputed non-regulatory legal act, resolution and action (omissions) fail to comply

with the law or another statutory legal act, and violate their rights and legitimate interests in the field of entrepreneurial and other economic activity, illegally impose any duty on them, create other obstacles to entrepreneurial and other economic activities.

The applicant has not missed the court application deadline stated in Part 4 of Article 198 of the Arbitrazh Procedural Code of the Russian Federation.

As it follows from the case materials, on 18 December 2014 Lale Children's TV Channel LLC, as the founder and applicant, by registered mail sent to the address of Roskomnadzor, Moscow, the application of 17 December 2014 on registration of mass media outlet – LALE TV channel and certified copies of the documents stated by the legislation, which were assigned incoming reference number No. 130684-smi by Roskomnadzor upon receipt thereof on 29 December 2014.

On 27 January 2015, Roskomnadzor sent letter No. 04-6898 and returned to the applicant without consideration its application of 17 December 2014 and the mass media outlet registration package of documents due to the applicant paying the state duty using incorrect details.

The applicant rectified the violations highlighted in relation to the first application, used its representative to send the second application of 6 February 2015 to Roskomnadzor to register the TV channel as a mass media outlet and the package of documents required for registration and attached to cover letter No. 7 of 6 February 2015, which was received by Roskomnadzor in Moscow on 9 February 2015, incoming reference No. 11922-smi.

On 20 March 2015, the applicant received response No. 04-21905 of 6 March 2015 from Roskomnadzor on the return without consideration of the documents since the list of members of the applicant contained incomplete details of the members of the LLC, sizes of their shares in the authorized capital, payment thereof, the sizes of the shares owned by the Company and the dates they had been acquired by the Company.

The applicant sent to Roskomnadzor the application for registration of the mass media outlet and the package of documents attached to cover letter No. 13 of 20 March 2015, which was received by Roskomnadzor on 24 March 2015, incoming reference No. 30318-smi.

On 12 May 2015 the applicant received response No. 04-37089 of 24 April 2015 from Roskomnadzor about the application to register LALE TV channel and the third application of 20 March 2015 and the package of documents attached thereto, but lacking any indication that the documents were returned without consideration, where Roskomnadzor offered the applicant to confirm the founder's compliance with the requirements of Part 2 of Article 7 of the Law "On mass media".

Disagreeing with that resolution, the applicant applied to the court by filing this application and noted that there were no legal grounds to refuse registration of an information agency.

Subject to Clauses 5.4, 5.4.1 of the Regulation on Roskomnadzor approved by Resolution No. 228 of 16 March 2009 of the Government of the Russian Federation, Roskomnadzor is responsible for registration of mass media outlets.

Pursuant to Article 7 of Law No. 2124-1 of 27 December 1991 of the Russian Federation "On mass media" (in the edition of 2 July 2013 and amended on 14 October 2014) a citizen, an association of citizens, an organisation, a state body can act as a founder (co-founder) of a mass media outlet. Subject to Federal Law No. 131-FZ of 6 October 2003 "On the general principles of organisation of local self-government in the Russian Federation", a local self-government body can act as a founder (co-founder) of a print media.

The following parties may not act as a founder: a citizen under the age of eighteen or serving a sentence in penitentiary facilities on the basis of a court decision, or a mentally ill, an individual recognised legally incapable by the court, an association of citizens, an enterprise, institution, organisation participating in activities prohibited by law; a citizen of another state or a stateless individual not permanently residing in the Russian Federation.

Subject to Article 10 of the Law "On mass media" of the Russian Federation, an application to register a mass media outlet must specify the following: 1) details of the founder (co-founders) stated in the requirements of this Law; 2) mass media name (title); 3) language (languages); 4) editorial office address; 5)

form of periodic dissemination of mass information; 6) intended area of product distribution; 7) approximate topic and/or specialisation; 8) estimated frequency of releases, maximum media volume; 9) sources of funding; 10) details of other mass media where the applicant acts as a founder, owner, editor-in-chief (editorial office), publisher or distributor; 11) website domain name in the Internet information and telecommunication network for an on-line media.

The application shall be accompanied by a document to confirm the payment of a state duty, and also the documents to confirm the applicant's compliance with the requirements established by this Law when founding a mass media outlet. The Government of the Russian Federation shall approve the list of such documents.

It is prohibited to demand otherwise when registering a mass media outlet.

Subject to the List of documents an applicant must attach to the application to register a mass media outlet approved by Order No. 1752-p of 6 October 2011 of the Government of the Russian Federation, the application shall be accompanied by the documents to confirm the identity and place of registration of the individual (where the applicant is a citizen of the Russian Federation), and also the applicant is free to file a document to the federal executive body responsible for registration of mass media to confirm that the individual is not serving a sentence in penitentiary facilities on the basis of a court decision (where the applicant is an individual).

The requirement set out in Roskomnadzor's letter No. 04-37089 of 24 April 2015 to oblige the applicant to confirm that its founder complies with the requirements of Part 2, Article 7, Law "On mass media" is not elaborated, Roskomnadzor fails to indicate officially which ground of the implemented norm of the Law must be confirmed by the applicant.

Given the legal entity is the founder of the media submitted for registration, the applicant believes that Roskomnadzor's requirement is related to the applicant's confirmation of Clause 2 of Part 2 of Article 7 of the Law that the activities of the applicant as a media founder within the scope of the concept of an association of citizens, an enterprise, institution, organisation are not prohibited by law.

Subject to Part 1 of Article 7 of the Law "On mass media", a citizen, an association of citizens, an organisation or a state body may act as a founder (co-founder) of a mass media.

Taking into account that an organisation is the founder of mass media outlet – LALE TV channel, the relevant reason for this founder is "the organisation's activities prohibited by law". As such, the fact that the founder of this media exists as a legal entity and submits applications to register a media already indicates that the activities of that founder are not prohibited by the Law, which is confirmed by valid certificates of registration and tax registration, the extract from the unified state register of legal entities of 23 March 2015 and other documents of title attached to application, incoming reference No. 33248-smi.

Subject to Part 2, Article 10 of the Law "On mass media", a document to confirm the payment of a state duty, and also the documents to confirm the applicant's compliance with the requirements established by that Law when founding a media, shall be attached to the application to register a mass media outlet. The Government of the Russian Federation shall approve the list of such documents.

The list of documents to be attached by applicants to applications to register (re-register) a media is approved by Order of the Government of the Russian Federation No. 1752-p of 6 October 2011 "On approval of the list of documents to be attached by the applicant to the application for registration (re-registration) of a mass media outlet" (the "List"), and includes:

1. Documents to confirm the identity and place of registration of the individual (where the applicant is a citizen of the Russian Federation).
2. Documents to confirm the identity and the right to permanent residence in the Russian Federation (where the applicant is a foreign citizen or a stateless individual).
3. Copies of the constituent documents certified in the manner prescribed by the legislation of the Russian Federation (where the applicant is a legal entity).
4. The list of members or an extract from the register of shareholders (where the applicant is a legal entity) for incorporating a TV channel, radio channel, TV-, radio-, video program.

5. Copies of documents to confirm the right to use the domain name of the website in the Internet information and telecommunications network where a network media is being founded, certified in the manner prescribed by the legislation of the Russian Federation.

6. Copies of the Articles of Association of the media's editorial office or, if substituted by, the contract between the founder and the editorial office (editor-in-chief) valid at the time of filing of the application, certified in the manner prescribed by the legislation of the Russian Federation (in case of re-registration).

7. Copy of the document to transfer the rights and obligations of the media founder to a third party approved by the editorial office (editor-in-chief) and co-founders, certified in the manner prescribed by the legislation of the Russian Federation (in case of re-registration of the media due to rotation or a change among the co-founders).

As can be seen from the presented List, the Law does not establish the need to provide a document to confirm that the activities of an organisation are not prohibited, moreover, there is even no document as such to confirm the absence of such prohibition.

Taking into account that the applicant was a legal entity, the applicant voluntarily submitted the extract of 23 March 2015 from the unified state register of legal entities to Roskomnadzor together with the application to register a media, incoming reference No. 30318-smi, the list of members and the package of other mandatory documents; that fact was confirmed by the applicant's cover letter outgoing reference No. 13 of 20 March 2015.

Thereby, Roskomnadzor's requirement for the applicant, which was set out in letter No. 04-37089 of 24 April 2015 demanding to confirm that the founder as a legal entity complies completely with the requirements of Part 2 of Article 7 of the Law "On mass media".

The provisions of Clause 60 of the Regulations establish an exclusive List of grounds entitling to return the documents required for the provision of a state service; an application to register a mass media outlet shall be returned to the applicant without consideration indicating the ground for the return:

1) where the application is filed in violation of the requirements of Part 2 of Article 8 or Part 1, of Article 10 of Law No. 2124-1 of the Russian Federation of 27 December 1991 "On mass media", namely:

60.1.1. Application to register a media producing the products intended for distribution mainly on the whole territory of the Russian Federation, beyond its borders, on the territories of several constituent entities of the Russian Federation, is submitted to the territorial body.

60.1.2. Application to register a media producing the products intended for distribution mainly on the territory of a constituent entity of the Russian Federation, the territory of a municipality, is submitted to the registration body.

60.1.3. Application contains incomplete information.

2) Where the application is submitted on behalf of the founder by a non-authorised individual.

3) Where the applicant failed to pay a state duty (sub-clause 3 as amended by Order No. 349 of the Ministry of Digital Development, Communications and Mass Media of the Russian Federation of 17 October 2014 No. 349).

The said violations were not committed by Lale Children's TV Channel LLC in the application and the attached documents on registration of media LALE TV channel; that fact was confirmed by the very Roskomnadzor's response No. 04-37089 of 24 April 2015, which only obliged the company to confirm the founder's compliance with the requirements of Part 2 of Article 7 of the Law "On mass media".

Having received the Roskomnadzor's response of 24 April 2015 (outgoing reference No. 04-37089), Roskomnadzor sent an oral demand to the applicant specifying that a confirmation of the founder's compliance with the requirements of Part 2 of Article 7 of the Law "On mass media" was meant by the Roskomnadzor to be a provision of evidence that a member (owner) the founder of Lale Children's TV Channel LLC had a Russian citizenship and had no citizenship of another state.

When applying for registration of a mass media outlet, the applicant's package of attached documents provided to Roskomnadzor contained photocopies of the passports of the citizens of the Russian

Federation, member of the Company E.M. Sokhtaeva and head of Lale Children's TV Channel LLC E.R. Islyamova, and also the list of members of the applicant; that fact was confirmed by cover letter No. 13 of 20 March 2015.

However, Roskomnadzor believed that evidence of E.M. Sokhtaeva (member of Lale Children's TV Channel LLC) of Russian citizenship was insufficient and obliged the company to provide evidence that the said founder of the applicant had no citizenship of another state.

These requirements of Roskomnadzor were not justified by law.

Subject to Clauses 57 and 58 of the Regulations, employees of Roskomnadzor are not entitled to send the following requests to the applicant when providing a state service:

- Provision of documents and information or performance of actions, the provision and performance of which is not stipulated in the statutory legal acts governing the relations arising in connection with the provision of a state or municipal service;

- Provision of documents and information held by the bodies providing state services and bodies providing municipal services, other state bodies, local self-government authorities, organisations, in accordance with the statutory legal acts of the Russian Federation, statutory legal acts of the constituent entities of the Russian Federation, municipal legal acts.

Should the provision of a state service require documents held by other state bodies, local self-government authorities, organisations, such documents shall be requested from the relevant state bodies, local self-government authorities, organisations, subject to the statutory legal acts of the Russian Federation, statutory legal acts of the constituent entities of the Russian Federation, municipal legal acts electronically using the electronic interaction system and shall not be requested from the applicant.

Given Clause 30 of the Regulations, it is prohibited to require the applicant to perform actions particularly obtaining approvals necessary to receive a state service and related to any application to other state bodies, local self-government authorities, organisations, other than to receive services included in the list of services necessary and mandatory to provide state services approved by the Government of the Russian Federation.

Subject to sub-clause 5 of clause 142 of the Regulations, if a state service shall be provided using the required documents held by Roskomnadzor or other state bodies, local self-government authorities, organisations, such documents shall be requested from the relevant state bodies, local self-government authorities, organisations, subject to the statutory legal acts of the Russian Federation, statutory legal acts of the constituent entities of the Russian Federation, municipal legal acts electronically using the Interdepartmental Electronic Interaction System.

Therefore, Roskomnadzor is not entitled to oblige the applicant to confirm the founder's compliance with the requirements of Part 2, Article 7 of the Law "On mass media" since it is not provided for by the said provisions of Law "On mass media", the List and the Regulations. These statutory legal acts do not entitle the Roskomnadzor to contact the applicant directly, but, on the contrary, oblige the registrar to contact other authorities to verify information.

Therefore, Roskomnadzor's actions in letter No. 04-37089 of 24 April 2015 by obliging the applicant to confirm the founder's compliance with the requirements of Part 2 of Article 7 of the Law "On mass media" were unenforceable and illegal.

Subject to Clause 3 of Part 5 of Article 201 of the Arbitrazh Procedural Code of the Russian Federation, in the operative part of the resolution to invalidate a refusal to act, the court shall specify the obligation of the relevant state body to perform certain actions and rectify violations of the applicant's rights and legitimate interests within the time period determined by the court.

At the same time, the court finds no ground to justify granting the applicant's claims to the extent of invalidating inaction of the Federal Service for Supervision of Communications, Information Technology, and Mass Media, by avoiding registration of the applicant's mass media outlet since all the applications filed by Lale Children's TV Channel LLC were considered by the defendant.

Relying on the above, guided by Articles 65, 71, 110, 167-170, 199-201 of the Arbitrazh Procedural Code of the Russian Federation, the court

**DECIDED:**

To dismiss the motion of the Federal Service for Supervision of Communications, Information Technology, and Mass Media to terminate the proceedings.

To find illegal actions of the Federal Service for Supervision in the Sphere of Communications, Information Technologies and Mass Media by returning without consideration the application of 20 March 2015 (incoming reference No. 30318-smi of 24 March 2015) filed by Lale Children's TV Channel LLC on registration of mass media outlet – LALE TV channel (reviewed for compliance with Law No. 2124-1 of the Russian Federation of 27 December 1991 "On mass media").

The Federal Service for Supervision of Communications, Information Technology, and Mass Media be obliged to rectify the violations of the rights and legitimate interests of Lale Children's TV Channel LLC by considering the application on registration of mass media outlet – LALE TV channel on its merits.

The rest of the claims be dismissed.

Legal costs in the amount of 3,000 (three thousand) rubles incurred to pay the state duty be recovered from the Federal Service for Supervision of Communications, Information Technology, and Mass Media to the benefit of Lale Children's TV Channel LLC.

The decision can be appealed to the Arbitrazh Court of Appeal within one month from the date of its adoption.

**Judge** **I.V. Korogodov**

# Annex 248

Supreme Court of the Russian Federation, Case No. 9-APU15-17,
Appellate Decision, 7 October 2015 (excerpts)

Translation
Excerpts

**SUPREME COURT**
**OF THE RUSSIAN FEDERATION**

Case No. 9-APU15-17

**APPELLATE DECISION**

Moscow 7 October 2015

The Judicial Chamber on Criminal Cases of the Supreme Court of the Russian Federation,
consisting of:
presiding judge K.E. Skriabin,
judges S.A. Shmotikova and O.K. Zatelepina,
with the secretary V.A. Miniaeva,
with the participation of prosecutor L.V. Shchukina,
convicted persons M.T. Usmonov, Kod.I. Kasimov, Kom.I. Kasimov, I.T. Ermatov,
attorneys E.M. Shevchenko, L.A. Chiglintseva, S.V. Poddubnii, S.V. Krotova,
has considered in an open court hearing a criminal case on appeals of convicted persons M.T. Usmonov, Kod.I. Kasimov, Kom.I. Kasimov, I.T. Ermatov and their defence attorneys V.Yu. Shkanov, N.A. Shigonina, M.M. Antonova, Yu.I. Yushkov against the decision of the Nizhny Novgorod Regional Court of 28 April 2015, whereby

**Murodzhon Tursunboevich Usmonov**, born on 26 June 1970, native and citizen of the Republic of Tajikistan, with no previous convictions, was convicted to:

6 years 6 months of imprisonment under Part 1, Art. 30, para "a", Part 2, Art. 205 of the Criminal Code of the Russian Federation (as amended by Federal Law No. 352-FZ of 9 December 2010), with the application of Part 1, Art. 62 of the Criminal Code of the Russian Federation;

5 years 2 months of imprisonment under Part 3, Art. 222 (as amended by Federal Law No. 92-FZ of 25 June 1998), with the application of Part 1, Art. 62 of the Criminal Code of the Russian Federation;

5 years 2 months of imprisonment under Part 3, Art. 223 (as amended by Federal Law No. 92-FZ of 25 June 1998), with the application of Part 1, Art. 62 of the Criminal Code of the Russian Federation.

On the basis of Part 3, Art. 69 of the Criminal Code of the Russian Federation, for the totality of the committed crimes, by partial addition of punishments, M.T. Usmonov was finally convicted to 9 years 6 months of imprisonment with service of the punishment in a maximum security facility.

A punishment was imposed on M.T. Usmonov under Part 1, Art. 282.2 (as amended by Federal Law No. 420-FZ of 7 December 2011), with the application of Part 1, Art. 62 of the Criminal Code of the Russian Federation, in the form of a fine equal to 150,000 rubles; on the basis of Art. 24, Part 1, para 3 of the Criminal Procedural Code of the Russian Federation, M.T. Usmonov was released from the punishment for committing this crime due to the expiry of the period of limitation.

**Komilzhon Ismoilovich Kasimov**, born on 25 December 1972,
native of the Republic of Tajikistan, with no criminal record, was convicted to:

imprisonment for a term of 9 years under Part 1, Art. 30, para "a", Part 2, Art. 205 of the Criminal Code of the Russian Federation (as amended by Federal Law No. 352-FZ of 9 December 2010);

imprisonment for a term of 5 years 2 months under Part 3, Art. 222 (as amended by Federal Law No. 92-FZ of 25 June 1998);

imprisonment for a term of 6 years under Part 3, Art. 223 (as amended by Federal Law No. 92-FZ of 25 June 1998).

On the basis of Part 3, Art. 69 of the Criminal Code of the Russian Federation, for the totality of the committed crimes, by partial addition of punishments, Kom.I. Kasimov was finally convicted to 10 years of imprisonment with service of the punishment in a maximum security facility.

In accordance with Part 2, Art. 282.2 (as amended by Federal Law No. 420-FZ of 7 December 2011), with the application of Part 1, Art. 62 of the Criminal Code of the Russian Federation, a punishment in the form of a fine equal to 100,000 rubles was imposed; on the basis of Art. 24, Part 1, para 3 of the Criminal Procedural Code of the Russian Federation, Kom.I. Kasimov was released from the punishment for commitment of this crime in connection with the expiry of the term of limitation of criminal prosecution.

**Kodirzhon Ismoilovich Kasimov**, born on 18 March 1980,

native of the Republic of Tajikistan, with no criminal record, was convicted to:

imprisonment for a term of 6 years 6 months under Part 1, Art. 30, para “a”, Part 2, Art. 205 of the Criminal Code of the Russian Federation (as amended by Federal Law No. 352-FZ of 9 December 2010);

imprisonment for a term of 5 years 2 months under Part 3, Art. 222 (as amended by Federal Law No. 92-FZ of 25 June 1998), with the application of Part 1, Art. 62 of the Criminal Code of the Russian Federation;

imprisonment for a term of 5 years 2 months under Part 3, Art. 223 (as amended by Federal Law No. 92-FZ of 25 June 1998), with the application of Part 1, Art. 62 of the Criminal Code of the Russian Federation.

On the basis of Part 3, Art. 69 of the Criminal Code of the Russian Federation, for the totality of the committed crimes, by partial addition of punishments, Kod.I. Kasimov was finally convicted to 9 years of imprisonment with service of the punishment in a maximum security facility.

In accordance with Part 2, Art. 282.2 (as amended by Federal Law No. 420-FZ of 7 December 2011), with the application of Part 1, Art. 62 of the Criminal Code of the Russian Federation, a punishment in the form of a fine equal to 120,000 rubles was imposed; on the basis of Art. 24, Part 1, para 3 of the Criminal Procedural Code of the Russian Federation, Kod.I. Kasimov was released from the punishment for commitment of this crime in connection with the expiry of the term of limitation of criminal prosecution.

**Ilkhomdzhon Tulkinovich Ermatov**, born on 3 December 1985 in the Republic of Tajikistan, with no criminal record, was convicted to:

imprisonment for a term of 6 years under Part 1, Art. 30, para “a”, Part 2, Art. 205 of the Criminal Code of the Russian Federation (as amended by Federal Law No. 352-FZ of 9 December 2010);

imprisonment for a term of 5 years under Part 3, Art. 222 (as amended by Federal Law No. 92-FZ of 25 June 1998).

On the basis of Part 3, Art. 69 of the Criminal Code of the Russian Federation, for the totality of the committed crimes, by partial addition of punishments, I.T. Ermatov was finally convicted to 8 years of imprisonment with service of the punishment in a maximum security facility.

In accordance with Part 2, Art. 282.2 (as amended by Federal Law No. 420-FZ of 7 December 2011), with the application of Part 1, Art. 62 of the Criminal Code of the Russian Federation, a punishment in the form of a fine equal to 100,000 rubles was imposed; on the basis of Art. 24, Part 1, para 3 of the Criminal Procedural Code of the Russian Federation, I.T. Ermatov was released from the punishment for commitment of this crime in connection with the expiry of the term of limitation of criminal prosecution.

The term of punishment for M.T. Usmonov, Kod.I. Kasimov, Kom.I. Kasimov, I.T. Ermatov is calculated from 28 April 2015.

The following terms were taken into account as the term of service of punishment:

For M.T. Usmonov - the term of his temporary detention in accordance with Articles 91, 92 of the Criminal Procedural Code of the Russian Federation from 29 to 30 November 2012, the term under house arrest from 30 November 2012 to 14 December 2012 and the term of detention in custody from 24 December 2012 to 28 April 2015;

For Kod.I. Kasimov - the term of his temporary detention in accordance with Articles 91, 92 of the Criminal Procedural of the Russian Federation from 29 to 30 November 2012, the term of detention from 26 December 2012 to 28 April 2015.

For Kom.I. Kasimov - the term of his temporary detention in accordance with Articles 91, 92 of the Criminal Procedural Code of the Russian Federation from 29 to 30 November 2012, the term of detention from 24 December 2012 to 28 April 2015.

For I.T. Ermatov - the term of his temporary detention in accordance with Articles 91, 92 of the Criminal Procedural Code of the Russian Federation from 29 to 30 November 2012 and from 18 to 20 September 2013, the term of detention from 26 December 2012 to 5 March 2013 and from 20 September to 28 April 2015.

The decision of the court resolved the fate of the material evidence.

[…]
Page 4

established:

By the court decision, M.T. Usmonov, Kod.I. Kasimov, Kom.I. Kasimov, and I.T. Ermatov were found guilty and were convicted of preparation of a terrorist act, that is, of making explosions intimidating the population and creating a danger of human death, causing significant property damage and other serious consequences in order to influence the decision-making by authorities, committed by an organised group.

[…]
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During the preliminary investigation, the convicted Kom.I. Kasimov also admitted his participation in the banned organisation “Hizb ut-Tahrir al-Islami”, as well as in the preparation of a terrorist act in Nizhny Novgorod, giving testimony consistent with the testimony of other convicts at the stage of the case investigation, as well as of witnesses in the criminal case.

[…]
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In view of the above and guided by Articles 389.13, 389.20, 389.28 of the Criminal Procedural Code of the Russian Federation, the Judicial Panel

decided:

To uphold the decision of the Nizhny Novgorod Regional Court of 28 April 2015 in respect of **Murodzhon Tursunboevich Usmonov, Komilzhon Ismoilovich Kasimov, Kodirzhon Ismoilovich Kasimov, Ilkhomdzhon Tulkinovich Ermatov** and to dismiss the appeals of the convicted persons and their defence counsels V.Yu. Shkanov, N.A. Shigonina, M.M. Antonova, and Yu.I. Yushkov.

Presiding judge */Signature/*
Judges */Signature/* */Signature/*

# Annex 249

Moscow Arbitrazh Court, Case No. A40-124221/2015, Decision,
13 October 2015

Translation

1217_11246766

**MOSCOW ARBITRAZH COURT**
17 Bolshaya Tulskaya St., 115191, Moscow
http://www.msk.arbitr.ru

DECISION
In the name of the Russian Federation

Case No. A40-124221/2015

Moscow
13 October 2015
The operative part of the decision was announced on 6 October 2015
The full text of the decision was drawn up on 13 October 2015
The Arbitrazh court consisting of:
presiding judge T.I. Makhlaeva (judge code: 2-833)
solely
when keeping the record of the court hearing by the courtroom secretary T.Yu. Antonova
having considered the case at the court session
on the application of "Television Company 'Atlant-SV'" LLC (Atlant-SV Television Company LLC)
to the defendant: the Federal Service for Supervision of Communications, Information Technology, and Mass Media on challenging the actions of Roskomnadzor on the multiple return without consideration of the application on the registration of the mass media outlet

with the participation in the hearing:
from the applicant: A.S. Titov, legal practicing certificate No. 4229, the power of attorney of 24 August 2015,
from the defendant: A.A. Kulikov, certificate No. 9226, the power of attorney No. 129-D of 30 July 2015,

ESTABLISHED:

A break was announced from 30 September 2015 to 6 October 2015 during the hearing.

Taking into account the clarification of claims, accepted by the court for consideration at the hearing on 6 October 2015 in accordance with Art. 49 of the Arbitrazh Procedural Code of the Russian Federation, Atlant-SV Television Company LLC asks the arbitrazh court to recognise illegal the omissions of the Federal Service for Supervision of Communications, Information Technology, and Mass Media on the return of the application of Atlant-SV Television Company LLC on the registration of the mass media outlet – the ATRT TV channel under the application of 20 March 2015 (incoming reference No. 30330-smi of 24 March 2015) that was returned by letter of 24 April 2015 No. 04-37088.

In support of the stated claims, Atlant-SV Television Company LLC refers to the following circumstances.

According to Art. 9 of the Federal Law of 25 July 2002 No. 114-FZ "On countering extremist activities", creation and operation of public and religious associations and other organisations, goals or actions of which are aimed at carrying out extremist activities, are prohibited in the Russian Federation.

In the case provided for in Part 4 of Article 7 of this Federal Law or in the event that extremist activities are carried out by a public or religious association, other organisation or their regional or other structural subdivision, which entailed the violation of human and civil rights and freedoms, as well as the harm to a person, the health of citizens, environment, public order, public safety, property, legitimate economic interests of individuals and (or) legal entities, society and the state, or creating a real threat of causing such harm, the relevant public or religious association or other organisation may be liquidated, and the activity of a relevant public or religious association that is not a legal entity may be prohibited by a court decision on the basis of the application of the Prosecutor General of the Russian Federation or a corresponding prosecutor subordinate to him.

According to Paragraphs 5 and 141 of the Regulations, if the provision of a public service requires documents that are in Roskomnadzor or other state bodies, local government bodies and organisations, such

documents are requested from the relevant state bodies, local government bodies and organisations in accordance with the normative legal acts of the Russian Federation, normative legal acts of the constituent entities of the Russian Federation or municipal legal acts in electronic form using the Interdepartmental Electronic Interaction System. Thus, as the applicant points out, it is Roskomnadzor that is responsible for obtaining an extract from the unified state register of legal entities upon an interdepartmental request. From the extract, it will be seen whether the organisation that is submitting an application is active or liquidated.

Roskomnadzor's statement that it has the right to demand confirmation of the founder's compliance with Art. 7 of the Law "On mass media" (Paragraph 1, page 7 of the response), according to the Company, directly contradicts its own Administrative Regulations. According to Clause 30, it is prohibited to require the applicant to take actions, including approvals, necessary to obtain a public service and related to contacting other state bodies, local government bodies and organisations.

The list of documents required for registration of a mass media outlet is determined by Order of the Government of the Russian Federation of 6 October 2011 No. 1752-r "On approval of the list of documents to be attached by the applicant to the application for registration (re-registration) of a mass media outlet" and Paragraph 45 of the Administrative Regulations, which, in addition to the application and confirmation of the state duty (Article 10 of the Law "On mass media"), includes for a legal entity: copies of constituent documents certified in accordance with the procedure established by the legislation of the Russian Federation (for an applicant – a legal entity); copies of documents confirming the right to use the domain name of the website in the information and telecommunications network of Internet when establishing a mass media outlet, certified in accordance with the procedure established by the legislation of the Russian Federation.

According to Art. 10 of the Law "On mass media", it is prohibited to present other requirements when registering a mass media outlet. Thus, according to the applicant, all the necessary documents for registering an online outlet were provided. Any suggestions of Roskomnadzor to provide other documents/approvals directly violate the Law "On mass media".

The contested return of documents is in fact a refusal to register a mass media outlet, since it was made not on grounds for returning, but on grounds for refusing to register the mass media outlet.

The defendant objects to the application, referring to the legality and validity of the contested decision, as well as to the absence of legal grounds to satisfy the applicant's claims.

Having heard the representatives of the applicant and the defendant and having examined the materials of the case, the arbitrazh court found that the stated claims are not subject to satisfaction on the following grounds.

In accordance with Part 1 of Article 198 of the Code, citizens, organisations and other persons have the right to apply to the arbitrazh court with an application for invalidating non-normative legal acts and declaring illegal the decisions and actions (omissions) of state bodies, local authorities and other bodies and officials, if they believe that the challenged non-normative legal act, decision and action (omissions) do not comply with the law or other normative legal act and violate their rights and legitimate interests in the field of entrepreneurial and other economic activity, illegally impose any obligations on them and create other obstacles for implementing entrepreneurial and other economic activities.

Part 4 of Art. 198 of the Arbitrazh Procedural Code of the Russian Federation stipulates that an application can be filed with an arbitrazh court within three months from the day when a citizen, organisation became aware of the violation of their rights and legitimate interests, unless otherwise provided by federal law. A deadline for filing an application missed for compelling reasons may be restored by the court.

According to Part 1 of Article 65 of the Arbitrazh Procedural Code of the Russian Federation, each person participating in the case must prove the circumstances to which they refer as the basis for their claims and objections. The duty of proving the circumstances that served as the basis for the commission of actions (omissions) rests with the relevant body or official.

The contested decision (case sheet 23) of Atlant-SV Television Company LLC indicated, in connection with the received application for registration of the ATR T TV channel, the Department of Permitting Work, Control and Supervision in the Sphere of Mass Media of the Federal Service for Supervision of Communications, Information Technology, and Mass Media offers to confirm the founder's compliance with the requirements of Part 2 of Art. 7 of the Law of the Russian Federation of 27 December1991 No. 2124-1 "On mass media".

As follows from the case materials, Roskomnadzor registers mass media outlets on the basis of clauses 5.4, 5.4.1 of the Provisions on the Federal Service for Supervision of Communications, Information Technology, and Mass Media, approved by Resolution of the Government of the Russian Federation of 16 March 2009 No. 228 (hereinafter – the Provisions).

In accordance with clause 31 of the Administrative Regulations for the provision of state service for registration of mass media outlets by the Federal Service for Supervision of Communications, Information Technology, and Mass Media, approved by Order of the Ministry of Communications and Mass Media of Russia of 29 December 2011 No. 362 (registered with the Ministry of Justice of Russia on 6 April 2012, registration No. 23752) (hereinafter – Administrative Regulations), the result of the provision of a state service is: issuance of a mass media outlet registration certificate (as a result of a mass media outlet registration, a mass media outlet re-registration or amendments to a mass media outlet registration certificate); issuance of a duplicate of a mass media outlet registration certificate; return of an application for mass media outlet registration (for a mass media outlet re-registration, amendments to a mass media outlet registration certificate, issuance of a duplicate of a mass media outlet registration certificate) without consideration; refusal to register a mass media outlet (to re-register a mass media outlet, amend a mass media outlet registration certificate); entering information into mass media outlet register; providing information from a mass media outlet register in the form of an extract.

Each procedure for registering a mass media outlet and its result are independent and cannot be considered in conjunction with other procedures.

On 5 November 2014, the applicant filed an application for the registration of the mass media outlet – the ATR T TV channel with the Roskomnadzor Administration for the Republic of Crimea and Sevastopol.

Notification of 14 November 2014 No. 720-05/91 on the return of the application and the documents attached thereto submitted for the purpose of registration of the ATR T TV channel, was sent to the Applicant by the Roskomnadzor Administration for the Republic of Crimea and the city of Sevastopol without consideration.

On 24 December 2014, Roskomnadzor received an application from the Company for the registration of the mass media outlet – the ATR T TV channel.

Part 3 of Article 13 of the Law "On mass media" establishes that non-payment of the state duty is the basis for returning without consideration the application filed for registration of a mass media outlet.

Due to the fact that the submitted state duty contained incorrect requisites, the application for the registration of the mass media outlet was returned to the applicant along with a notification of 26 January 2015 No. 04-6235, containing the grounds for return. On 9 February 2015, Roskomnadzor received an application from the Company for the registration of the mass media outlet – the ATR T TV channel.

Part 2 of Article 10 of the Law "On mass media" establishes that the Application for registration of a mass media outlet shall be returned to the applicant without consideration, indicating the grounds for the return, if the application was submitted in violation of the requirements of Part 2 of Article 8 or Part 1 of Article 10 of the Law "On mass media".

In accordance with the requirements of Article 10 of the Mass Media Law, an application for registration of a mass media outlet must contain information about the founders of the mass media outlet.

Article 10 of the Law "On mass media" obliges the applicant to provide documents confirming that the applicant complied with the requirements established by the Law "On mass media".

The list of documents attached by the applicant to the application for registration of a mass media outlet is established by the Mass Media Law and the List of documents to be attached by the applicant to the application for registration of a mass media outlet approved by the order of the Government of the Russian Federation of 6 October 2011 No. 1752-r (hereinafter – the Order No. 1752-r).

According to clause 4 of the Order No. 1752-r, the applicant shall attach a list of participants or an extract from the register of shareholders (for the applicant – a legal entity) to the application for registration (re-registration) of the mass media outlet when establishing a TV channel, radio channel, television, radio and video program.

In accordance with Part 1 of Article 31.1 of the Federal Law of 8 February 1998 No. 14-FZ "On limited liability companies", the Limited Liability Company maintains a list of participants in the company indicating information about each participant in the company, the amount of his share in the authorised capital of the company and its payment, as well as the size of shares owned by the company and the dates of their transfer to the company or acquisition by the company.

Due to the fact that the information on the size of the shares of the company's participants indicated in the list of participants did not correspond to the information contained in the Unified State Register of Legal Entities, the application for registration of the mass media outlet was returned to the applicant together with the notification of 6 March 2015 No. 04-21932, containing grounds for the return.

On 24 March 2015, Roskomnadzor received an application from the Company for registration of the mass media outlet – the ATR T TV channel.

Roskomnadzor asked the applicant to confirm the founder's compliance with the requirements of Part 2 of Art. 7 of the Law No. 2124-1, which does not contradict the provisions of Art. 5, 7, 13 of the Law "On mass media".

When making the challenged decision, Roskomnadzor took into account the letter of the Prosecutor General's Office of the Russian Federation, according to which Atlant-SV Television Company LLC is the founder of ATR TV channel. Based on the information contained in this letter, ATR TV channel publicly broadcasted appeals leading to incitement of social, racial, ethnic and religious hatred, which are prohibited by Article 1 of the Federal Law of 25 July 2002 No. 114-FZ "On countering extremist activities" (hereinafter – the Federal Law No. 114-FZ). The letter also indicates that the Prosecutor of the Republic of Crimea issued a warning on 16 May 2014 to L.E. Islyamov, who is the founder of Atlant-SV Television Company LLC, about the inadmissibility of extremist activities and violations of the Federal Law of 25 July 2002 No. 114-FZ "On countering extremist activities", as well as the Mass Media Law. In addition, in the course of the prosecutor's check, other facts of violation of the legislation of the Russian Federation were revealed.

Roskomnadzor also received a letter from the Prosecutor's Office of the Republic of Crimea, according to which the TV programs of ATR TV channel, founded by Atlant-SV Television Company LLC, contain signs of extremist activity, namely the incitement of social, racial, ethnic or religious hatred.

The official website of the Ministry of Justice of the Russian Federation contains data only for non-commercial organisations in the information and telecommunications network of Internet at the addresses indicated in the statement of claim (http://minjust.ru/nko/perechen_zapret and http://miniust.ru/nko/perechen_priostanovleni). According to Part 1 of Article 2 of the Federal Law of 12 January 1996 No. 7-FZ "On non-profit organisations", a non-profit organisation is an organisation that does not have profit as the main goal of its activities and does not distribute the received profit among the participants. Atlant-SV Television Company LLC is not a non-profit organisation according to its charter.

An extract from the Unified State Register of Legal Entities (hereinafter – the Unified State Register of Legal Entities) and a certificate of registration of an organisation with a tax authority at its location in the Russian Federation (hereinafter – the certificate of registration) do not confirm that the activities of a legal entity are not prohibited in accordance with the current legislation of the Russian Federation, since the entry of information on the liquidation of a legal entity in the Unified State Register of Legal Entities is carried out on the basis of a court decision that has entered into legal force.

At the same time, the entry of the corresponding notation into the Unified State Register of Legal Entities is carried out only after the federal executive body receives a court decision that has entered into legal force. The deadline for making changes to the Unified State Register of Legal Entities is not established by the legislation of the Russian Federation. In this regard, the information contained in the Unified State Register of Legal Entities may be out of date.

Thus, the extract from the Unified State Register of Legal Entities and the certificate of registration do not confirm the fact that the activities of a legal entity are not prohibited in accordance with the legislation of the Russian Federation, and therefore Roskomnadzor did not have information on the presence or absence of a ban on the activities of Atlant-SV Television Company LLC.

Part 2 of Article 10 of the Law of the Russian Federation of 27 December 1991 No. 2124-1 "On mass media" (hereinafter – the Mass Media Law) provides for the submission of documents confirming the applicant's compliance with the requirements stipulated by the Mass Media Law when establishing a mass media outlet.

Part 2 of Article 7 of the Mass Media Law establishes requirements regarding the status of the founder of a mass media outlet. Thus, the founder cannot be: a citizen who has not reached the age of eighteen, a citizen serving a sentence in places of detention by a court decision, a mentally ill person recognised by the court as incompetent; an association of citizens, an enterprise, an institution, or an organisation whose activities are prohibited by law; a citizen of another state or a stateless person not permanently residing in the Russian Federation.

There is currently no normative legal act that defines the procedure for the implementation of this article. Due to the current absence of a normative legal act, defining the procedure for implementing Article 7 of the Mass Media Law, Roskomnadzor, as the body authorised to register mass media outlets in the Russian Federation, requests the necessary information from applicants when submitting documents for registering a mass media outlet.

The request for information by Roskomnadzor using the electronic interaction system in accordance with the Federal Law of 27 July 2010 No. 210-FZ "On the organisation of the provision of state and municipal services" when providing the state service for registering a mass media outlet is not possible due to the fact

that the procedure for implementing Article 7 of the Mass Media Law is not established by by-laws, such as a resolution of the Government of the Russian Federation or an order of Roskomnadzor (this article does not regulate these powers).

In accordance with clause 30.29 of the Provision on the Ministry of Justice of the Russian Federation, approved by Decree of the President of the Russian Federation of 13 October 2004 No. 1313, the Ministry of Justice of the Russian Federation (hereinafter – the Ministry of Justice of Russia) provides information on registered organisations to individuals and legal entities in accordance with the established procedure. In this regard, the applicant has the opportunity to send a request to the Ministry of Justice of Russia to confirm the fact that there is no ban on the activities of the organisation Atlant-SV Television Company LLC.

Clause 1 of Part 3 of Article 13 of the Mass Media Law also provides for the return of an application for registration of a mass media outlet without consideration in case of violation of the requirements of Part 2 of Article 8 or Part 1 of Article 10 of the Mass Media Law. At the same time, in accordance with Part 1 of Article 10 of the Mass Media Law, the application for registration of a mass media outlet must contain information about the founders of the mass media outlet, resulting from the requirements of the Mass Media Law.

In accordance with clause 60.1.3 of the Administrative Regulations for the provision of state service for registration of mass media outlets by the Federal Service for Supervision of Communications, Information Technology, and Mass Media, approved by Order of the Ministry of Communications and Mass Media of Russia of 29 December 2011 No. 362, the application for registration of a mass media outlet is returned to the applicant without consideration if the application contains incomplete information.

In connection with the above, Atlant-SV Television Company LLC, by letter of Roskomnadzor of 24 April 2015 No. 04-37090, was reasonably asked to confirm the compliance of the mass media outlet founder with the requirements of Article 7 of the Mass Media Law.

Refusing to satisfy the applicant's claims, the court takes into account that the proposal to provide information confirming compliance with the requirements of Article 7 of the Mass Media Law does not constitute a refusal to register a mass media outlet and does not deprive the founder of the right to re-apply for registration of a mass media outlet. Thus, at the same time, the return of documents to the applicant does not entail the obligation to pay the state duty again.

Roskomnadzor acted within the framework of the current legislation and within its competence.

According to Part 3 of Art. 201 of the Arbitrazh Procedural Code of the Russian Federation, the court decides to refuse to satisfy the stated claim in the event that the arbitrazh court finds that the challenged non-normative legal act, decisions and actions (omissions) of state bodies, local authorities and other bodies and officials, comply with the law or other normative legal act and do not violate the rights and the legitimate interests of the applicant.

In view of the above, the court has no legal basis to satisfy the applicant's claims.

The costs of paying the state duty are borne by the applicant in accordance with Art. 110 of the Arbitrazh Procedural Code of the Russian Federation.

Based on the above and guided by Art. 4, 8, 9, 16, 41, 64, 65, 71, 75, 110, 137, 167-170, 176, 198, 200, 201 of the Arbitrazh Procedural Code of the Russian Federation, the court

DECIDED:

To refuse Atlant-SV Television Company LLC in satisfying the application for recognising as illegal the omissions of the Federal Service for Supervision of Communications, Information Technology, and Mass Media on the return of the application of Atlant-SV Television Company LLC on the registration of the mass media outlet – the ATRT TV channel on the application of 20 March 2015 incoming reference No. 30330-smi of 24 March 2015 (the return by letter of 24 April 2015 No. 04-37088).

The decision can be appealed within a month from the date of its adoption in the Ninth Arbitrazh Court of Appeal.

Judge: T.I. Makhlaeva

# Annex 250

Moscow Arbitrazh Court, Case No. A40-119488/2015, Decision,
16 October 2015

Translation

QR code 33_11272913

**MOSCOW ARBITRAZH COURT**
17 Bolshaya Tulskaya St., 115191, Moscow
http://www.msk.arbitr.ru

DECISION
In the Name of the Russian Federation

Moscow Case No. A40-119488/2015
16 October 2015
The decision was produced in full on 16 October 2015
The operative part of the decision was announced on 30 September 2015
The Arbitrazh court consisting of judge S.O. Laskina (judge code 33-986),
when keeping the record of the court hearing by the secretary of the court hearing V.F. Kharlamova
having considered the case at the court hearing
on the application of "Television Company 'Atlant-SV'" LLC (Atlant-SV Television Company LLC)
to Roskomnadzor
on challenging the actions (omissions) of the state body
with the participation:
according to the record of the court hearing

ESTABLISHED:

Atlant-SV Television Company LLC (hereinafter also the applicant, the Company) applied to the arbitrazh court with an application on declaring illegal the actions of the Federal Service for Supervision of Communications, Information Technology, and Mass Media (Roskomnadzor) on the return without consideration of the application of the founder of Atlant-SV Television Company LLC of 24 March 2015, incoming reference No. 33248-smi of 27 March 2015 on the registration of a mass media outlet – online outlet "15 minutes", illegally imposing on the applicant the obligation to confirm the founder's compliance with requirements of Part 2 Article 7 of the Law "On mass media" specified in the letter of Roskomnadzor of 24 April 2015 No. 04-37090, which impedes the registration of the applicant's mass media outlet, as well as on making illegal the omissions of Roskomnadzor evading registration of the applicant's mass media outlet; on the obligation of Roskomnadzor to eliminate the violation of the applicant's rights and freedoms and, in a short time, to consider the application of Atlant-SV Television Company LLC on the registration of a mass media outlet – online outlet "15 minutes", by registering the mass media outlet – online outlet "15 minutes", according to the legislation of the Russian Federation.

At the hearing in accordance with Art. 163 of the Arbitrazh Procedural Code of the Russian Federation, a break was announced from 23 September 2015 to 30 September 2015, which is reflected in the record of the court session.

The applicant's claims are motivated by the fact that these actions and omissions of Roskomnadzor violate the legitimate rights and interests of the Applicant, as well as contradict the current legislation.

The defendant's representative did not agree with the stated requirements on the grounds set out in the written response.

Having examined the case materials, having heard the representatives of the persons participating in the case and having evaluated the evidence presented in their entirety and interconnection, the arbitrazh court considers the stated claims not subject to satisfaction, based on the following.

In accordance with Part 1 of Article 198 of the Arbitrazh Procedural Code of the Russian Federation, citizens, organisations and other persons have the right to apply to the arbitrazh court with an application for invalidating non-normative legal acts and declaring illegal the decisions and actions (omissions) of state bodies, local authorities and other bodies and officials, if they believe that the challenged non-normative legal act, decision and action (omissions) do not comply with the law or other normative legal act and violate their

rights and legitimate interests in the field of entrepreneurial and other economic activity, illegally impose any obligations on them and create other obstacles for implementing entrepreneurial and other economic activities.

In the sense of the above norm, a necessary condition for the recognition of a non-normative legal act or actions (omissions) as invalid is at the same time the inconsistency of the challenged act or actions omissions) with the law or other normative act and violation of the rights and legitimate interests of the organisation in the field of entrepreneurial and other economic activities.

By virtue of Part 5 of Art. 200 of the Arbitrazh Procedural Code of the Russian Federation, the obligation to prove the compliance of the challenged non-normative legal act with the law or other normative legal act, the legality of making the challenged decision and committing the challenged actions (omissions), the possession of the proper powers to adopt the challenged act or decisions by the body or person, the commission of the challenged actions (omissions), as well as the circumstances that served as the basis for the adoption of the challenged act, decision or the commission of the challenged actions (omissions) is assigned to the body or person who adopted the act, decision or committed actions (omissions).

According to Part 1 of Art. 65 of the Arbitrazh Procedural Code of the Russian Federation, each person participating in the case must prove the circumstances to which they refer as the basis of their claims and objections.

As follows from the case materials, on 27 March 2015, Atlant-SV Television Company LLC as the founder of the mass media outlet (hereinafter – the mass media outlet) submitted with its representative, the application of 24 March 2015 on the registration of the mass media outlet – online outlet "15 minutes", which was registered by Roskomnadzor under the incoming reference No. 33248-smi on 27 March 2015, to the Federal Service for Supervision of Communications, Information Technology, and Mass Media, attaching the appropriate package of documents.

On 12 May 2015 the applicant received a response from Roskomnadzor of 24 April 2015 No. 04-37090 on the application for registration of the online outlet "15 minutes", accompanied by the application of 24 March 2015 incoming reference No. 33248-smi and the attached package of documents, without indicating that the documents were returned without consideration, in which Roskomnadzor invites the applicant to confirm the founder's compliance with the requirements of Part 2 of Art. 7 of the Law of the Russian Federation of 27 December 1991 No. 2124-1 "On mass media".

Considering the actions of the authorised body as well as the factual omission and evasion of the authorised body from registration of the specified mass media outlet illegal and violating the rights and legitimate interests of the Company in the field of entrepreneurial activity, the latter challenged them in an arbitrazh court.

The court checked and established the applicant's compliance with the time limit for going to court, provided for in Part 4 of Art. 198 of the Arbitrazh Procedural Code of the Russian Federation.

Refusing to satisfy the stated requirements, the court proceeds from the following.

Based on clauses 5.4, 5.4.1 of the Provisions on the Federal Service for Supervision of Communications, Information Technology, and Mass Media, approved by resolution of the Government of the Russian Federation of 16 March 2009 No. 228 (hereinafter – Provisions), Roskomnadzor registers mass media outlets.

In accordance with clause 31 of the Administrative Regulations for the provision of state service for registration of mass media outlets by the Federal Service for Supervision of Communications, Information Technology, and Mass Media, approved by Order of the Ministry of Communications and Mass Media of Russia of 29 December 2011 No. 362 (registered with the Ministry of Justice of Russia on 6 April 2012, registration No. 23752), the result of the provision of a state service is:

1) Issuance of a mass media outlet registration certificate (as a result of a mass media outlet registration, a mass media outlet re-registration or amendments to a mass media outlet registration certificate).

2) Issuance of a duplicate of a mass media outlet registration certificate.

3) Return of an application for mass media outlet registration (for a mass media outlet re-registration, amendments to a mass media outlet registration certificate, issuance of a duplicate of a mass media outlet registration certificate) without consideration.

4) Refusal to register a mass media outlet (to re-register a mass media outlet, amend a mass media outlet registration certificate).

5) Entering information into a mass media outlet register.

6) Providing information from a mass media outlet register in the form of an extract.

On 24 March 2015, the applicant applied to Roskomnadzor with an application for registration of a mass media outlet – online outlet "15 Minutes" (incoming Roskomnadzor No. 33247-smi).

Roskomnadzor asked the applicant to confirm the founder's compliance with the requirements of Part 2 of Art. 7 of the Law No. 2124-1, which does not contradict the provisions of Art. 5, 7, 13 of the Law "On mass media".

When making the challenged decision, Roskomnadzor took into account the letter of the Prosecutor General's Office of the Russian Federation, according to which Atlant-SV Television Company LLC is the founder of ATR TV channel. Based on the information contained in this letter, ATR TV channel publicly broadcasted appeals leading to incitement of social, racial, ethnic and religious hatred, which are prohibited by Article 1 of the Federal Law of 25 July 2002 No. 114-FZ "On countering extremist activities" (hereinafter – the Federal Law No. 114-FZ). The letter also indicates that the Prosecutor of the Republic of Crimea issued a warning on 16 May 2014 to L.E. Islyamov, who is the founder of Atlant-SV Television Company LLC, about the inadmissibility of extremist activities and violations of the Federal Law of 25 July 2002 No. 114-FZ "On countering extremist activities", as well as the Law "On mass media". In addition, in the course of the prosecutor's check, other facts of violation of the legislation of the Russian Federation were revealed.

Roskomnadzor also received a letter from the Prosecutor's Office of the Republic of Crimea, according to which the TV programs of ATR TV channel, founded by Atlant-SV Television Company LLC, contain signs of extremist activity, namely the incitement of social, racial, ethnic or religious hatred.

The official website of the Ministry of Justice of the Russian Federation contains data only for non-commercial organisations in the information and telecommunications network of Internet at the addresses indicated in the statement of claim (http://minjust.ru/nko/perechen_zapret and http://miniust.ru/nko/perechen_priostanovleni). According to Part 1 of Article 2 of the Federal Law of 12 January 1996 No. 7-FZ "On non-profit organisations", a non-profit organisation is an organisation that does not have profit as the main goal of its activities and does not distribute the received profit among the participants. Atlant-SV Television Company LLC is not a non-profit organisation according to its charter.

An extract from the Unified State Register of Legal Entities (hereinafter – the Unified State Register of Legal Entities) and a certificate of registration of an organisation with a tax authority at its location in the Russian Federation (hereinafter – the certificate of registration) do not confirm that the activities of a legal entity are not prohibited in accordance with the current legislation of the Russian Federation, since the entry of information on the liquidation of a legal entity in the Unified State Register of Legal Entities is carried out on the basis of a court decision that has entered into legal force.

At the same time, the entry of the corresponding notation into the Unified State Register of Legal Entities is carried out only after the federal executive body receives a court decision that has entered into legal force. The deadline for making changes to the Unified State Register of Legal Entities is not established by the legislation of the Russian Federation. In this regard, the information contained in the Unified State Register of Legal Entities may be out of date.

Thus, the extract from the Unified State Register of Legal Entities and the certificate of registration do not confirm the fact that the activities of a legal entity are not prohibited in accordance with the legislation of the Russian Federation, and therefore Roskomnadzor did not have information on the presence or absence of a ban on the activities of Atlant-SV Television Company LLC.

Part 2 of Article 10 of the Law of the Russian Federation of 27 December 1991 No. 2124-1 "On mass media" (hereinafter – the Mass Media Law) stipulates the provision of documents confirming the applicant's compliance with the requirements set by the Mass Media Law when establishing a mass media outlet.

At the same time, Part 2 of Article 7 of the Mass Media Law establishes requirements regarding the status of the founder of a mass media outlet. Thus, the founder cannot be: a citizen who has not reached the age of eighteen, a citizen serving a sentence in places of detention by a court decision, a mentally ill person recognised by the court as incompetent; an association of citizens, an enterprise, an institution, or an organisation whose activities are prohibited by law; a citizen of another state or a stateless person not permanently residing in the Russian Federation.

At the same time, there is currently no normative legal act that defines the procedure for the implementation of this article. Due to the current absence of a normative legal act defining the procedure for implementing Article 7 of the Mass Media Law, Roskomnadzor, as the body authorised to register mass media outlets in the Russian Federation, requests the necessary information from applicants when submitting documents for registering a mass media outlet.

The request for information by Roskomnadzor using the electronic interaction system in accordance with the Federal Law of 27 July 2010 No. 210-FZ "On the organisation of the provision of state and municipal services" when providing the state service for registering a mass media outlet is not possible due to the fact

that the procedure for implementing Article 7 of the Mass Media Law is not established by by-laws, such as a resolution of the Government of the Russian Federation or an order of Roskomnadzor (this article does not regulate these powers).

At the same time, in accordance with clause 30.29 of the Provision on the Ministry of Justice of the Russian Federation, approved by Decree of the President of the Russian Federation of 13 October 2004 No. 1313, the Ministry of Justice of the Russian Federation (hereinafter – the Ministry of Justice of Russia) provides information on registered organisations to individuals and legal entities in accordance with the established procedure.

In this regard, the Applicant has the opportunity to send a request to the Ministry of Justice of Russia to confirm the fact that there is no ban on the activities of the organisation Atlant-SV Television Company LLC.

Clause 1 of Part 3 of Article 13 of the Mass Media Law also provides for the return of an application for registration of a mass media outlet without consideration in case of violation of the requirements of Part 2 of Article 8 or Part 1 of Article 10 of the Mass Media Law.

At the same time, in accordance with Part 1 of Article 10 of the Mass Media Law, the application for registration of a mass media outlet must contain information about the founders of the mass media outlet, resulting from the requirements of the Mass Media Law.

In accordance with clause 60.1.3 of the Administrative Regulations for the provision of state service for registration of mass media outlets by the Federal Service for Supervision of Communications, Information Technology, and Mass Media, approved by Order of the Ministry of Communications and Mass Media of Russia of 29 December 2011 No. 362 (registered with the Ministry of Justice of Russia on 6 April 2012, registration No. 23752), the application for registration of a mass media outlet is returned to the applicant without consideration if the application contains incomplete information.

In connection with the above, Atlant-SV Television Company LLC, by letter of Roskomnadzor of 24 April 2015 No. 04-37090, was asked to confirm the compliance of the mass media outlet founder with the requirements of Article 7 of the Mass Media Law.

It should be noted that the proposal to provide information confirming compliance with the requirements of Article 7 of the Mass Media Law does not constitute a refusal to register a mass media outlet and does not deprive the founder of the right to re-apply for registration of a mass media outlet.

In connection with the above, the court believes that Roskomnadzor acted within the framework of the current legislation and within its competence.

At the same time, the return of documents to the applicant does not entail the obligation to pay the state duty again.

After confirming that the founder meets the requirements of Article 7 of the Mass Media Law, the application for registration of a mass media outlet will be considered in accordance with the established procedure.

Thus, the return of documents does not impose the burden of financial losses and does not have a negative impact on his entrepreneurial or other economic activities, as well as does not deprive him of the right to re-submit documents.

Roskomnadzor did not violate the rights and freedoms of the Applicant and did not create obstacles to the exercise by the citizen of his rights and freedoms, since the actions committed by Roskomnadzor were carried out within the framework of the current legislation and within the powers granted to Roskomnadzor. The court did not establish unlawful omission of the defendant.

Taking into account the foregoing, the court concludes that, in violation of the requirements of Article 65 of the Arbitrazh Procedural Code of the Russian Federation, the applicant did not present evidence in the case materials confirming that the challenged decision and order do not comply with the current legislation and violate his rights and interests in the field of economic activity.

Judicial practice, to the presence of which the persons participating in the case refer, does not have prejudicial significance when considering this case, since judicial acts were adopted on other factual circumstances of the case, which are not identical to the present dispute. Judicial acts in each case are adopted taking into account specific arguments and evidence presented by the parties.

Since the entirety of the circumstances necessary for the recognition of a non-normative legal act as invalid (contradiction with the law and violation of rights and legitimate interests) has not been established by the court, the stated requirements are not subject to satisfaction.

The court considered all the arguments of the applicant and rejected them as unfounded.

According to Part 3 of Art. 201 of the Arbitrazh Procedural Code of the Russian Federation, the court decides to refuse to satisfy the stated claim in the event that the arbitrazh court finds that the challenged non-normative legal act, decisions and actions (omissions) of state bodies, local authorities and other bodies and officials, comply with the law or other normative legal act and do not violate the rights and the legitimate interests of the applicant.

The costs of paying the state duty are borne by the applicant in accordance with Art. 110 of the Arbitrazh Procedural Code of the Russian Federation. The overpaid state duty is subject to refund from federal budget revenues.

Guided by Art. 167-170, 176, 201 of the Arbitrazh Procedural Code of the Russian Federation, the court

DECIDED:

The application of the Federal Service for Supervision of Communications, Information Technology, and Mass Media to terminate the proceedings in the case shall be dismissed.

The application of Atlant-SV Television Company LLC on making illegal the actions of the Federal Service for Supervision of Communications, Information Technology, and Mass Media (Roskomnadzor) on the return without consideration of the application of the founder of Atlant-SV Television Company LLC of 24 March 2015, incoming reference No. 33248-smi of 27 March 2015 on the registration of a mass media outlet – online outlet “15 minutes”, illegally imposing on the applicant the obligation to confirm the founder’s compliance with the requirements of Part 2 Article 7 of the Law “On mass media” specified in the letter of Roskomnadzor of 24 April 2015 No. 04-37090, which impedes the registration of the applicant’s mass media outlet, as well as on making illegal the omissions of Roskomnadzor evading registration of the applicant’s mass media outlet; on the obligation of Roskomnadzor to eliminate the violation of the applicant’s rights and freedoms and, in a short time, to consider the application of Atlant-SV Television Company LLC on the registration of a mass media outlet – online outlet “15 minutes”, by registering the mass media outlet – online outlet “15 minutes”, according to the legislation of the Russian Federation, shall be dismissed (checked for compliance with the current legislation of the Russian Federation).

The decision can be appealed within one month from the date of its adoption to the Ninth Arbitrazh Court of Appeal.

Judge: S.O. Laskina

# Annex 251

Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, Resolution on the initiation of a criminal case No. 2015427050, 22 October 2015

Translation

RESOLUTION
on the initiation of a criminal case and commencement of the proceedings

Simferopol 22 October 2015
5:20 p.m.

[Name], Captain of Justice, an investigator of the Investigative Department of the Directorate of the Federal Security Service for the Republic of Crimea and Sevastopol, having studied the crime report – a report on discovery of signs of crime provided for in Part 1 of Article 280.1 of the Criminal Code of the Russian Federation received from the department of assistance programs to the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, and registered in the crime reports registration book on 21 October 2015 under No. 343 with the materials of operative search activities attached, and a report on discovery of signs of crime provided for in Part 2 of Article 280.1 of the Criminal Code of the Russian Federation received from the Centre for Countering Extremism of the Ministry of Internal Affairs for the Republic of Crimea and registered in the crime log on 22 October 2015 under No. 344 with the materials of operative search activities attached,

ESTABLISHED:

On 8 September 2015 L.E. Islyamov, the citizen of the Russian Federation, when staying in the "Ukrainian Crisis Media Centre" at 2, Khreshchatik St., Kiev, took part in the press conference named "Civil blockade of Crimea: what will it be like?", where he publicly said: "..if we are the state, and if the society has a demand in its statesmanship – Crimea, ladies and gentlemen, must be returned...".

On the same day, 8 September 2015 the video record of the said speech of L.E. Islyamov was posted in the public domain on the web-site of the Ukrainian Crisis Media Centre at: http://uacrisis.org/ru/ and also on YouTube at: https://www.youtube.com/watch?v=PBPPjZ2uz- M&feature=youtu.be on the Internet.

According to the expert's report No. 98 of 11 September 2015 issued by the expert division of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol and the research note No. 10/69 of 5 October 2015 issued by Criminal Expertise Centre of the Ministry of Internal Affairs for the Republic of Crimea in the terms of language qualification the statement of L.E. Islyamov contains the calls to violation of territorial integrity of Russia, namely, to severing (detaching) the Republic of Crimea from the Russian Federation and accession of Crimea to Ukraine.

In view of the foregoing, taking into account the presence of grounds for initiation of a criminal case provided for in Articles 140 and 143 of the Criminal Procedural Code of the Russian Federation, namely of a report about discovery of signs of crime provided for in Part 1 Article 280.1 of the Criminal Code of the Russian Federation received from the department of assistance programs to the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol with the materials of operative search activities attached and

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[Name] *(Signature)/*

of the report about discovery of signs of crime provided for in part 2 Article 280.1 of the Criminal Code of the Russian Federation received from the department of assistance programs to the Directorate of the Federal Security Service of Russia for the Republic of Crimea with the materials of operative search activities attached and the grounds to initiate the criminal case provided for by part 2, Article 140 of the Criminal Procedural

Code of the Russian Federation, whereas there is adequate information showing the signs of crime provided for in part 1 Article 280.1 of the Criminal Code of the Russian Federation**,** in accordance with Articles 140, 145, 146 and Part 1 Article 156 of the Criminal Procedural Code of the Russian Federation,

RESOLVED:

1. Initiate a criminal case on signs of crime provided for in Part 1 of Article 280.1 of the Criminal Code of the Russian Federation against the citizen of the Russian Federation Lenur Edemovich Islyamov, born 1 January 1966, whose actions contain the public calls to actions aimed at violating the territorial integrity of the Russian Federation, by assigning it identification number 2015427050.

2. Accept the criminal case for proceedings and start the investigation.

3. Send a copy of this resolution to the prosecutor.

Investigator of the Investigative Department
of the Directorate of the Federal Security Service of Russia
for the Republic of Crimea and Sevastopol,
Captain of Justice *[Signature]* [Name]

A copy of this resolution was sent to the prosecutor on 22 October 2015 at 5:30 p.m.

The decision made was communicated on 22 October 2015 to the applicants: Investigation Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol and the Centre for Countering Extremism of the Ministry of Internal Affairs for the Republic of Crimea.

Investigator of the Investigative Department
of the Directorate of the Federal Security Service of Russia
for the Republic of Crimea and Sevastopol,
Captain of Justice *[Signature]* [Name]

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HEAD OF DEPARTMENT 27
[Name] (*Signature)/*

# Annex 252

Explanation of Sinaver Kadyrov before the Armyansk City Court,
Case No. 5-369/2015, 18 October 2015

Translation

**ARMYANSK CITY COURT**
4 Shkolnaya St., Armyansk

**Applicant:** **Sinaver Arifovich Kadyrov**
Postal address:
[…]
S.A. KADYROV

**EXPLANATION IN THE CASE**
**on the administrative offence envisaged by Part 1.1 of Article 18.8 of the Code on Administrative Offences of the Russian Federation**
(case No. ~~4a-285/2015~~)
*5-369/2015*

The case No. ~~4a-285/2015~~ *5-369/2015* initiated under Part 1.1 of Article 18.8 of the Code on Administrative Offences of the Russian Federation against Sinarver Arifovich Kadyrov is pending with the Armyansk City Court.

The judicial decisions previously issued in these proceedings have been repealed by the decision of Vice Chair of the Supreme Court of the Republic of Crimea T.A. Shklyar of 3 September 2015 and the case was sent for retrial. The reason for repeal of the decisions issued in the case by the Armyansk City Court on 23 January 2015 and 6 February 2015 was the judges' failure to check the applicant's citizenship.

In connection with the above, the applicant finds it necessary to give the following explanations.

First of all, the applicant would like to note that he is a citizen of Ukraine. The conclusions made by judge T.A. Shklyar concerning applicant's Russian citizenship are incorrect. The applicant has never claimed that. As far as the applicant is concerned, his attorney has not made such statements either, and no statements made by the attorney can be construed as a confirmation of S.A. Kadyrov's Russian citizenship. In any event, the applicant asserts that he has not acquired the Russian citizenship and admits that the information about his Ukrainian citizenship set out in the record of the administrative offence and terms of stay on the Crimean Peninsula is correct.

Secondly, the applicant believes that the decision on his administrative expulsion from the territory of Crimea occupied by the Russian Federation is unlawful since it contradicts the obligations of the Russian Federation under the Geneva Convention (IV) regarding the protection of civilian population in wartime[1] and infringes his rights under the European Convention for the Protection of Human Rights and Fundamental Freedoms and Protocols thereto.

**1. Administrative expulsion infringes the right to respect for family life and home as well as the freedom of movement guaranteed by the European Convention as well as obligations of the Russian Federation under Article 49 of the Geneva Convention (IV).**

/Seal: Armyansk City Court; (Illegible)/
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Judge: *(Signature)*
Secretary : *(Signature)*/
(Illegible) *19.10.2015*

[1] Hereinafter referred to as the Geneva Convention (IV).

1.1. The applicant asserts that prior to adoption of the repealed decision of the Armyansk City Court of 23 January 2015 he permanently resided on the territory of the Crimean Peninsula approximately from 1991. Thus, on 20 June 1991 in Simferopol, his Islamic marriage with Emina Usmanovna Suleymanova was registered. In 1996 in Simferopol, he received a passport of a citizen of Ukraine and officially registered his place of residence in Simferopol. Subsequently, he has changed his registered place of residence several times (in 2004, 2007 and 2010), although in each case his registered place of residence was in or near Simferopol. In 1998 in Simferopol, the applicant was assigned a taxpayer's code and in 2007 (again in Simferopol) he received a duplicate certificate of assignment of such code. In August 2004, the applicant retired and received his pension through the Central Pensions Office in Simferopol. He and his wife always paid for utility services at their registered places of residence. Since 2010, the applicant's registered place of residence has been at: Apt. 63, 60-Let Oktyabrya St. 37, Simferopol.

1.2. In February 2014, the Russian Federation occupied the Crimean Peninsula. Under Article 23 of the Federal Constitutional Law of the Russian Federation of 21 March 2014 No. 6-FKZ "On the admission of the Republic of Crimea to the Russian Federation and the formation of new constituent entities within the Russian Federation – the Republic of Crimea and the federal city of Sevastopol" (hereinafter referred to as FKZ-6), the Russian legislation was to be applied in the territory of Crimea from 1 April 2014.

The actions of the Russian Federation were qualified as occupation under the resolution of a number of international bodies, the jurisdiction of which has been recognised by the Russian Federation, among others. Thus, Russia's actions were referred to as occupation in the following documents:

- European Parliament Resolution (2015/2036) of 11 June 2014 on the strategic military situation in the Black Sea Basin following the illegal accession of Crimea to Russia;[2]
- Resolution 2067 (2015) of the Parliamentary Assembly of the Council of Europe "Missing persons during the conflict in Ukraine" of 25 June 2015;[3]
- Resolution of the Parliamentary Assembly of the OSCE "Continuation of clear, gross and unrepairable violations of OSCE commitments and international norms by the Russian Federation" of 8 June 2015.[4]

1.3. The Russian legislative acts the effect of which was extended to the occupied territory of Crimea include the provisions of the Law of the Russian Federation "On the legal status of foreign nationals in the Russian Federation". However, the said law does not contain the provisions that would envisage the situation faced by the applicant. Thus, the said law provides for a situation of when a foreigner arrives in the Russian Federation. In this case the foreign national knowingly submits to the jurisdiction of that state and should comply with all requirements of the said law, including the term of stay in the Russian Federation, etc. However, in the applicant's case it was the contrary – the Russian Federation extended the application of its laws to the territory of Crimea regardless of the applicant's will. The applicant, as opposed to a typical foreign national, had no other place of residence but Crimea. Therefore, applying the limitations as to the term of stay to him,

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Judge: *(Signature)*
Secretary : *(Signature)*/

[2] http://goo.gl/9CXkeA.
[3] http://goo.gl/YqSCZK.
[4] https://goo.gl/f9QOqD.

in fact, means that he is deprived of his home and his right of movement is restricted.

In these circumstances, the legal order in the occupied territory of the Crimean Peninsula is established by the Geneva Convention (IV), the Article 49 of which directly prohibits Russia to expel the applicant from the territory on which he resides.

**2. Expulsion and results of the discriminatory treatment**

2.1. Moreover, the applicant alleges that his expulsion is a manifestation of discrimination. Thus, the discrimination manifests in the state's failure to ensure various treatment of persons who find themselves in a significantly different position (see the judgment of ECHR in *Thlimmenos v. Greece*, Application no. 34369/67, Judgment of 6 April 2000, para. 44).

2.2. Such situation is qualified as discrimination because:

(i) The statutory rule restricting the term of stay of foreign nationals in Russia was applied to the applicant's situation.

(ii) The said rule does not take into account the differences between the foreign national who enters the territory controlled by the Russian Federation of their own accord and those who resided in the territory to which Russia extended the application of its laws by means of annexation. The applicant has never entered the territory of the Russian Federation as a foreign national: on the contrary, he has left the occupied territory several times for short periods of time (6 times for a total of 27 days) returning home afterwards.

**3. Psychological and financial damage resulting from the expulsion**

At the same time, the applicant would like to notice that he sustained psychological and financial damage as a result of the administrative expulsion. Thus, the applicant had to rent a place to live in mainland Ukraine. His costs of renting a place to live in the period following the expulsion amounted to 3,600 US dollars, or 223,200 Russian roubles (as at 18 October 2015). Furthermore, the applicant was forced to leave his home, his family ties were damaged, his ability to meet with his relatives and friends was limited. As a result of that he sustained psychological damage which he estimates to amount to 1,000,000 Russian roubles.

Based on the above,

**I HEREBY ASK:**

1. To terminate the proceedings in the case due to the absence of elements of the administrative offence in Sinaver Arifovich Kadyrov's conduct.

2. To compensate the costs incurred by the applicant as a result of administrative expulsion from the territory of the Crimean Peninsula: financial damage in the amount of 223,200 roubles and psychological damage in the amount of 1,000,000 Russian roubles.

**Applicant**
**S.A. Kadyrov**
*18 October* 2015 */Signature/*

(illegible)/*10 2015*
*Additions and corrections are accurate. /Signature/ S.A. Kadyrov*

/Seal: (Illegible) Court of the Republic of Crimea/
/Stamp: TRUE COPY: Judge: *(Signature)*
Secretary: *(Signature)/*

# Annex 253

Kievskiy District Court of Simferopol of the Republic of Crimea,
Ruling authorizing a search in the dwelling of Lenur Islyamov,
28 October 2015

Translation

Case No. (*illegible)*

RULING

On 28 October 2015, Judge of the Kievskiy District Court of Simferopol of the Republic of Crimea I.V. Kagitina, with the participation of secretary A.A. Sobakin, Chief Prosecutor of the Prosecutor's Office of the Republic of Crimea A.R. Pakul, having considered, in an open court hearing, the Resolution issued by [Name], Major of Justice and the Senior Investigator for High-Priority Cases of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, concerning a motion for a search to be conducted in a dwelling,

ESTABLISHED:

On 22 October 2015, the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol initiated criminal proceedings against L.E. Islyamov, a Russian national, born on 1 January 1966, into a crime under Part 1 of Article 280.1 of the Criminal Code of the Russian Federation.

The preliminary investigation found that on 8 September 2015, Russian national L.E. Islyamov, being at the "Ukrainian Crisis Media Centre" located at: 2, Khreshchatik St., Kiev, Ukraine, took part in a press conference named "Civil blockade of Crimea", during which he publicly called for violating the territorial integrity of the Russian Federation.

Later on, on 8 September 2015, the video footage of the above-mentioned speech by L.E. Islyamov was posted on the website of the "Ukrainian Crisis Media Centre" at http://uacrisis.org/ru/ and on YouTube at http://www.youtube.com/watch?v=PBPPjZ2uz-M&feature=youtu.be on the Internet, information and telecommunications network, which is accessible by an unlimited number of persons.

After listening to the prosecutor who stated that it was necessary to satisfy the motion, the court, having examined the provided materials, holds that the motion is subject to satisfaction.

In accordance with para. 5 of Part 2 of Article 29, Articles 165, 182 of the Criminal Procedural Code of the Russian Federation, only the court has legal capacity to issue a ruling to carry out a search in a dwelling.

As it appears from the provided materials, the pre-trial investigation authority has sufficient grounds to assume that Lenur Edemovich Islyamov, who is suspected of committing the above mentioned crime, born on 1 January 1966, registered at: 2/16, Bor Chokrak Kaptor, Simferopol, may have at his disposal things and documents relevant to the criminal case, testifying the criminal activity pursued by L.E. Islyamov and indicative of the financing of extremism by the above person.

In view of the foregoing, pursuant to Parts 1–4 of Article 165, Article 182 of the Criminal Procedural Code of the Russian Federation,

RULED:

To allow [Name], Major of Justice and the Senior Investigator for High-Priority Cases of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, to carry out search in the dwelling located at: 2/16, Bor Chokrak Kaptor, Simferopol.

The ruling may be appealed to the Supreme Court of the Republic of Crimea within ten days from the date of its issue.

Judge: */Signature/* I.V. Kagitina

*/SEAL: KIEVSKIY DISTRICT COURT OF SIMFEROPOL,*
*THE REPUBLIC OF CRIMEA, THE RUSSIAN FEDERATION/*

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*JUDGE (Signature)*
*SECRETARY (Signature)/*

*The ruling was announced to me*
*(Signature) /illegible/ 2 November 2015*

# Annex 254

Kievskiy District Court of Simferopol of the Republic of Crimea, Case No. 3/6-821/2015, Ruling authorizing a search in the dwelling of Lenur Islyamov, 28 October 2015

Translation

Case No. 3/6-821/2015

RULING

On 28 October 2015, Judge of the Kievskiy District Court of Simferopol of the Republic of Crimea I.V. Kagitina, with the participation of secretary A.A. Sobakin, Chief Prosecutor of the Prosecutor's Office of the Republic of Crimea A.R. Pakul, having considered, in an open court hearing, the Resolution issued by [Name], Major of Justice and the Senior Investigator for High-Priority Cases of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, concerning a motion for a search to be conducted in a dwelling,

ESTABLISHED:

On 22 October 2015, the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol initiated criminal proceedings against L.E. Islyamov, a Russian national, born on 1 January 1966, into a crime under Part 1 of Article 280.1 of the Criminal Code of the Russian Federation.

The preliminary investigation found that on 8 September 2015, Russian national L.E. Islyamov, being at the "Ukrainian Crisis Media Centre" located at: 2, Khreshchatik St., Kiev, Ukraine, took part in a press conference named "Civil blockade of Crimea", during which he publicly called for violating the territorial integrity of the Russian Federation.

Later on, on 8 September 2015, the video footage of the above-mentioned speech by L.E. Islyamov was posted on the website of the "Ukrainian Crisis Media Centre" at http://uacrisis.org/ru/ and on YouTube at http://www.youtube.com/watch?v=PBPPjZ2uz-M&feature=youtu.be on the Internet, information and telecommunications network, which is accessible by an unlimited number of persons.

After listening to the prosecutor who stated that it was necessary to satisfy the motion, the court, having examined the provided materials, holds that the motion is subject to satisfaction.

In accordance with Clause 5 of Part 2 of Article 29, Articles 165, 182 of the Criminal Procedural Code of the Russian Federation, only the court has legal capacity to issue a ruling to carry out a search in a dwelling.

As it appears from the provided materials, the pre-trial investigation authority has sufficient grounds to assume that Lenur Edemovich Islyamov, who is suspected of committing the above mentioned crime, born on 1 January 1966, owner of the dwelling – an apartment at: 3, Staromoskovskaya St., village of Glukhovo, Krasnogorsk District, Moscow Region, may have at his disposal things and documents relevant to the criminal case, testifying the criminal activity pursued by L.E. Islyamov and indicative of the financing of extremism by the above person.

In view of the foregoing, pursuant to Parts 1–4 of Article 165, Article 182 of the Criminal Procedural Code of the Russian Federation,

RULED:

To allow [Name] Major of Justice and the Senior Investigator for High-Priority Cases of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, to carry out a search in the dwelling located at: 3, Staromoskovskaya St., village of Glukhovo, Krasnogorsk District, Moscow Region.

The ruling may be appealed to the Supreme Court of the Republic of Crimea within ten days from the date of its issue.

Judge: */Signature/* I.V. Kagitina

*/SEAL: KIEVSKIY DISTRICT COURT OF SIMFEROPOL,*
*THE REPUBLIC OF CRIMEA, THE RUSSIAN FEDERATION/*

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*JUDGE (Signature)*
*SECRETARY (Signature)/*

# Annex 255

Kievskiy District Court of Simferopol of the Republic of Crimea,
Ruling authorizing a search in the dwelling of Lenur Islyamov,
28 October 2015

Translation

Case No. *(illegible)*

RULING

On 28 October 2015, Judge of the Kievskiy District Court of Simferopol of the Republic of Crimea I.V. Kagitina, with the participation of secretary A.A. Sobakin, Chief Prosecutor of the Prosecutor's Office of the Republic of Crimea A.R. Pakul, having considered in an open court hearing the ruling issued by [Name], Major of Justice and Senior Investigator for High-Priority Cases of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and the city of Sevastopol, concerning a motion for a search to be conducted in a dwelling,

ESTABLISHED:

On 22 October 2015, the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol initiated criminal proceedings against L.E. Islyamov, a Russian national, born on 1 January 1966, into a crime under Part 1 of Article 280.1 of the Criminal Code of the Russian Federation.

The preliminary investigation found that on 8 September 2015, Russian national L.E. Islyamov, being at the "Ukrainian Crisis Media Centre" located at: 2, Khreshchatik St., Kiev, Ukraine, took part in a press conference named "Civil blockade of Crimea", during which he publicly called for violating the territorial integrity of the Russian Federation.

Later on, on 8 September 2015, the video footage of the above-mentioned speech by L.E. Islyamov was posted on the website of the "Ukrainian Crisis Media Centre" at http://uacrisis.org/ru/ and on YouTube at http://www.youtube.com/watch?v=PBPPjZ2uz-M&feature=youtu.be on the Internet, information and telecommunications network, which is accessible by an unlimited number of persons.

After listening to the prosecutor who stated that it was necessary to satisfy the motion, the court, having examined the provided materials, holds that the motion is subject to satisfaction.

In accordance with Clause 5 of Part 2 of Article 29, Articles 165, 182 of the Criminal Procedural Code of the Russian Federation, only the court has legal capacity to issue a ruling to carry out a search in a dwelling.

As it appears from the provided materials, the pre-trial investigation authority has sufficient grounds to assume that Lenur Edemovich Islyamov, who is suspected of committing the above mentioned crime, born on 1 January 1966, owner of the dwelling – an apartment at: 6, Mashkova St., bld. 1, Apt. 4, Moscow, may have at his disposal things and documents relevant to the criminal case evidencing the criminal activity of L.E. Islyamov and indicative of the financing of extremism by the above person.

In view of the foregoing, pursuant to Parts 1–4 of Article 165, Article 182 of the Criminal Procedural Code of the Russian Federation,

RULED:

To allow [Name], Major of Justice and Senior Investigator for High-Priority Cases of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and the city of Sevastopol, to carry out a search in the dwelling located at: 6, Mashkova St., bld. 1, Apt. 4, Moscow.

The ruling may be appealed to the Supreme Court of the Republic of Crimea within ten days from the date of its issue.

Judge: */Signature/* I.V. Kagitina

*/SEAL: KIEVSKIY DISTRICT COURT OF SIMFEROPOL,*
*THE REPUBLIC OF CRIMEA, THE RUSSIAN FEDERATION/*

*/STAMP: TRUE COPY*
*JUDGE (Signature)*
*SECRETARY (Signature)/*

# Annex 256

Kievskiy District Court of Simferopol of the Republic of Crimea,
Ruling authorizing a search in the dwelling of Lenur Islyamov,
28 October 2015

Translation

Case No. *(illegible)*

RULING

On 28 October 2015, Judge of the Kievskiy District Court of Simferopol of the Republic of Crimea I.V. Kagitina, with the participation of secretary A.A. Sobakin, Chief Prosecutor of the Prosecutor's Office of the Republic of Crimea A.R. Pakul, having considered in an open court hearing the ruling issued by [Name], Major of Justice and Senior Investigator for High-Priority Cases of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, concerning a motion for a search to be conducted in a dwelling,

ESTABLISHED:

On 22 October 2015, the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol initiated criminal proceedings against L.E. Islyamov, a Russian national, born on 1 January 1966, into a crime under Part 1 of Article 280.1 of the Criminal Code of the Russian Federation.

The preliminary investigation found that on 8 September 2015 Russian national L.E. Islyamov, being at the "Ukrainian Crisis Media Centre" located at: 2, Khreshchatik St., Kiev, Ukraine, took part in a press conference named "Civil blockade of Crimea", during which he publicly called for violating the territorial integrity of the Russian Federation.

Later on, on 8 September 2015, the video footage of the above-mentioned speech by L.E. Islyamov was posted on the website of the "Ukrainian Crisis Media Centre" at http://uacrisis.org/ru/ and on YouTube at http://www.youtube.com/watch?v=PBPPjZ2uz-M&feature=youtu.be on the Internet, information and telecommunications network, which is accessible by an unlimited number of persons.

After listening to the prosecutor who stated that it was necessary to satisfy the motion, the court, having examined the provided materials, holds that the motion is subject to satisfaction.

In accordance with Clause 5 of Part 2 of Article 29, Articles 165, 182 of the Criminal Procedural Code of the Russian Federation, only the court has legal capacity to issue a ruling to carry out a search in a dwelling.

As it appears from the provided materials, the pre-trial investigation authority has sufficient grounds to assume that Lenur Edemovich Islyamov, who is suspected of committing the above mentioned crime, born on 1 January 1966, owner of the dwelling – an apartment at: 4, Akademika Korolyova St., bld. 1, Apt. 24, Moscow, may have at his disposal things and documents relevant to the criminal case evidencing the criminal activity of L.E. Islyamov and indicative of the financing of extremism by the above person.

In view of the foregoing, pursuant to Parts 1–4 of Article 165, Article 182 of the Criminal Procedural Code of the Russian Federation,

RULED

To allow [Name], Major of Justice and Senior Investigator for High-Priority Cases of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, to carry out a search in the dwelling located at: 4, Akademika Korolyova St., bld. 1, Apt. 24, Moscow.

The ruling may be appealed to the Supreme Court of the Republic of Crimea within ten days from the date of its issue.

Judge: */Signature/* I.V. Kagitina

*/SEAL: KIEVSKIY DISTRICT COURT OF SIMFEROPOL,*
*THE REPUBLIC OF CRIMEA, THE RUSSIAN FEDERATION/*

*/STAMP: TRUE COPY*
*JUDGE (Signature)*
*SECRETARY (Signature)/*

# Annex 257

Kievskiy District Court of Simferopol of the Republic of Crimea, Case No. 3/6-833/2015, Ruling authorizing a search in the dwelling of Elzara Islyamova, 29 October 2015

Translation

Case No. 3/6-833/2015

RULING

On 29 October 2015, Judge of the Kievskiy District Court of Simferopol of the Republic of Crimea I.V. Kagitina, with the participation of secretary A.A. Sobakin, Chief Prosecutor of the Prosecutor's Office of the Republic of Crimea A.R. Pakul, having considered in an open court hearing the ruling issued by [Name], Major of Justice and Senior Investigator for High-Priority Cases of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, concerning a motion for a search to be conducted in a dwelling,

ESTABLISHED:

On 22 October 2015, the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol initiated criminal proceedings against L.E. Islyamov, a Russian national, born on 1 January 1966, into a crime under Part 1 of Article 280.1 of the Criminal Code of the Russian Federation.

The preliminary investigation found that on 8 September 2015 Russian national L.E. Islyamov, being at the "Ukrainian Crisis Media Centre" located at: 2, Khreshchatik St., Kiev, Ukraine, took part in a press conference named "Civil blockade of Crimea", during which he publicly called for violating the territorial integrity of the Russian Federation.

Later on, on 8 September 2015, the video footage of the above-mentioned speech by L.E. Islyamov was posted on the website of the "Ukrainian Crisis Media Centre" at http://uacrisis.org/ru/ and on YouTube at http://www.youtube.com/watch?v=PBPPjZ2uz-M&feature=youtu.be on the Internet, information and telecommunications network, which is accessible by an unlimited number of persons.

After listening to the prosecutor who stated that it was necessary to satisfy the motion, the court, having examined the provided materials, holds that the motion is subject to satisfaction.

In accordance with Clause 5 of Part 2 of Article 29, Articles 165, 182 of the Criminal Procedural Code of the Russian Federation, only the court has legal capacity to issue a ruling to carry out a search in a dwelling.

As it appears from the provided materials, the pre-trial investigation authority has sufficient grounds to assume that the dwelling at the place of registration of Elzara Rustemovna Islyamova, born on 17 January 1979, located at: 29, Edebiyat St., Simferopol, may contain things and documents relevant to the criminal case evidencing the criminal activity of L.E. Islyamov and indicative of the financing of extremism by the above person, and other things and substances removed from the stream of commerce in the territory of the Russian Federation.

In view of the foregoing, pursuant to Parts 1–4 of Article 165, Article 182 of the Criminal Procedural Code of the Russian Federation,

RULED:

To allow [Name], Major of Justice and Senior Investigator for High-Priority Cases of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, to carry out a search in the dwelling located at: 29, Edebiyat St., Simferopol.

The ruling may be appealed to the Supreme Court of the Republic of Crimea within ten days from the date of its issue.

Judge: */Signature/* I.V. Kagitina

*/SEAL: KIEVSKIY DISTRICT COURT OF SIMFEROPOL,*
*THE REPUBLIC OF CRIMEA, THE RUSSIAN FEDERATION/*

*/STAMP: TRUE COPY*
*JUDGE (Signature)*
*SECRETARY (Signature)/*

*I have read the ruling*
*/Signature/ 2 November 2015*
*M.A. Asanova*

# Annex 258

Kievskiy District Court of Simferopol of the Republic of Crimea, Case No. 3/6-832/2015, Ruling authorizing a search in the dwelling of Lilya Budzhurova, 29 October 2015

Translation

Case No. 3/6-832/2015

RULING

On 29 October 2015, Judge of the Kievskiy District Court of Simferopol of the Republic of Crimea I.V. Kagitina, with the participation of secretary A.A. Sobakin, Chief Prosecutor of the Prosecutor's Office of the Republic of Crimea A.R. Pakul, having considered in an open court hearing the ruling issued by [Name], Major of Justice and Senior Investigator for High-Priority Cases of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, concerning a motion for a search to be conducted in a dwelling,

ESTABLISHED:

On 22 October 2015, the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol initiated criminal proceedings against L.E. Islyamov, a Russian national, born on 1 January 1966, into a crime under Part 1 of Article 280.1 of the Criminal Code of the Russian Federation.

The preliminary investigation found that on 8 September 2015 Russian national L.E. Islyamov, being at the "Ukrainian Crisis Media Centre" located at: 2, Khreshchatik St., Kiev, Ukraine, took part in a press conference named "Civil blockade of Crimea", during which he publicly called for violating the territorial integrity of the Russian Federation.

Later on, on 8 September 2015, the video footage of the above-mentioned speech by L.E. Islyamov was posted on the website of the "Ukrainian Crisis Media Centre" at http://uacrisis.org/ru/ and on YouTube at http://www.youtube.com/watch?v=PBPPjZ2uz-M&feature=youtu.be on the Internet, information and telecommunications network, which is accessible by an unlimited number of persons.

After listening to the prosecutor who stated that it was necessary to satisfy the motion, the court, having examined the provided materials, holds that the motion is subject to satisfaction.

In accordance with Clause 5 of Part 2 of Article 29, Articles 165, 182 of the Criminal Procedural Code of the Russian Federation, only the court has legal capacity to issue a ruling to carry out a search in a dwelling.

As it appears from the provided materials, the pre-trial investigation authority has sufficient grounds to assume that the dwelling at the place of registration of Lilya Rustemovna Budzhurova, born on 1 November 1958, located at: 28, Stroiteley St., Simferopol, may contain things and documents relevant to the criminal case evidencing the criminal activity of L.E. Islyamov and indicative of the financing of extremism by the above person, and other things and substances removed from the stream of commerce in the territory of the Russian Federation.

In view of the foregoing, pursuant to Parts 1–4 of Article 165, Article 182 of the Criminal Procedural Code of the Russian Federation,

RULED:

To allow [Name], Major of Justice and Senior Investigator for High-Priority Cases of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, to carry out a search in the dwelling located at: 28, Stroiteley St., Simferopol.

The ruling may be appealed to the Supreme Court of the Republic of Crimea within ten days from the date of its issue.

Judge: */Signature/* I.V. Kagitina

*/SEAL: KIEVSKIY DISTRICT COURT OF SIMFEROPOL,*
*THE REPUBLIC OF CRIMEA, THE RUSSIAN FEDERATION/*

*/STAMP: TRUE COPY*
*JUDGE (Signature)*
*SECRETARY (Signature)/*

*I have read the ruling*
*(signed) 2 November 2005 (sic)*
*L.R. Budzhurova*

# Annex 259

Ninth Arbitrazh Court of Appeal, Case No. A40-131463/15,
Decision, 23 November 2015 (excerpts)

Translation
Excerpts

NINTH ARBITRAZH COURT OF APPEAL
12 Solomennoy Storozhky Lane, Municipal Post Office 4, Moscow, 127994
E-mail: 9aas.info@arbitr.ru
Website: http://www.9aas.arbitr.ru

DECISION
**No. 09AP-48322/2015**

Moscow
23 November 2015 Case No. A40-131463/15

The operative part of the decision was announced on 16 November 2015
The decision was produced in full on 23 November 2015

Ninth Arbitrazh Court of Appeal consisting of:
presiding judge V.A. Sviridov,
judges: I.V. Beketova, D.V. Kamenetsky,
with the courtroom secretary D.Sh. Sataev keeping the record,

Having considered in an open court session, in hall No. 15, the appeal of the Federal Service for Supervision of Communications, Information Technology, and Mass Media (Roskomnadzor) against the decision of the Arbitrazh Court of Moscow of 8 September 2015 in case No. A40-131463/15 (139-1095) of the judge I.V. Korogodov.

on the application of "Children's TV Channel 'Lale'" LLC (Lale Children's TV Channel LLC) (MSRN 1149102110596) seeking to have the actions of the Federal Service for Supervision of Communications, Information Technology, and Mass Media declared illegal,

with the participation of:
from the applicant: A. S. Titov under the power of attorney of 24 August 2015;
from the defendant: Yu. V. Vasina under the power of attorney of 28 September 2015;

ESTABLISHED:

Lale Children's TV Channel LLC appealed to the Arbitrazh Court of Moscow with an application seeking to have the actions of the Federal Service for Supervision of Communications, Information Technology, and Mass Media (Roskomnadzor) declared illegal; the actions are connected with the return, without consideration, of the application of 20 March 2015 (incoming reference No. 30318-smi of 24 March 2015) of the founder Lale Children's TV Channel LLC, about the registration of a mass media outlet – LALE TV channel; omissions, and the obligation to remedy the violation of the applicant's rights and freedoms, as well as to consider the application of Lale Children's TV Channel LLC about the registration of the mass media outlet – LALE TV channel.

By the decision of the Moscow Arbitrazh Court of 8 September 2015 the applicant's claims were satisfied in part, since the court concluded that there were no legal grounds for refusing to register the news agency. In addition, the court of first instance refused to satisfy the applicant's claims regarding the recognition of omissions of the Federal Service for Supervision of Communications, Information Technology, and Mass Media as illegal which manifested itself in avoiding registering the applicant's mass media out since all applications of Lale Children's TV Channel LLC were reviewed by the defendant.

Disagreeing with the adopted judicial act, Roskomnadzor filed an appeal, in which it asked to revoke the decision and adopt a new judicial act in the case refusing to satisfy the stated claims. It mentions that there is a discrepancy between the conclusions of the court and the circumstances of the case, and that there is a violation of substantive law.

The applicant responded to the appeal in accordance with Article 262 of the Arbitrazh Procedural Code of the Russian Federation, in which it asked to leave the court decision unchanged and to dismiss the appeal.

[…]
Page 8

Based on the foregoing, the Court of Appeal considers the court's decision in this case to be lawful and well-grounded and adopted with due regard to the factual circumstances, the case materials and the current legislation, and therefore considers that the appeal cannot be satisfied given that the arguments presented in it do not affect the legality and validity of the decision of the court of first instance that is essentially correct.

The judicial board found no violations of procedural law provided for in Part 4 of Article 270 of the Arbitrazh Procedural Code of the Russian Federation that entail an unconditional revocation of the judicial act.

Pursuant to Articles 266, 268, 269, 271 of the Arbitrazh Procedural Code of the Russian Federation, the court

DECIDED:

to leave the decision of the Arbitrazh Court of Moscow of 8 September 2015 in case No. A40-131463/15 unchanged and to dismiss the appeal.

The decision of the Ninth Arbitrazh Court of Appeal comes into force from the date of its adoption and may be appealed against within two months from the date when the decision was produced in full to the Arbitrazh Court for the Moscow Circuit.

Presiding judge: V.A. Sviridov

Judges: I.V. Beketova

D.V. Kamenetsky

Telephone of the court's query service: 8 (495) 987-28-00.

# Annex 260

Military Collegium of the Supreme Court of the Russian Federation,
Case No. 205-APU15-12s, Appellate Decision, 24 November 2015

Translation

**SUPREME COURT**
**OF THE RUSSIAN FEDERATION**

Case No. 205-APU15-12s

**APPELLATE DECISION**

Moscow 24 November 2015

Military Collegium of the Supreme Court of the Russian Federation composed of the presiding judge A.V. Voronov,
the judges O.A. Derbilova, Yu.V. Sitnikova

the secretary V.A. Zamolotskikh

having reviewed in an open court hearing a criminal case on the appeals of the convicted O.G. Sentsov, A.A. Kolchenko, attorneys V.N. Samokhin, D.V. Dinze and S.I. Sidorkina against the decision of the North Caucasus District Military Court of 25 August 2015, according to which

**Oleg Gennadievich Sentsov**, born on 13 July 1976 in the village of Skalistoe of the Bakhchisaray District of the Republic of Crimea, no criminal background,

was sentenced to deprivation of liberty: according to Part 2 of Article $205^4$ of the Criminal Code of Russian Federation (as amended by Federal Law of 2 November 2013 No. 302-FZ) for a period of 15 years without penalty and restrictions of freedom; according to item "a" of Part 2 of Article 205 of the Criminal Code of the Russian Federation (as amended by Federal Laws of 27 July 2006 No. 153-FZ, of 30 December 2008 No. 321-FZ, of 27 December 2009 No. 377-FZ) for a period of 10 years without restrictions of freedom; according to item "a" of Part 2 of Article 205 of the Criminal Code of the Russian Federation (as amended by Federal Laws of 27 July 2006 No. 153-FZ, of 30 December 2008 No. 321-FZ, of 27 December 2009 No. 377-FZ) for a period of 11 years without restrictions of freedom; according to Part 2 of Article 30, item "a" of Part 2 of Article 205 of the Criminal Code of the Russian Federation (as amended by Federal Laws of 27 July 2006 No. 153-FZ, of 30 December 2008 No. 321-FZ, of 27 December 2009 No. 377-FZ, of 5 May 2014 No. 130-FZ) with the application of Part 2 of Article 66 of the Criminal Code for a period of 7 years without restrictions of freedom; according to Part 3 of Article 30, Part 3 of Article 222 of the Criminal Code of the Russian Federation (as amended by Federal Laws of 25 June 1998 No. 92-FZ, of 28 December 2010 No. 398-FZ) in accordance with Part 3 of Article 66 of the Criminal Code of the Russian Federation for a period of 5 years; according to Part 3 of Article 222 of the Criminal Code of the Russian Federation (as amended by Federal Laws of 25 June 1998 No. 92-FZ, of 28 December 2010 No. 398-FZ) for a period of 5 years.

On the grounds of Part 3 of Article 69 of the Criminal Code of the Russian Federation on the basis of a combination of crimes by the partial addition of punishments, Sentsov O.G. was sentenced to deprivation of liberty for a period of 20 years in a high security penal colony.

**Alexander Alexandrovich Kolchenko**, born 26 November 1989 in the city of Simferopol of the Republic of Crimea, no criminal background,

sentenced to deprivation of liberty: according to Part 2 of Article $205^4$ of the Criminal Code of the Russian Federation (as amended by Federal Law of 2 November 2013 No. 302-FZ) for a period of 6 years without penalty; according to item "a" of Part 2 of Article 205 of the Criminal Code of the Russian Federation (as amended by Federal Laws of 27 July 2006 No. 153-FZ, of 30 December 2008 No. 321-FZ, of 27 December 2009 No. 377-FZ) with the application of Article 64 of the Criminal Code for a period of 8 years without penalty and restrictions of freedom.

On the grounds of Part 3 of Article 69 of the Criminal Code of the Russian Federation on the basis of a combination of crimes by the partial addition of punishments, Kolchenko A.A. was sentenced to deprivation of liberty for a period of 10 years in a high security penal colony.

The questions about the reimbursement of procedural costs, the fate of physical evidence were resolved.

Having heard the report of Judge Voronov A.V., the explanations of the convicted Sentsov O.G. and Kolchenko A.A., who supported the appeals' arguments, the attorneys Samokhin N.V. and Dinze D.V. who delivered a speech in defence of the convicted Sentsov O. G., attorney Sidorkina S.I. who delivered a speech in defence of the convicted Kolchenko A.A., the opinion of the prosecutor Matskevich Yu.I., who considered

it necessary to uphold the decision and to dismiss the appeals, the Judicial Chamber on Cases of the Military of the Supreme Court of the Russian Federation

ESTABLISHED:

Sentsov and Kolchenko were found guilty and convicted: Sentsov – for the organisation of a terrorist community, that is, a stable group of persons who had previously united in order to carry out terrorist activities, and for leading this community, for two terrorist acts of arson, committed by an organised group, for preparing with an organised group for a terrorist act, for attempting to unlawfully acquire explosive devices by an organised group and for the illegal possession of firearms and ammunition by an organised group; Kolchenko – for participating in a terrorist group, that is, a stable group of people who had previously joined together in order to carry out terrorist activities, and for committing a terrorist act by arson by an organised group.

The crimes were committed by the convicts in March–May 2014 under the circumstances set out in the decision.

At the court hearing, Sentsov and Kolchenko did not plead guilty.

In the appeal, the convicted Sentsov points out that the decision of the North-Caucasian District Military Court of 25 August 2015 is illegal and unfounded and seeks to have it revoked.

In the appeal, the convicted Kolchenko states his objections to the decision of the court. He claims that in the case there is no evidence of the existence of a terrorist community on the territory of the Republic of Crimea, which is a structural unit of the Right Sector (Pravyj Sector) organisation. There is no evidence of him becoming a member of the community and participating in it either. The court disregarded a statement and a certificate of the Right Sector organisation stating that he and the other convicted in the case did not belong to this organisation. No group claimed responsibility for the arson and did not make demands for the Republic of Crimea to leave the Russian Federation. In violation of Article 75 of the Criminal Procedural Code of the Russian Federation, the court referred in the decision to the testimony of representatives of victims and witnesses, based on assumptions. The testimony of the convicted Afanasyev during the investigation could not be taken into account since it was obtained under duress. The testimony of the convicted Chirniy is also considered unreliable. The court did not take into account the fact of insignificant pecuniary damage caused by the arson attacks. The convicted considers the criminal case to be falsified, politically motivated, seeks to have the decision revoked.

In the appeals and amendments to them, attorneys Samokhin and Dinze, acting in the interests of the convicted Sentsov, attorney Sidorkina in the appeal and amendments to it, filed in defence of the convicted Kolchenko, citing their assessment of the evidence and circumstances of the case, ask to reverse the decision and acquit Sentsov and Kolchenko.

According to the defence counsel, Sentsov and Kolchenko were proven guilty, the conclusions of the court, stated in the decision, do not correspond to the actual circumstances of the case, the court made substantial violations of procedural law, incorrectly applied substantive law, the conclusions of court are based on inadmissible evidence and assumptions. The decision against the convicted persons is unjust, the punishment imposed on them is unmotivated.

Attorney Samokhin, in substantiation of the appeal, argues that the court conclusions that Sentsov created a terrorist community, led it, and committed acts in an organised group do not correspond to the actual circumstances of the case and the evidence given in the decision. In the decision, there is no description of the process of creating this community, no features of the community are indicated, there is no evidence of Sentsov's guilt in the incriminated acts, the commission of which by Sentsov was not established. The evidence given in the decision contains contradictions, none of the witnesses indicated that Sentsov was the person who created this community. The decision does not distinguish the signs of a criminal community and an organised group, the qualification of Sentsov's actions under Part 4.1 of Article $205^4$ of the Criminal Code of the Russian Federation in this connection is superfluous. It is not established in the case and the decision does not show evidence of Sentsov's creation of a structural unit of the Right Sector organisation, which is a significant change in the accusation. Sentsov did not commit the actions expressed in arson attacks on the offices, did not destroy the window structure, did not set anything on fire, therefore he was unreasonably convicted under item "a" of Part 2 of Article 205 of the Criminal Code of the Russian Federation. The office of the United Russia party did not exist at the time of the arson, this organisation was unreasonably involved as a victim. It is not proved that the arson attacks were carried out in order to influence decision-making by the authorities, international organisations or to intimidate the population, which is necessary for the recognition of actions as a terrorist act. The findings of the court about

this are assumptions. The court did not give a proper assessment of the testimony of the witnesses Panyuta, Yablunovsky, Khomyak, Prokopenko. For actions to be recognised terrorist, it is necessary that the danger of death of a person and the occurrence of other serious consequences be real, which was not established. As a result of the arson, the damage was insignificant. The decision does not contain evidence of the illegal possession of weapons and ammunition by an organised group, as well as evidence of an attempt to illegally acquire explosive devices by an organised group with Sentsov's participation. He is unreasonably convicted for these acts. Nor did he make preparations, as part of an organised group, to blow up the Lenin monument in the city of Simferopol. Evidence of this is missing and is not shown in the decision. The court unlawfully used as evidence of Sentsov's guilt the testimony of Afanasyev and Chirniy who withdrew the earlier testimony at the court hearing. It is not taken into account that Afanasyev gave his testimony during the investigation under duress. Chirniy's testimony, as well as the witnesses to whom the court referred to in support of its conclusions, deserved a critical assessment. All identification protocols examined by the court are inadmissible evidence. The decision did not provide or disprove the testimony of Sentsov at the court hearing. The copy of the decision handed to Sentsov was not signed by all the judges who were part of the court.

According to attorney Dinze, the court, while delivering the decision, did not take into account the positive characteristics of Sentsov, his marital status, that he was not convicted, he did not commit anything obnoxious, and he had dependent underage children. The punishment imposed on Sentsov is unfair due to its excessive severity. The testimony of Afanasyev and Chirniy, which they gave during the investigation, was read out at the court hearing according to the rules relating to the interrogation of the accused, illegally and could not be taken into account. At the same time, the defence was deprived of the opportunity to object to the testimony of Afanasyev and Chirniy who denounced the convicts. The photograph identification protocols of Sentsov and Kolchenko could not be recorded as evidence since these investigative actions were carried out in violation of Article 193 of the Criminal Procedural Code of the Russian Federation. During the investigation, Afanasyev was subjected to unlawful pressure from law enforcement officers. No assessment was given to the arguments of the defence regarding the recognition of the results of operative search activities as inadmissible for they were obtained in violation of Article 75 of the Criminal Procedural Code of the Russian Federation. The court did not check and did not evaluate the materials of the operative search activity in accordance with the requirements of Articles 87-88 of the Criminal Procedural Code of the Russian Federation. The materials related to the Right Sector investigated in court are not related to Sentsov and Kolchenko, it is not proved that they belonged to this organisation, and literary sources seized during a search in Sentsov's dwelling house were misassessed. Operational officers, with the help of the witness Pirogov, provoked [Sentsov] into committing a crime under Part 1 of Article 30, item "a" of Part 2 of Article 205 of the Criminal Code of the Russian Federation, and other acts incriminated to Sentsov. In assessing the testimony of the witnesses, the court did not take into account that some of them were involved in crimes of a terrorist nature. The agencies of the federal security service created artificial conditions so that Afanasyev and Chirniy could make false accusations against the convicted persons.

Attorney Sidorkina points out that Kolchenko was convicted in violation of the law for actions in relation to which his guilt was not established. The existence of a terrorist community was not proved, the decision does not indicate the circumstances on the basis of which the court concluded that Sentsov had created such a community, as well as the presence of its signs. Kolchenko's testimony at the court hearing that he was not a member of the terrorist community was misassessed by the court. Also, it was not taken into account that Kolchenko did not regard his actions when committing an arson attack on the office as terrorist. This arson did not have a wide resonance, did not differ from other arson attacks that occurred in the city of Simferopol, could not affect the decision on the admission of Crimea to Russia that had already been made, therefore it cannot be regarded as a terrorist act. The amount of damage specified in the decision was not supported by expenditure documents, and a wrong legal entity was recognised as the victim. The testimony of the witnesses Pirogov, Burakovsky, Chirniy, Komanskaya, Purtov, Dobrovenko, Chernyakov and others, which was the basis for the decision, deserved a critical assessment, as some of them were tried and others held different views on the events. The findings of the court on the presence in the Republic of Crimea of a terrorist community – a structural unit of the Right Sector organisation – contradict the materials of the case. At the court hearing, the witness Afanasyev withdrew his earlier testimony, which had been obtained as a result of torture. The witness Chirniy also withdrew his testimony. The decisions against Afanasyev and Chirniy were not prejudicial, the reference to them in the contested decision is illegal. The procedural documents in the case were drawn up in gross violations of criminal procedural law, including the identification protocols. The investigation authorities illegally decided to conduct operative search activities. During the investigation, they falsified documents and resorted to provocations.

In the objections to the appeals of the convicted Sentsov, Kolchenko, attorneys Samokhin, Dinze and Sidorkina, public prosecutor Tkachenko O.V. considers the appeals to be unsubstantiated and asks to leave the decision unchanged.

Having reviewed the materials of the criminal case, having discussed the arguments presented in the appeals, the Judicial Chamber finds no reason to satisfy them.

The findings of the court of first instance on the guilt of Sentsov and Kolchenko in the criminal acts set forth in the decision are corroborated by the totality of evidence collected in the case and examined at the court session, which were obtained in compliance with criminal procedural law, are objectively set out and evaluated in the decision in accordance with Article 88 of the Criminal Procedural Code of the Russian Federation. There were no violations of criminal procedural law, entailing the abolition or change of the decision.

As follows from the case materials, the preliminary investigation and the court proceedings were conducted in accordance with the requirements of the law, fully and completely, in compliance with the principles of adversarial and equal rights of the parties. All the evidence gathered in the case was examined at the court hearing, and it was properly assessed in the decision. The findings of the court do not contain any assumptions, including with regard to specific actions referred to in the appeals. The suggestions that the criminal case was falsified, its political motivation, contained in the appeals, are not supported by the criminal case materials and recognised by the Judicial Board as unfounded.

Contrary to the claims of attorneys Samokhin and Sidorkina, in the decision, as provided for by the requirements of Article 307 of the Criminal Procedural Code of the Russian Federation, contains the description of the criminal actions of Sentsov and Kolchenko, indicating the place, time, method of their perpetration, forms of guilt and motives; the evidence of the guilt of Sentsov and Kolchenko on each accusation supported in court is set forth, based on which certain evidence was found reliable and other was rejected by the court, conclusions were drawn on the qualification of the actions of the convicted persons and on other issues to be resolved when the guilty verdict was delivered.

The court checked the versions in defence of Sentsov and Kolchenko, the correct assessment was given in the decision in relation to each of them. The petitions filed by the parties are permitted in accordance with the requirements of criminal procedural law with the issuance of motivated definitions, the petitions of the defence grounded in law were satisfied by the court. The position of the defendants and their defence counsel – both in the case as a whole and in the individual details of the prosecution and the circumstances – was brought to the notice of the court with sufficient completeness and certainty. It received an objective assessment in the decision, as well as evidence presented by the defence. The content of the testimony of the defendants, the representatives of the victims, witnesses and other evidence is set forth in the decision in accordance with the minutes of the court hearing without any distortions that did not favour Sentsov and Kolchenko.

The allegations of the defence, repeated in the appeals, about the absence in the case of evidence of Sentsov and Kolchenko's guilt in the crimes for which they were convicted, are refuted by the totality of evidence examined at the court hearing.

The court found that in March 2014 in Simferopol Sentsov organised a terrorist community from among people who did not share, like him, the decision on the admission of the Republic of Crimea to the Russian Federation and entertained an idea that to commit criminal acts in order to destabilise activities of the authorities of the Russian Federation established on the territory of the Republic of Crimea, to accelerate the adoption of the decision concerning the withdrawal of the Republic of Crimea from the Russian Federation.

The terrorist community organised by Sentsov included Afanasyev G.S. (convicted under the decision of the Moscow City Court of 17 December 2014 under part 2 of Article $205^4$, item "a" of part 2 of Article 205, item "a" of part 2 of Article 205, part 1 of Article 30, item "a" of part 2 of Article 205, part 3 of Article 30, part 3 of Article 222 of the Criminal Code of the Russian Federation), Chirniy A.V. (convicted under the decision of the North Caucasus District Military Court of 21 April 2015 under part 2 of Article $205^4$, item "a" of part 2 of Article 205, item "a" of part 2 of Article 205, part 1 of Article 30, item "a" of part 2 of Article 205, part 3 of Article 30, part 3 of Article 222 of the Criminal Code of the Russian Federation) and other persons in respect of whom the criminal case was severed into separate proceedings. No later than 18 April 2014, Kolchenko joined this community, consenting to take part in a terrorist act.

Sentsov led the community, coordinated the activities of its members, planned terrorist acts, shared responsibilities among participants of criminal acts, took measures to provide them with weapons, ammunition, explosives, combustible materials and other items necessary to commit terrorist acts. The community was well organised, performed coherent and intentional actions.

These circumstances, as well as the findings of the court on the existence of a terrorist community, are supported in the case, as well as proved by two terrorist acts committed in a short period of time, namely: on 14 April 2014, members of the community led by Sentsov as part of an organised group acting with the objective to commit a terrorist act, set the office of the organisation "Russian Community of Crimea" on fire, as well as on 18 April 2014, an arson attack directly involving Kolchenko against the regional office of the United Russia political party.

In addition, on 9 May 2014 in Simferopol, members of the terrorist community, acting as an organised group with the same objective and led by Sentsov, planned a terrorist act of blowing up the Lenin monument, with the use of explosive devices which Sentsov as a member of the organised group attempted to illegally acquire. Since Sentsov and other members of the terrorist community were detained, the terrorist act was not committed.

Besides, Sentsov as a member of the organised group acting in the interests of members of the terrorist community, illegally stored the following firearms: a Makarov pistol with a magazine and ammunition – eight 9 mm rounds, 50 9x21 rounds, and a RGD-5 hand grenade, as well as a UZRGM-2 grenade exploder, which were seized after the arrest of Sentsov and other participants of the criminal acts.

The testimony of members of the terrorist community Afanasyev and Chirniy given at the stage of preliminary investigation, as well as the testimony of Kolchenko at the initial investigation stage, were reasonably considered in the courtroom as proving the guilt of Sentsov and Kolchenko in the committed crimes.

Afanasyev's and Chirniy's testimony supports that Sentsov organised and led the terrorist community, as well as the fact that Kolchenko was a member of the community and on 18 April 2014 as a member of the organised group committed a terrorist act.

According to the testimony, Sentsov led the terrorist community while preparing to blow up the Lenin monument on 9 May 2014. It was he who organised the terrorist attacks on 14 and 18 April 2014 by providing to the perpetrators incendiary devices for arson attacks and other necessary items, choosing the objects to attack, the composition of participants and the role of each of them in the criminal actions.

According to the testimony of Afanasyev and Chirniy, Sentsov as a member of an organised group committed criminal acts of illicit trafficking of firearms, ammunition and the attempted illegal acquisition of explosive devices.

Thus, according to the testimony of Afanasyev, after the referendum on the admission of the Republic of Crimea to the Russian Federation in March 2014 in Simferopol, he attended various events of followers who supported the return of this region to Ukraine. At such meetings, Sentsov called for taking action to declare the Republic of Crimea to be part of Ukraine by various methods, including radical, violent ones. In late March – early April 2014, he joined Sentsov's group, who in his private automobile brought about thirty sets of gloves, black masks, two sledgehammers, several long wooden sticks, cans of engine oil and gasoline to his apartment. At that meeting, Sentsov said that they had enough tools required to organise events in order to intimidate the population and influence decision-making of the authorities of the Russian Federation concerning the withdrawal of the Republic of Crimea from the Russian Federation. Besides, he considered Sentsov to be the leader of the radical community, which included Chirniy, Kolchenko, and others. On the night of 13-14 April 2014 in Simferopol, together with Chirniy and other persons, upon instructions from Sentsov, they set fire to the office of the "Russian Community of Crimea" organisation. On the night of 17-18 April 2014, upon instructions from Sentsov, Kolchenko, Chirniy and other participants set fire to the office of the United Russia political party. In early April 2014, Sentsov instructed Chirniy to blow up the Lenin monument in Simferopol, and Afanasyev was directed to coordinate the perpetrator's actions. To acquire components for an improvised explosive device, Sentsov conveyed money through him to Chirniy. In late April 2014, he was informed by Chirniy that there were problems with producing a time delay actuator and reported that to Sentsov who, via the Internet, instructed Chirniy and the person assembling the explosive device to obtain the guidelines on how to produce a time delay actuator. In early May 2014, he heard that Sentsov, during a telephone conversation with Chirniy, instructed the latter to produce a second explosive device. After that, Sentsov demanded from him, Afanasyev, to make Chirniy speed up the production of the explosive device for the explosion attack on 9 May 2014.

On 27 April 2015, at the confrontation with Kolchenko, Afanasyev supported his testimony about Kolchenko's participation in the terrorist attack on 18 April 2014 and Sentsov's leading role in the commission of this act.

According to the testimony of Chirniy, in March 2014, he participated in protests and events organised by the proponents of the idea that the Republic of Crimea should secede from the Russian Federation. At one of these events, Afanasyev introduced him to Sentsov, who promoted radical methods of

conducting actions against the authorities for the withdrawal of the Republic of Crimea from the Russian Federation. At these meetings, Sentsov explained the need to blow up the Lenin monument since it would attract the attention of the authorities and the mass media and cause panic among the population. In late March 2014, he joined the group organised by Sentsov, considering him to be the leader. In early April 2014, he informed Sentsov that an explosive device could be produced by another person, in the presence of Afanasyev, who transferred him money to acquire the necessary components of the explosive device. On 16 April 2014, he agreed with his acquaintance Pirogov that he would produce the explosive device to blow up the Lenin monument. On those days, he was present at one of the houses at a meeting of Sentsov with Afanasyev and other members of the group, where Sentsov explained to him, Chirniy, the plan to blow up the monument. On 24 April 2014, Sentsov directed him to produce a time delay actuator for the explosive device. Later, he repeatedly conveyed money to Pirogov so that the necessary components could be purchased for the explosive device. However, it was not produced. On 4 May 2014, during a telephone conversation, Sentsov demanded that the actuator be produced without any external assistance, and that another improvised explosive device be produced for a second explosion. On 8 May 2014, he received from Pirogov two time delay actuators, which he kept at home. On 9 May 2014 at about 01.00 a.m., intending to blow up the Lenin monument, he took the two explosive devices produced by Pirogov from a secret place, but after a while he was detained with those devices. In addition, at the direction of Sentsov, on the night of 13-14 April 2014, he, along with Afanasyev and another member of the group, set fire to the office of the public organisation "Russian Community of Crimea". After that at night on 17-18 April 2014, directed by Sentsov together with Afanasyev, Kolchenko and other participants, they set fire to the office of the United Russia political party.

During the verification of testimony at the crime scene on 12 May 2014, Afanasyev, as well as on 10-12 May 2014 Chirniy supported their earlier testimonies concerning the leading role of Sentsov in the commission of criminal acts and the participation of Kolchenko in the terrorist attack on 18 April 2014.

In addition, Chirniy indicated the place where Sentsov showed him a Makarov pistol with ammunition, as well as the place where the incendiary devices and sledgehammers for breaking windows were kept. During the examination of the mentioned place, the sledgehammer and incendiary devices were found in a container made of polymeric material and removed.

Kolchenko, interrogated as a suspect on 16 and 19 May 2014, admitted that he was present in March 2014 at protests against the reunification of Crimea with the Russian Federation, where Sentsov introduced him to Afanasyev. On 17-18 April 2014, having met with Afanasyev, Chirniy and other person, he was told that there was an instruction to set fire to the office of the United Russia party in order to intimidate the population and influence the government's decision to withdraw the Republic of Crimea from the Russian Federation, and agreed to participate in the commission of the terrorist act. Then, at the crime scene, Afanasyev, handing over black masks and gloves, informed the group members of the plan of the arson attack, according to which he, Kolchenko, and Afanasyev were to monitor the situation, and Chirniy and another participant were to set fire to the office building.

On 19 May 2014, Kolchenko confirmed this information when his testimony was verified at the crime scene.

The findings of the court about the guilt of the convicts are based both on the testimony of Afanasyev, Chirniy and Kolchenko, and on other evidence examined and correctly considered in the decision, including testimony at the court hearing:

- according to the witnesses Smirnitskaya (pseudonym) and Komanskaya, in late March 2014 in Simferopol, the meetings led by Sentsov were organised with persons who shared the idea of taking action to withdraw the Republic of Crimea from the Russian Federation. The witnesses attended the events. During the events, Sentsov urged to take active action to exert pressure on the authorities of the Russian Federation, and on around 10-11 April 2014, declared the need to blow up the Lenin monument in Simferopol, force the population to protest against the actions of the authorities of the Russian Federation in Crimea. This meeting was attended by about 10 people from the Sentsov group, including Kolchenko, Afanasyev and Chirniy, who declared their willingness to blow up the Lenin monument;
- according to the witnesses Makarov and Cherniakov, in early April 2014 they rejected Chirniy's proposal to join the group organised to commit terrorist acts in Crimea. Subsequently, Chirniy informed them that in April 2014 together with other persons he committed the arson attacks on the offices of the Russian Community of Crimea and the United Russia party. In early May 2014, Chirniy told them that on 9 May 2014, the Victory Day, he was going to commit a terrorist act in Simferopol. Besides, the witness Cherniakov explained that, according to Chirniy, he knew about a man named Oleg – the leader of a terrorist group in Simferopol;

- according to the witness Burakovskiy, in March–early April 2014 he attended the meetings of opponents of Crimea's accession to the Russian Federation, where he spoke with various people, including Chirniy and Afanasyev, who introduced him to Sentsov. At these meetings, the latter called people sharing the same views to blow up the Lenin monument in order to influence decision-making of the authorities concerning the withdrawal of the Republic of Crimea from the Russian Federation. Meeting with Afanasyev and other participants of the protests, he found out that Sentsov led the group, which included Afanasyev, Kolchenko, Chirniy, and other people who regularly attended meetings, where Sentsov called for radical action. Afanasyev and another member of the group informed him of the arson attacks on the offices of the public organisations in Simferopol committed by the Sentsov group in April 2014;
- according to the witness Dobrovenko, somewhere in the middle of April 2014, he found out that Chirniy was looking for his acquaintance Pirogov, and he knew that Chirniy was a proponent of one of the extremist organisations. Later, Pirogov informed him of Chirniy's request to produce an explosive device to commit a terrorist act in Crimea. To prevent the crime, he advised Pirogov to refer to the law enforcement agencies, which the latter did;
- according to the witness Pirogov, on 16 April 2014, during the meeting with Chirniy, the latter told him about the plan to blow up the Lenin monument in Simferopol in order to destabilise the activities of the authorities and invited him to produce an improvised explosive device, transferring money for the acquisition of the necessary components. Having found out Chirniy's intentions, he went to the Federal Security Service of Russia, and then took part in an operative search activity, during which Chirniy, taking the initiative, met with him several times to get the explosive device. During the meetings, Chirniy told him that in April 2014 in Simferopol, as a member of the community, employing radical methods of pressure on the authorities of the Russian Federation, he set fire to the offices of the public organisation "Russian Community of Crimea" and the United Russia political party. Besides, he said that there organisation had the leader and other perpetrators.

Counsels of the victims Kozenko, Bochkarev, the witnesses Filipenko, Konoval, Andryukhin, Baraban, Ionin, Purtov, Chirniy in the courtroom testified about the circumstances and consequences of the arson attacks. The testimony of the counsels of the victims and the documents filed in the case also supported the grounds for involving the entities mentioned in the court decision.

According to the testimony of the above-mentioned persons, the criminal acts caused property damage and disrupted the normal operation of the organisations that occupied the offices. The arson attacks were taken as terrorist acts committed to intimidate the population and destabilise the situation, while more serious consequences were avoided due to the measures taken.

In particular, according to the witness Filipenko who on 14 April 2014 was guarding the office of the public organisation "Russian Community of Crimea", when the fire broke out, he was scared for his life and the life of another security guard. He considered the arson to be an act of intimidation committed to destabilise the situation in Crimea. According to the witness Andryukhin, who on 18 April 2014 participated in extinguishing the fire in the office of the United Russia political party, the fire was dangerous because it could have spread to the "Baby House" building, where there were deaf children, as well as to other houses adjacent to the burning office building.

The testimonies of the counsels of the victims Kozenko, Bochkarev, the witnesses Filipenko, Konovalov, Andryukhin, Baraban, Ionin, Purtov, Chirniy are consistent with the protocols of the inspection of the crime scene and objects, estimates of construction work, other facts reflecting the consequences of the attack, which, despite the arguments of the appeal of attorney Sidorkina, allowed the court to correctly consider property damages suffered by the victims.

This evidence, in conjunction with other files of the case, refutes the opinion of attorneys Samokhin and Sidorkina on the insignificance of the events and supports the grounds for the court's conclusion that the committed arson attacks were terrorist attacks, since they were aimed at influencing decision-making by the authorities, intimidating the population, as well as posed a serious danger to life and caused significant property damage.

Files on the laptop seized in Sentsov's apartment prove terrorist acts and instructions to produce and use incendiary and explosive devices. This was correctly interpreted by the court as evidence of Sentsov's practice of employing terrorist methods.

Contrary to attorney Sidorkina's assertions, the court did not refer in the decision to court resolutions against Afanasyev and Chirniy as having prejudicial value and considered each resolutions as evidence in the case, correlating them with the other facts found during the trial.

The statements by the convict Kolchenko, attorneys Samokhin, Dinze and Sidorkina on the lack of evidence of participation of the convicts in the extremist organisation mentioned in the appeals, are also

unfounded since the decision does not specify this when describing criminal acts.

The guilt of Sentsov and Kolchenko was also proved by the following: the testimony of the witness Ivanov (pseudonym) who reported that due to the voluntary participation of the witness Pirogov in the operative search activities, the terrorist community led by Sentsov was revealed; identification protocols according to which Sentsov was identified as the organiser of the terrorist acts, and Kolchenko was identified as a participant of the terrorist acts; the record of search of 13 May 2014, during which pistols, namely a Makarov pistol with a magazine and ammunition - eight 9 mm rounds, 50 9x21 rounds, and a RGD-5 hand grenade, and a UZRGM-2 grenade exploder, inflammable fluid and other items, were found and seized in the apartment, where, according to the testimony of Chirniy and Afanasyev, Sentsov organised meetings of members of the terrorist community; a forensic expertise report on the fact that the firearms and ammunition seized during the search are in good condition and fit for use and the Makarov pistol bears Sentsov's biological traces; operative search activities records, as well as various documents, physical and other evidence.

All this evidence is set out in the decision in a comprehensive and detailed manner. It is coherent and complies with other facts in the case and time frame, does not contain significant contradictions, and therefore is considered by the court as reliable and is taken as a basis for the decision. The above constitutes reasonable grounds for declaring the convicts to be guilty.

The arguments of the defence about the illegality of the testimony of Afanasyev and Chirniy revealed in the courtroom and their use as evidence in this case are groundless.

Criminal procedural law does not prohibit interrogating in the courtroom a person convicted in a separate criminal case about other accomplices of the crime and revealing the testimony of such an accomplice if there are grounds for that.

Afanasyev's statements set out in the appeals, concerning the fact that testimony against convicted Sentsov and Kolchenko was given under duress, were verified and found to be untrue in the trial.

There is no such data in the case files regarding Chirniy either, who at the court hearing supported his testimony during the preliminary investigation.

The court reasonably considered the testimony against Sentsov and Kolchenko, given by Afanasyev and Chirniy in the presence of the defence attorneys, as well as the witnesses when verifying the evidence at the crime scene. The above excluded the use of any unlawful measures against them. The accuracy of the facts set forth in the protocols, as well as strict observance of the procedure of investigative actions, were certified with personal signatures of Afanasyev, Chirniy and their attorneys. Afanasyev and Chirniy were informed of their procedural rights, including the right not to incriminate themselves. Each of them was informed that their testimony could be used as evidence in the criminal case, as well as if they subsequently decide to retract it. Afanasyev and Chirniy independently spoke about the circumstances of the case, the reports thereof were drawn up during the investigation, there were no objections made by the participants. In the course of the investigation and the trial of the criminal case against Afanasyev and Chirniy concerning unlawful methods of investigation used against them, they claimed no breaches of their rights, as well as there were no proofs thereof.

There are no facts in the case that Afanasyev and Chirniy intended to slander Sentsov and Kolchenko or incriminate themselves. Nor there are facts that, when testifying, they could not consciously understand the meaning and significance of the questions and their answers to the questions.

The testimony of the witnesses Afanasyev and Chirniy, set out in the court decision, is detailed, consistent, unchanged in content, coherent, consistent in their details, as well as with the testimony of the witnesses Pirogov, "Ivanov", "Smirnitskaya", Komanskaya, Burakovskiy, Dobrovienko, Makarov, Cherniakova and others, as well as reports of search, seizure, inspection of the crime scene, items, identification protocols and other investigative measures, expert opinions, materials of operative search activities, as well as other evidence. Given the above, the testimony is recognised reliable by the court.

The protocols of interrogation of Afanasyev and Chirniy were announced in the courtroom on legal grounds – subject to part 4 of Article 281 of the Criminal Procedural Code of the Russian Federation since these witnesses, being present at the hearing, refused to testify. At the same time, the defence counsel were allowed interrogate Afanasyev and Chirniy, as well as defend before the court their position on the evidential value of the testimony in question.

Given the above, the statement by attorney Dinze concerning the fact that Sentsov, Kolchenko and their attorneys had no opportunity to object to the testimony of Afanasyev and Chirniy, is groundless.

The testimony of the convict Kolchenko, given on 16 and 19 May 2014 during interrogation as a suspect and on 19 May 2014 when verifying the testimony at the crime scene, was considered by the court in its decision.

The investigative actions were taken with the participation of the defence counsel, with procedural rights explained to Kolchenko. Kolchenko and his defence counsel had no objections to the records or that the testimony was given under duress. The testimony given by him during the interrogation and verification at the crime scene was proved by the totality of evidence, and therefore Kolchenko's testimony was reasonably taken into account in the decision as evidence in the case.

The arguments of the appeals concerning the erroneous consideration of the testimony of the witnesses Pirogov, Burakovskiy, Komanskaya and others, referred to in the decision as evidence of the guilt of the convict, are groundless. Recognising that the information provided by the mentioned persons was accurate, the court correctly proceeded from the fact that the witnesses reported the source of their information. Moreover, they were interrogated in compliance with the requirements of criminal procedural law. The testimony, upon which the court decision is based, is detailed, consistent, unchanged in content, coherent, consistent in detail with other evidence in the case. There were found no reasons to slander the convicts.

Given the above, the reference made by attorneys Samokhina and Sidorkina to the fact that some witnesses were held criminally liable did not make their testimony in the criminal case unreliable.

The validity of the findings of the court about the guilt of Sentsov and Kolchenko interrogated in the courtroom cannot be affected by the testimony of the witnesses Prokopenko, Paniuta, Khomyak and Yablunovskiy invited upon the motion of the attorneys. The decision contains correctly considered the circumstances in connection with which the testimony of these persons, containing a subjective assessment of the convicts' identity and the events in question, cannot refute the evidence presented by the prosecution and properly considered in the decision.

The court considers the photograph identification protocols as proof of guilt of Sentsov and Kolchenko. According to the case file, the investigative actions were taken in compliance with the requirements of Article 193 of the Criminal Procedural Code of the Russian Federation. The court considered the findings as evidence in combination with other facts. The above allowed to declare the convicts guilty in the incriminated acts.

The decision contains the correct assessment of the findings of the operative search activities carried out in the case. The findings of the court about the legality of these activities, the relevance of their findings to the charges brought against Sentsov and Kolchenko, as well as lack of provocation of the part of the law enforcement agencies during operative search activities, are convincing, thoroughly motivated in the decision and based on the evidence examined at the court hearing. Given the above, the objections thereto made by attorneys Samokhin, Dinze and Sidorkina are considered to be unreasonable.

Attorney Samokhin referred to the fact that the copy of the decision sent to Sentsov was not signed by the judges constituting the panel of judges of the court. However, the copy of the decision was signed by the presiding judge and officially sealed. Thus, no procedural breaches were found. The original of the decision is signed by the judges of the panel trying the criminal case.

Having considered the relevance and reliability of evidence, having recognised that the collected evidence is sufficient for the resolution of the criminal case, the court found Sentsov and Kolchenko guilty of committing the criminal offences set forth in the decision, which are qualified correctly.

The findings of the court, which allowed qualifying the acts of Sentsov and Kolchenko under the provisions of criminal law, specified in the decision, including the findings concerning the activities of the terrorist community, the commission of terrorist acts and other criminal acts by an organised group, are properly grounded in the court decision. They are based on the coherence of evidence examined in the courtroom, as well as on the correct application of criminal law by the court. There are no grounds for a different legal consideration of the criminal acts of the convicts.

The court verified the mental stance of Sentsov and Kolchenko. No information questioning their sanity was provided in the case.

The penalty against Sentsov and Kolchenko was imposed taking into account the nature and public danger of the crimes, the circumstances of the case, the identity of the convicts, extenuating circumstances, as well as lack of aggravating circumstances, the effect of the imposed punishment on their redemption and on the living conditions of their families. The court complied with the requirements of Articles 6 and 60 of the Criminal Code of the Russian Federation.

The following extenuating circumstances in Sentsov's case were considered: two underage children, positive personal characteristics, no criminal record, did not commit anything obnoxious, the circumstances referred to in the appeals filed by his attorneys. When considering Kolchenko's case, the court took into account that he had never been convicted, had no criminal record, did not commit anything obnoxious, and had positive characteristics.

The type and scope of the punishment of Sentsov and Kolchenko for each committed crime and their totality are commensurate with the criminal offence, consistent with the personal characteristics of the convicts and other circumstances of the case. No grounds for leniency were found in the case.

Given the above and subject to Articles $389^{13}$, $389^{20}$, $389^{28}$ of the Criminal Procedural Code of the Russian Federation, the Judicial Chamber on Cases of the Military of the Supreme Court of the Russian Federation

DECIDED:

To uphold the decision of the North Caucasus District Military Court of 25 August 2015 against Oleg Gennadievich Sentsov and Alexander Alexandrovich Kolchenko, to dismiss the appeals of the convicts Sentsov O.G., Kolchenko A.A., attorneys Samokhin V.N., Dinze D.V. and Sidorkina S.I.

| | | |
|---|---|---|
| Presiding judge | /*Signature*/ | |
| Judges | /*Signature*/ | /S*ignature*/ |

# Annex 261

Armyansk City Court of the Republic of Crimea, Case No. 5-369/2015, Decision, 7 December 2015

Translation

Case No. 5-369/2015

DECISION

On 7 December 2015, V.U. Isroilova, judge of the Armyansk City Court of the Republic of Crimea, having considered in an open hearing in Armyansk an administrative offence case envisaged by Part 1.1 of Article 18.8 of the Code on Administrative Offences of the Russian Federation against Sinaver Arifovich Kadyrov born on 1 January 1955 in Samarkand, residing at: [address],

established:

according to the administrative offence record, on 23 January 2015 at 8:00 a.m., in the course of passport control of individuals at the Armyansk - motorway cargo and passenger multiway border crossing point of the Russian Federation, it was established that Ukrainian citizen S.A. Kadyrov breached the rules of stay in the Russian Federation, which consisted in him not leaving the Russian Federation upon the expiry of the 90-day period of stay: he entered the territory of the Russian Federation on 16 June 2014 (he left the territory of the Russian Federation 6 times for a total of 27 days: on 29 June 2014 for 3 days, on 10 August 2014 for 5 days, on 9 September 2014 for 3 days, on 10 November 2014 for 6 days, on 21 November 2014 for 1 day and on 16 December 2014 for 9 days) and as at the date of the record he was in the territory of the Russian Federation, which amounts to 165 days.

S.A. Kadyrov, who was duly notified of the time and place of the hearings by a notice sent to [address] and to [address], failed to appear at the hearings scheduled for 28 September 2015, 22 October 2015, 18 November 2015, 7 December 2015, and the notices were returned to the court with the post office's remarks stating that the "storage period expired".

S.A. Kadyrov's defence counsel, who was duly informed of the time and place of the hearings failed to appear in court; on 22 October 2015, a telephonogram was received by the Armyansk City Court whereby attorney A.V. Lesovoy informed that the legal services agreement between him and S.A. Kadyrov had been rescinded and a petition for the consideration of the case in relation to the administrative offence against S.A. Kadyrov without his participation was received.

On 21 October 2015, K.A. Kadyrov's application for including S.A. Kadyrov's application in the case file and the enclosed power of attorney were received by the Armyansk City Court of the Republic of Crimea. The proxy K.A. Kadyrov, who was also notified of the hearings scheduled for 18 November 2015 and 7 December 2015, failed to appear in court and did not notify the court of the reasons of his non-appearance.

Furthermore, a representative of the Directorate of the Federal Migration Service of Russia for the Republic of Crimea, who was duly notified of the time and place of the hearing, failed to appear at the hearings scheduled for 28 September 2015, 22 October 2015, 18 November 2015, 7 December 2015 and did not inform of the reasons for his non-appearance.

On 21 October 2015, the application from S.A. Kadyrov was received by the Armyansk City Court of the Republic of Crimea seeking the termination of the proceedings in the case in connection with the absence of elements of an administrative offence in his actions.

Under Articles 25.1(3), 29.6(4) of the Code on Administrative Offences of the Russian Federation, when an administrative offence case (which involves the administrative expulsion of a foreign national or stateless person from the Russian Federation) is considered, the presence of the individual is obligatory and the case is considered on the date of receipt of the administrative offence record.

The administrative offence case was again received by the Armyansk City Court of the Republic of Crimea on 11 September 2015, S.A Kadyrov, his representatives, a representative of the Directorate of the Federal Migration Service of Russia for the Republic of Crimea were duly notified, and the court took all the necessary measures to notify them; according to S.A. Kadyrov's application, the latter is currently in Ukraine;

therefore, the court is unable to notify S.A. Kadyrov in any other way and concludes that it is possible to consider the case in his absence.

According to the Ukrainian passport, [series] issued by the Central District Department of the Simferopol City Directorate of the Main Directorate of the Ministry of Internal Affairs of Ukraine in Crimea, S.A. Kadyrov was registered at [address] on 11 March 2010.

Under Article 1.5 of the Code on Administrative Offences of the Russian Federation a person is held administratively liable only for administrative offences in relation to which his guilt is proven. A person against whom administrative proceedings are brought is deemed to be innocent until his guilt is proven in accordance with the procedure envisaged by this Code and established by an effective decision of the judge, authority, official that considered the case.

Under Article 26.2 of the Code on Administrative Offences of the Russian Federation, evidence in an administrative offence case includes any factual information on the basis of which the judge, authority, official considering the administrative case establishes the existence or absence of the facts of the administrative offence, the guilt of the person held administratively liable as well as other circumstances relevant for the correct resolution of the case. This information is established by means of the administrative offence record, other records envisaged by this Code, explanations of the person against whom the administrative proceedings are brought, the testimony of the victim, witnesses, expert reports, other documents and evidence of special technical devices, physical evidence.

Part 1.1 of Article 18.8 of the Code on Administrative Offences of the Russian Federation establishes liability for a breach by a foreign national or stateless person of the rules of entry in the Russian Federation or the rules of stay (residence) in the Russian Federation consisting in a breach of the established rules of entry in the Russian Federation, the rules of migration registration, travel or the procedure of choice of the place of stay or residence or transit through the Russian Federation, in failing to comply with the obligations to notify about the confirmation of one's residence in the Russian Federation as provided for by federal law.

Under Article 4 (1) of Federal Constitutional Law of 21 March 2014 No. 6-FKZ "On the admission of the Republic of Crimea to the Russian Federation and the formation of new constituent entities within the Russian Federation – the Republic of Crimea and the federal city of Sevastopol" as of the date of admission of the Republic of Crimea to the Russian Federation and the formation of new constituent entities within the Russian Federation, Ukrainian nationals and stateless persons who permanently reside in the Republic of Crimea or the federal city of Sevastopol as at the said date are recognised as citizens of the Russian Federation, save for the individuals who within one month from the said date manifest their wish to preserve their other citizenship and (or) that of their minor children or to remain stateless.

Under Article 3 (1) of Federal Constitutional Law of 21 March 2014 No. 6-"On the admission of the Republic of Crimea to the Russian Federation and the formation of new constituent entities within the Russian Federation – the Republic of Crimea and the federal city of Sevastopol" the Republic of Crimea is admitted to the Russian Federation as of the date of signing of the Agreement between the Russian Federation and the Republic of Crimea on the admission of the Republic of Crimea to the Russian Federation and the formation of new constituent entities within the Russian Federation.

Under Article 3 of Federal Law of 31 May 2002 No. 62-FZ "On the citizenship of the Russian Federation" the term "residence" is understood to include the person's residence on lawful grounds in the territory of the Russian Federation or abroad.

On 1 October 2015, the Armyansk City Court received a reply from the head of the Directorate of the Federal Migration Service of Russia for the Republic of Crimea in the Armyansk District where it was stated that Sinaver Arifovich Kadyrov, born on 1 January 1955, had not filed any application with the Municipal Office of the Directorate of the Federal Migration Service of Russia for Republic of Crimea in the Armyansk District manifesting his wish to preserve his other citizenship or remain stateless under Article 4 (1) of Federal Constitutional Law of 21 March 2014 No. 6-FKZ "On the admission of the Republic of Crimea to the Russian Federation and the formation of new constituent entities within the Russian Federation – the Republic of Crimea and the federal city of Sevastopol".

On 15 October 2015, a reply from the head of the Directorate of the Federal Migration Service of Russia for the Republic of Crimea was received by the Armyansk City Court of the Republic of Crimea whereby S.A. Kadyrov, born on 1 January 1955 in Samarkand, was recognised to be a citizen of the Russian Federation under Article 5 of the Agreement between the Republic of Crimea and the Russian Federation of 18 March 2014 on the admission of the Republic of Crimea to the Russian Federation and the formation of new constituent entities within the Russian Federation. He was not provided with a Russian passport and, according to the records maintained by the Reference Department of the Directorate of the Federal Migration Service of Russia for the Republic of Crimea, S.A. Kadyrov has been registered at: [address] since 11 March 2010 according to the Ukrainian passport, [series] issued on 5 July 1996 by the Central District Department of the Simferopol City Directorate of the Main Directorate of the Ministry of Internal Affairs of Ukraine in Crimea; S.A. Kadyrov did not file any application seeking to preserve his Ukrainian citizenship.

Therefore, as at 18 March 2014, S.A. Kadyrov was a citizen of Ukraine and was registered in the Republic of Crimea and did not manifest his wish to preserve his other citizenship within one month and the court thus concludes that S.A. Kadyrov is a citizen of the Russian Federation under Article 4(1) of Federal Constitutional Law of 21 March 2014 No. 6-FKZ "On the admission of the Republic of Crimea to the Russian Federation and the formation of new constituent entities within the Russian Federation – the Republic of Crimea and the federal city of Sevastopol" and was lawfully staying in the Republic of Crimea.

The subjects of the administrative offence in question include only foreign nationals and stateless persons and given that S.A. Kadyrov is neither a foreign national or a stateless person and was recognised to be a citizen of the Russian Federation, I believe that the proceedings in relation to the administrative offence brought against S.A. Kadyrov should be terminated in connection with the absence of elements of the administrative offence envisaged by Part 1.1 of Article 18.8 of the Code on Administrative Offences of the Russian Federation in his actions.

Under Article 24.5(1(2)) of the Code on Administrative Offences of the Russian Federation, pursuant to Articles 29.9-29.10, 30.3 of the Code on Administrative Offences of the Russian Federation,

decided:

to terminate the proceedings in relation to the administrative offence envisaged by Part 1.1 of Article 18.8 of the Code on Administrative Offences of the Russian Federation initiated against Sinaver Arifovich Kadyrov in connection with the absence of elements of the administrative offence envisaged by Article 18.8(1.1) of the Code on Administrative Offences of the Russian Federation in his actions.

This decision can be appealed against to the Supreme Court of the Republic of Crimea within 10 days from the date of receipt of a copy thereof.

Judge */Signature/*

# Annex 262

Appeal of Sinaver Kadyrov against the Decision of the Armyansk City Court of the Republic of Crimea of 7 December 2015 in Case No. 5-369/2015, 24 December 2015

Translation

*/Signature/ (Illegible)*
*(Name illegible) /Signature/*

**Supreme Court of the Republic of Crimea**
*(Submitted via the Armyansk City Court,*
*4 Shkolnaya St., Armyansk)*

**Applicant:** **Sinaver Arifovich Kadyrov**
Postal address:
[address]

**APPEAL**
**against the decision of the judge of the Armyansk City Court V.U. Isroilova of 7 December 2015**
**on the termination of proceedings in the administrative offence case**
**envisaged by Part 1.1 of Article 18.8 of**
**the Code on Administrative Offences of the Russian Federation**
(*case No. 5-369/2015*)

The decision of the judge of the Armyansk City Court V.U. Isroilova of 7 December 2015 terminated the proceedings in administrative offence case No. 5-369/2015 (previous number 4a-285/2015) against the citizen of Ukraine Sinaver Arifovich Kadyrov under Part 1.1 of Article 18.8 of the Code on Administrative Offences of the Russian Federation.

A copy of the said decision was obtained by the applicant on 20 December 2015 through his relatives who are staying in Crimea. Therefore, the decision in question can be appealed against within 10 days of the mentioned date, that is, through 30 December 2015 inclusive. Since the applicant was expelled from the territory of Crimea based on the decision of the Armyansk City Court of 23 January 2015, the applicant is permanently residing in Kiev. Notwithstanding that the court was notified of the applicant's address of residence in the documents addressed to the court, no court summons or decisions were received at the applicant's address.

The reason for the adoption of the contested decision was that the applicant, in the court's opinion, is a citizen of the Russian Federation and, therefore, not subject to the restrictions as to the stay of foreign nationals in Russia.

The applicant disagrees with this conclusion since it was adopted in breach of international law. Moreover, the applicant alleges that the argument as to his Russian citizenship is false and notified the court to this effect in his written explanations. As the court established, the applicant did not apply for or receive a Russian passport.

The court decision on the recognition of the applicant as a Russian citizen contains signs of discrimination and breaches Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms. Moreover, the applicant was recognised to be a citizen of the Russian Federation based on the Russian laws and the fact that he failed to submit an application for the preservation of his Ukrainian citizenship. However, under the rules of international law, the authorities of the Russian Federation cannot deprive the applicant of the citizenship of another state – only Ukraine can do it. At the same time, the applicant was not

/Stamp: COURT OFFICE; Armyansk City Court of the Republic of Crimea; 24 DEC 2015;
RECEIVED *20155/6423* ; Signature *(Signature)/*

given an opportunity to file a citizenship application referred to by the court since the time (about three weeks) and actual possibilities to do that were limited (as it transpired that such applications could be filed at several offices the addresses of which were not widely announced).

Therefore, distinction was drawn between individuals based on their political beliefs and as a result the persons who intended to speak against the acquisition of citizenship of the Russian Federation were not given sufficient opportunities, whilst others were given enough time for obtaining a passport of a citizen of the Russian Federation (they are still able to request one).

Moreover, the applicant asserts that in his written explanations he made several other references and requested compensation for financial and psychological damage sustained as a result of the expulsion. However, not a single argument of his was assessed by the court and the issue of compensation was not considered.

The applicant insists on due consideration of his arguments during the review of the decision, the review of the conclusions regarding him possessing Russian citizenship and payment of compensation to him for financial and psychological damage sustained as a result of the administrative expulsion from Crimea.

***

Based on the above,

**I HEBERY ASK:**

1. To amend the statement of reasons of the decision issued by the judge of the Armyansk City Court V.U. Isroilova on 7 December 2015 on the termination of proceedings in administrative offence case No. 5-369/2015 (previous No. 4a-285/2015) initiated against a Ukrainian national Sinaver Arifovich Kadayrov under Part 1.1 of Article 18.8 of the Code on Administrative Offences of the Russian Federation by removing the reference to Sinaver Arifovich Kadyrov's Russian citizenship therefrom.

2. To compensate the costs incurred by the applicant as a result of the administrative expulsion from the territory of the Crimean Peninsula: financial damage in the amount of 223,200 Rubles and psychological damage in the amount of 1,000,000 Russian Rubles.

**Enclosure:** *copy of the appeal.*

**Applicant** */Signature/* **S.A. Kadyrov**
2~~2~~4 December 2015

*The corrections are true S.A. Kadyrov /Signature/*

# Annex 263

Supreme Court of the Russian Federation, Case No. 201-APU15-17,
Appellate Decision, 24 December 2015 (excerpts)

Translation
Excerpts

**SUPREME COURT**
**OF THE RUSSIAN FEDERATION**

Case No. 201-APU15-17

**APPELLATE DECISION**

Moscow 24 December 2015

The Judicial Chamber on Cases of the Military of the Supreme Court of the Russian Federation, consisting of

[…]

has considered in an open court hearing a criminal case on the appeal of public prosecutor - deputy prosecutor of the Republic of Bashkortostan V.M. Loginov, appeals of the convicted persons I.A. Salakhov, Sh.F. Khusniyarov, I.M. Salimov, G.G. Kutluyarov, R.D. Asylov, R.R. Galimkhanov, R.A. Gabdullin, A.R. Faizullin, defence counsel of the convicted R.R. Galimkhanov – attorney A.I. Zagidullin against the decision of the Moscow District Military Court of 10 June 2015, according to which citizens

**Ilgiz Asgatovich Salakhov**, born on 10 March 1975 in the town of Dyurtyuli of the Republic of Bashkortostan, with no criminal record,

was sentenced to imprisonment under Part 1, Art. 282.2 of the Criminal Code of the Russian Federation (as amended by Federal Law of 7 December 2011 No. 420-FZ) for a term of one year and for a term of 10 years under Part 1, Art. 205.5 of the Criminal Code of the Russian Federation (as amended by Federal Law of 2 November 2013 No. 302-FZ) with restrictions of freedom for a term of one year; and for the totality of the crimes, in accordance with Part 3, Art. 69 of the Criminal Code of the Russian Federation, by partially summing up the imposed punishments - for a term of 10 years and 6 months in a high-security penal colony, with restrictions of freedom for a term of one year;

**Shamil Faritovich Khusniyarov**, born on 28 September 1979 in the town of Dyurtyuli of the Republic of Bashkortostan, with no criminal record,

was sentenced to imprisonment under Part 2, Art. 282.2 of the Criminal Code of the Russian Federation (as amended by Federal Law of 7 December 2011 No. 420-FZ) for a term of six months and for a term of 6 years under Part 2, Art. 205.5 of the Criminal Code of the Russian Federation; and for the totality of the crimes, in accordance with Part 3, Art. 69 of the Criminal Code of the Russian Federation, by partially summing up the imposed punishments – for a term of 6 years 4 months in a general penal colony;

**Ilshat Maratovich Salimov**, born on 7 November 1987 in the town of Dyurtyuli of the Republic of Bashkortostan, convicted on 2 November 2011 under Part 2, Art. 282.2 of the Criminal Code of the Russian Federation to a one year suspended prison sentence with a probation of one year,

was sentenced to imprisonment under Part 2, Art. 282.2 of the Criminal Code of the Russian Federation (as amended by Federal Law of 7 December 2011 No. 420-FZ) for a term of six months and for a term of 6 years under Part 2, Art. 205.5 of the Criminal Code of the Russian Federation; and for the totality of the crimes, in accordance with Part 3, Art. 69 of the Criminal Code of the Russian Federation, by partially summing up the imposed punishments - for a term of 6 years 4 months. On the basis of Art. 70 and 74 of the Criminal Code of the Russian Federation, I.M. Salimov's suspended sentence imposed by the decision of the justice of the peace of Moscow Judicial District No. 3 of Kazan of 2 November 2011 was cancelled and a final punishment was determined based on the totality of the decisions by partially adding the punishment unserved

by him under the decision of the justice of the peace of Moscow Judicial District No. 3 of Kazan of 2 November 2011 to the punishment imposed by the decision, in the form of 6 years 6 months of imprisonment in a general penal colony;

**Gazim Gafarovich Kutluyarov**, born on 1 August 1959 in the village of Obyezdny Log of the Nurimanovsky District of the Republic of Bashkortostan, with no criminal record,

was sentenced to imprisonment under Part 2, Art. 282.2 of the Criminal Code of the Russian Federation (as amended by Federal Law of 7 December 2011 No. 420-FZ) for a term of 6 months and for a term of 6 years under Part 2, Art. 205.5 of the Criminal Code of the Russian Federation; and for the totality of the crimes, in accordance with Part 3, Art. 69 of the Criminal Code of the Russian Federation, by partially summing up the imposed punishments - for a term of 6 years 4 months in a general penal colony;

**Ruslan Denisovich Asylov**, born on 6 June 1986 in the town of Dyurtyuli of the Republic of Bashkortostan, with no criminal record,

was sentenced to imprisonment under Part 2, Art. 282.2 of the Criminal Code of the Russian Federation (as amended by Federal Law of 7 December 2011 No. 420-FZ) for a term of 6 months and for a term of 6 years under Part 2, Art. 205.5 of the Criminal Code of the Russian Federation; and for the totality of the crimes, in accordance with Part 3, Art. 69 of the Criminal Code of the Russian Federation, by partially summing up the imposed punishments - for a term of 6 years 4 months in a general penal colony;

**Rustam Rafitovich Galimkhanov**, born on 30 September 1991 in the town of Dyurtyuli of the Republic of Bashkortostan, with no criminal record,

was sentenced to imprisonment under Part 2, Art. 282.2 of the Criminal Code of the Russian Federation (as amended by Federal Law of 7 December 2011 No. 420-FZ) for a term of 4 months and for a term of 5 years under Part 2, Art. 205.5 of the Criminal Code of the Russian Federation; and for the totality of the crimes, in accordance with Part 3, Art. 69 of the Criminal Code of the Russian Federation, by partially summing up the imposed punishments – for a term of 5 years 2 months in a general penal colony;

**Rustam Alfridovich Gabdullin**, born on 19 April 1992 in the town of Dyurtyuli of the Republic of Bashkortostan, convicted on 3 November 2011 under Part 2, Art. 282.2 of the Criminal Code of the Russian Federation to 10 months of a suspended prison sentence with a probation of two years,

was sentenced to imprisonment under Part 2, Art. 282.2 of the Criminal Code of the Russian Federation (as amended by Federal Law of 7 December 2011 No. 420-FZ) for a term of 4 months and for a term of 5 years under Part 2, Art. 205.5 of the Criminal Code of the Russian Federation; and for the totality of the crimes, in accordance with Part 3, Art. 69 of the Criminal Code of the Russian Federation, by partially summing up the imposed punishments – for a term of 5 years 2 months. On the basis of Art. 70 and 74 of the Criminal Code of the Russian Federation, R.A. Gabdullin's suspended sentence imposed by the decision of the justice of peace of the judicial district for the Birskiy District and Birsk of 3 November 2011 was cancelled, subject to amendments made by the decision of the Dyurtyulinsky District Court of the Republic of Bashkortostan of 4 April 2012, and a final punishment was determined based on the totality of the decisions by partially adding the punishment unserved by him under the decision of the justice of peace of the judicial district for the Birskiy District and Birsk of 3 November 2011 to the punishment imposed by the decision, in the form of 5 years 6 months of imprisonment in a general penal colony;

**Aidar Rifovich Faizullin**, born on 24 November 1985 in the town of Dyurtyuli of the Republic of Bashkortostan, with no criminal record,

was sentenced to imprisonment under Part 2, Art. 282.2 of the Criminal Code of the Russian Federation (as amended by Federal Law of 7 December 2011 No. 420-FZ) for a term of 4 months and for a term of 5 years under Part 2, Art. 205.5 of the Criminal Code of the Russian Federation; and for the totality of the crimes, in accordance with Part 3, Art. 69 of the Criminal Code of the Russian Federation, by partially summing up the imposed punishments – for a term of 5 years 2 months in a general penal colony.

The decision of the court resolved the fate of physical evidence.

Having heard the report of the Judge of the Supreme Court of the Russian Federation I.V. Krupnov, speeches of the convicts I.A. Salakhov, Sh.F. Khusniyarov, I.M. Salimov, G.G. Kutluyarov, R.D. Asylov, R.R. Galimkhanov, R.A. Gabdullin, A.R. Faizullin, their defence counsels – attorneys V.N. Ursul, S.N. Snurnikov, V.V. Chekunov, Yu.N. Tinkov, Ya.V. Volvach, A.Yu. Gaitaev, N.P. Voskovtsev, E.S. Luzhin in support of the arguments of the appeals, the opinion of the prosecutor S.I. Boiko, who considered it necessary to change the decision, the Judicial Chamber on Cases of the Military

**established:**

I.A. Salakhov was found guilty of organising, during the period from August 2011 to 13 November 2013 and from 14 November 2013 to 25 February 2014, in the territory of the town of Dyurtyuli and the Dyurtyulinsky District of the Republic of Bashkortostan, the activities of the terrorist organisation “Hizb ut-Tahrir al-Islami” banned in the territory of the Russian Federation.

I.M. Salimov, Sh.F. Khusniyarov, A.R. Faizullin, R.A. Gabdullin, G.G. Kutluyarov, R.D. Asylov and R.R. Galimkhanov were found guilty of participating in the territory of the town of Dyurtyuli and the Dyurtyulinsky District of the Republic of Bashkortostan in the activities of the “Hizb ut-Tahrir al-Islami” terrorist organisation banned in the territory of the Russian Federation during the following periods: I.M. Salimov - from November 2011 to 13 November 2013 and from 14 November 2013 to 25 February 2014; Sh.F. Khusniyarov - from January 2012 to 13 November 2013 and from 14 November 2013 to 25 February 2014; A.R. Faizullin - from February 2012 to 13 November 2013 and from 14 November 2013 to 25 February 2014; R.A. Gabdullin - from March 2012 to 13 November 2013 and from 14 November 2013 to 25 February 2014; G.G. Kutluyarov - from July 2012 to 13 November 2013 and from 14 November 2013 to 25 February 2014; R.D. Asylov and R.R. Galimkhanov - from September 2012 to 13 November 2013 and from 14 November 2013 to 25 February 2014.

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In view of the above, guided by Art. $389^{20}$, $389^{28}$ and $389^{33}$ of the Criminal Procedural Code of the Russian Federation, the Judicial Chamber on Cases of the Military of the Supreme Court of the Russian Federation

**decided:**

To change the decision of the Moscow District Military Court of 10 June 2015 in respect of Ruslan Denisovich Asylov, Rustam Alfridovich Gabdullin, Rustam Rafitovich Galimkhanov, Gazim Gafarovich Kutluyarov, Ilgiz Asgatovich Salakhov, Ilshat Maratovich Salimov, Shamil Faritovich Khusniyarov, Aidar Rifovich Faizullin as follows:

To delete the reference to imposing an additional punishment on I.A. Salakhov in the form of restrictions of freedom under Part 1, Art. 282.2 of the Criminal Code of the Russian Federation and for the totality of crimes;

To release I.A. Salakhov from the punishment imposed under Part 1, Art. 282.2 of the Criminal Code of the Russian Federation, and I.M. Salimov, Sh.F. Khusniyarov, A.R. Faizullin, R.A. Gabdullin, G.G. Kutluyarov, R.D. Asylov and R.R. Galimkhanov - from the punishment imposed under Part 2, Art. 282.2 of the Criminal Code of the Russian Federation on the basis of para 3, Part 1, Art. 24 of the Criminal Code of the Russian Federation in connection with the expiry of the limitation period of criminal prosecution;

To delete the reference to the cancellation of the suspended sentence imposed on I.M. Salimov by the decision of the justice of the peace of Moscow Judicial District No. 3 of Kazan of 2 November 2011 and on R.A. Gabdullin under the decision of the justice of peace of the judicial district for the Birskiy District and Birsk of 3 November 2011, subject to amendments made by the decision of the Dyurtyulinsky Districtal Court

of the Republic of Bashkortostan of 4 April 2012, and to imposing punishments on I.M. Salimov and R.A. Gabdullin for the totality of the decisions;

To delete the reference to the imposition of the final punishment on the convicts under the rules of Part 3, Art. 69 of the Criminal Code of the Russian Federation.

To uphold the decision in terms of imprisonment of:

I.A. Salakhov under Part 1, Art. 205.5 of the Criminal Code of the Russian Federation (as amended by Federal Law of 2 November 2013 No. 302-FZ), with the application of Art. 64 of the Criminal Code of the Russian Federation, for a term of 10 years in a high-security penal colony;

Sh. F. Khusniyarov under Part 2, Art. 205.5 of the Criminal Code of the Russian Federation for a term of 6 years in a general penal colony;

I.M. Salimov under Part 2, Art. 205.5 of the Criminal Code of the Russian Federation for a term of 6 years in a general penal colony;

G.G. Kutluyarov under Part 2, Art. 205.5 of the Criminal Code of the Russian Federation for a term of 6 years in a general penal colony;

R.D. Asylov under Part 2, Art. 205.5 of the Criminal Code of the Russian Federation for a term of 6 years in a general penal colony;

R.R. Galimkhanov under Part 2, Art. 205.5 of the Criminal Code of the Russian Federation for a term of 5 years in a general penal colony;

R.A. Gabdullin under Part 2, Art. 205.5 of the Criminal Code of the Russian Federation for a term of 5 years in a general penal colony;

A.R. Faizullin under Part 2, Art. 205.5 of the Criminal Code of the Russian Federation for a term of 5 years in a general penal colony,

and to uphold the rest of the decision; to dismiss the appeal of the public prosecutor and the appeals of the convicts I.A. Salakhov, Sh. F. Khusniyarov, I.M. Salimov, G.G. Kutluyarov, R.D. Asylov, R.R. Galimkhanov, R.A. Gabdullin, A.R. Faizullin and attorney A.I. Zagidullin.

| | | |
|---|---|---|
| Presiding judge | /*Signature*/ | I.V. Krupnov |
| Judges: | /*Signature*/ | O.A. Derbilov |
| | /*Signature*/ | A.N. Zamashniuk |

# Annex 264

Supreme Court of the Republic of Crimea, Decision No. 12-123/2016,
13 January 2016

Translation

**SUPREME COURT OF THE REPUBLIC OF CRIMEA**

**Reg. No. 12-123/2016** **Judge: V.U. Isroilova**

**DECISION**

**13 January 2016** **Simferopol**

Judge of the Supreme Court of the Republic of Crimea O.Ya. Belyaevskaya, having considered in an open court hearing the appeal filed by Sinaver Arifovich Kadyrov, born on 1 January 1955 in Samarkand, against the decision issued by the judge of the Armyansk City Court of the Republic of Crimea on 7 December 2015 against S.A. Kadyrov in case No. 5-369/2015 in relation to the administrative offence envisaged by Article 18.8(1.1) of the Code on Administrative Offences of the Russian Federation,

established:

the decision issued by the judge of the Armyansk City Court of the Republic of Crimea on 7 December 2015 terminated the proceedings in relation to the administrative offence envisaged by Article 18.8 (1.1) of the Code on Administrative Offences of the Russian Federation against S.A. Kadyrov in connection with the absence of elements of the administrative offence in his actions.

Having disagreed with the said decision, S.A. Kadyrov filed an appeal seeking the modification of the contested decision by removing conclusions contained therein about his Russian citizenship. He noted that he had not been duly notified of the time and place of the court hearing. The judge's conclusion that he [S.A. Kadyrov] was a citizen of the Russian Federation is made in breach of international law, in particular, Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

S.A. Kadyrov and his defence counsel K.A. Kadyrov were duly notified of the time and place of the consideration of the appeal but failed to appear in court.

A representative of the Directorate of the Federal Migration Service of Russia for the Republic of Crimea was duly notified of the time and place of the consideration of the appeal but failed to appear in court.

Given the above, the judge of the court of appeal believes it possible to consider the appeal in the absence of the absent persons.

Having studied the materials of the administrative case and arguments contained in S.A. Kadyrov's appeal, the judge makes the following conclusions.

Under Article 30.6(3) of the Code on Administrative Offences of the Russian Federation the judge is not bound by the conclusions of the appeal and reviews the case in full.

As follows from the materials of the case, by virtue of the order of the judge of the Armyansk City Court of the Republic of Crimea dated 14 September 2015, the consideration of the administrative material against S.A. Kadyrov was scheduled to take place in an open hearing on 28 September 2015 at 3 p.m. (case sheet 91).

Subsequently, the consideration of the case was rescheduled from 22 October 2015 to 18 November 2015 at 12 a.m. (case sheet 115) and from 18 November 2015 to 7 December 2015 at 08:30 a.m. (case sheet 120) in connection with S.A. Kadyrov's failure to appear.

On 7 December 2015, the city court judge, having recognised that S.A. Kadyrov was duly notified of the time and place of the consideration of the case and taking into account his repeated non-appearance in court sessions scheduled for 28 September 2015, 22 October 2015, 18 November 2015 and 7 December 2015, considered the case in relation to the administrative offence in his absence and set it out in the administrative decision.

The judge of the court of appeal does not agree with the above conclusion based on the following.

Under Article 25.1(3(2)) of the Code on Administrative Offences of the Russian Federation, if an administrative offence case (which entails the administrative arrest, administrative expulsion from the Russian Federation of a foreign national or stateless person) is considered, the presence of the person against whom the proceedings are brought is obligatory.

A similar legal stance is set out in clause 23.4 of Decision of the Plenum of the Supreme Court of the Russian Federation of 24 March 2005 No. 5 "On certain issues arising before the courts in relation to the application of the Code on Administrative Offences of the Russian Federation" from which it follows that

proceedings in relation to administrative offences punishable by the administrative expulsion from the Russian Federation of a foreign national or stateless person under Article 25.1 (3) of the Code on Administrative Offences of the Russian Federation are considered in the presence of the person against whom such proceedings are brought.

The administrative offence envisaged by Article 18.8 (1.1) of the Code on Administrative Offences of the Russian Federation is punishable by the administrative expulsion from the Russian Federation of a foreign national or stateless person.

Therefore, by virtue of the above rules, if administrative offence cases envisaged by Article 18.8 (1.1) of the Code on Administrative Offences of the Russian Federation are considered, the presence of the person against whom the proceedings are brought is obligatory.

However, in breach of the above requirements of the law, on 7 December 2015, the judge of the Armyansk City Court of the Republic of Crimea considered the case in absence of S.A. Kadyrov.

In these circumstances, the decision of the judge of the Armyansk City Court of the Republic of Crimea of 7 December 2015 issued against S.A. Kadyrov in the administrative offence case envisaged by Article 18.8(1.) of the Code on Administrative Offences of the Russian Federation is subject to revocation and the case is to be referred to the court for retrial.

During the retrial, the judge is to take into account the above facts and issue a lawful and valid decision in the case.

In connection with the revocation of the judge's decision for the above reasons, the court does not consider the other arguments set out in the S.A. Kadyrov's appeal as these can be verified by the judge in during the reconsideration of the case.

Based on the above, pursuant to Article 30.7(1(4)), Article 30.8 of the Code on Administrative Offences of the Russian Federation, the judge

decided:

To revoke the decision of the judge of the Armyansk City Court of the Republic of Crimea of 7 December 2015 issued against Sinaver Arifovich Kadyrov in the administrative offence case envisaged by Article 18.8 (1.1) of the Code on Administrative Offences of the Russian Federation.

To return the administrative offence case to the Armyansk City Court of the Republic of Crimea for retrial.

Judge /Signature/ O.Ya. Belyaevskaya

# Annex 265

Ninth Arbitrazh Court of Appeal, Case No. A40-124221/15,
Decision, 20 January 2016

Translation

NINTH ARBITRAZH COURT OF APPEAL
127994, Moscow, GSP-4, 12 Solomennoj Storozki Lane
E-mail address: 9aas.info@arbitr.ru
Website address: http://www.9aas.arbitr.ru

DECISION
**No. 09AP-55430/2015**

Moscow Case No. A40-124221/15
20 January 2016
The operative part of the decision was announced on 13 January 2016
The full text of the decision was produced on 20 January 2016

The Ninth Arbitrazh Court of Appeal consisting of:
presiding judge L.G. Yakovleva,
judges S.M. Mukhin, M.V. Kocheshkova,
with the record kept by the courtroom secretary P.V. Ryasina,
having considered the appeal of "TC 'Atlant-SV'" LLC (Atlant-SV Television Company LLC) in an open court hearing
against the decision of the Moscow Arbitrazh Court dated 13 October 2015 in case No. A40-124221/15 adopted by the judge T.I. Makhlaeva (judge code 2-833)
at the request of Atlant-SV TC LLC
to Roskomnadzor
on challenging the actions of Roskomnadzor on the repeated return without consideration of the application for the registration of the mass media outlet,
with the participation:
from the applicant: A.S. Titov under the power of attorney dated 24 August 2015;
from the person concerned: A.A. Kulikov under the power of attorney dated 30 July 2015;

**ESTABLISHED:**

Atlant-SV TC LLC (hereinafter – the applicant) applied to the Moscow Arbitrazh Court with an application on recognising the omissions of the Federal Service for Supervision of Communications, Information Technology, and Mass Media (hereinafter – the defendant) illegal for the return of the application of Atlant-SV Television Company LLC on the registration of the mass media outlet – the ATR T TV channel under the application of 20 March 2015 incoming reference No. 30330-smi dated 24 March 2015 (returned by letter dated 24 April 2015 No. 04-37088) (taking into account the clarification of the claims in accordance with Article 49 of the Arbitrazh Procedural Code of the Russian Federation).

The claims were dismissed by a court decision of 13 October 2015.

Disagreeing with the decision, the applicant filed an appeal, in which he asks the court to revoke the decision and satisfy the claims in full, indicating that the court incorrectly applied substantive law, the circumstances relevant to the case were not fully clarified, and the court's conclusions do not correspond to the circumstances of the case.

At the hearing of the court of appeal, the applicant supported the arguments of the appeal and asked to cancel the decision of the court of first instance, as well as to adopt a new judicial act to satisfy the claims.

The defendant objected to the arguments set out in the appeal, submitted a response to the appeal and asked to leave the decision of the court of first instance unchanged, considering it lawful and justified.

The legality and validity of the decision were verified by the court of appeal in accordance with Articles 266, 268 of the Arbitrazh Procedural Code of the Russian Federation.

Having examined the evidence presented in the case, having heard the representatives of the applicant and the defendant and having considered the arguments of the appeal and the response to it, the court of appeal finds no grounds for cancelling or changing the court decision adopted in accordance with the legislation of the Russian Federation and the established factual circumstances, as well as for satisfying the appeal, on the basis of the following facts.

In accordance with Part 1 of Article 198 of the Code, citizens, organisations and other persons have the right to apply to the arbitrazh court with an application for invalidating non-regulatory legal acts and

declaring illegal the decisions and actions (omissions) of state bodies, local authorities and other bodies and officials, if they believe that the challenged non-regulatory legal act, decision and action (omission) do not comply with the law or other regulatory legal act and violate their rights and legitimate interests in the field of entrepreneurial and other economic activity, illegally impose any obligations on them and create other obstacles for implementing entrepreneurial and other economic activities.

Part 4 of Art. 198 of the Arbitrazh Procedural Code of the Russian Federation stipulates that an application can be filed with the arbitrazh court within three months from the day when a citizen, organisation became aware of the violation of their rights and legitimate interests, unless otherwise provided by federal law. A missed deadline for filing an application may be restored by the court.

According to Part 1 of Article 65 of the Arbitrazh Procedural Code of the Russian Federation, each person participating in the case must prove the circumstances to which he refers as the basis for his claims and objections.

The duty of proving the circumstances that served as the basis for the commission of actions (omissions) rests with the relevant body or official.

The contested decision of Atlant-SV Television Company LLC indicated, in connection with the received application for the registration of the ATR T TV channel, the Department of Permitting Work, Control and Supervision in the Sphere of Mass Media of the Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications requests confirmation of the founder's compliance with the requirements of Part 2 of Art. 7 of Law of the Russian Federation of 27 December 1991 No. 2124-1 "On mass media".

As follows from the case materials, Roskomnadzor registers mass media outlets on the basis of clauses 5.4, 5.4.1 of the Provisions on the Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications, approved by Resolution of the Government of the Russian Federation dated 16 March 2009 No. 228 (hereinafter – the Provisions).

In accordance with clause 31 of the Administrative Regulations for the provision of a state service for the registration of mass media outlets by the Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications, approved by Order of the Ministry of Communications and Mass Media of Russia dated 29 December 2011 No. 362 (registered with the Ministry of Justice of Russia on 6 April 2012, registration No. 23752) ("Administrative Regulations"), the result of the provision of the state service is: issuance of a mass media outlet registration certificate (as a result of a mass media outlet registration, a mass media outlet re-registration or amendments to a mass media outlet registration certificate); issuance of a duplicate of a mass media outlet registration certificate; return of an application for mass media outlet registration (for a mass media outlet re-registration, amendments to a mass media outlet registration certificate, issuance of a duplicate of a mass media outlet registration certificate) without consideration; refusal to register a mass media outlet (to re-register a mass media outlet, amend a mass media outlet registration certificate); entering information into a mass media outlet register; providing information from the mass media outlet register in the form of an extract.

Each procedure for registering a mass media outlet and its result are independent and cannot be considered in conjunction with other procedures.

On 5 November 2014, the applicant filed an application for the registration of the mass media outlet – the ATR T TV channel with the Administration of Roskomnadzor for the Republic of Crimea and Sevastopol.

The notification of 14 November 2014 No. 720-05/91 on the return of the application and the documents attached thereto submitted for the purpose of registration of the ATR T TV channel, was sent to the applicant by the Administration of Roskomnadzor for the Republic of Crimea and Sevastopol without consideration.

On 24 December 2014, Roskomnadzor received an application from the Company for the registration of the mass media outlet – the ATR T TV channel.

Part 3 of Article 13 of the Mass Media Law establishes that failure to pay the state duty is the basis for returning without consideration the application filed for the registration of a mass media outlet.

Due to the fact that the submitted state duty contained incorrect requisites, the application for the registration of the mass media outlet was returned to the applicant along with a notification dated 26 January 2015 No. 04-6235, containing the grounds for return. On 9 February 2015, Roskomnadzor received an application from the Company for the registration of the mass media outlet – the ATR T TV channel.

Part 2 of Article 10 of the Mass Media Law provides for the submission of documents confirming the applicant's compliance with the requirements stipulated by the Mass Media Law when establishing a mass media outlet.

Thus, the court of first instance rightfully pointed out in the decision that the applicant must comply with the above requirements established by the Mass Media Law.

In addition, an application for the registration of a mass media outlet should be perceived as the entire set of documents submitted by the applicant to the registering authority, and not just as a form approved by Order of the Ministry of Communications and Mass Media of Russia dated 29 December 2011 No. 362 (registered with the Ministry of Justice of Russia on 6 April 2012, registration No. 23752).

In this regard, the court of first instance rightfully pointed out in the decision that the applicant indicated an incomplete scope of information that meets the requirements of the Mass Media Law.

The applicant's argument about the application of order of the Ministry of Justice of Russia dated 14 November 2011 No. 380 "On approval of the Administrative Regulations for the provision of a state service for providing information to individuals and legal entities about registered organisations by the Ministry of Justice of the Russian Federation" is based on the incorrect application of law. We draw the court's attention that the court does not apply the specified Administrative Regulations in the contested decision, and there is no reference to it in the regulations on the Ministry of Justice of the Russian Federation, approved by Decree of the President of the Russian Federation of 13 October 2004 No. 1313.

Thus, the provisions of the Administrative Regulations indicated by the applicant do not apply to the dispute under consideration.

The court of first instance also rightly pointed out that when making the challenged decision, Roskomnadzor took into account a letter of the Prosecutor General's Office of the Russian Federation, according to which Atlant-SV Television Company LLC is the founder of ATR TV channel. Based on the information contained in this letter, ATR TV channel publicly broadcast appeals leading to the incitement of social, racial, ethnic and religious hatred, which are prohibited by Article 1 of Federal Law of 25 July 2002 No. 114-FZ "On counteracting extremist activity" (hereinafter –Federal Law No. 114-FZ). The letter also indicates that the Prosecutor of the Republic of Crimea issued a warning on 16 May 2014 to L.E. Islyamov, who is the founder of Atlant-SV Television Company LLC, about the inadmissibility of extremist activities and violations of Federal Law of 25 July 2002 No. 114-FZ "On counteracting extremist activity", as well as the Mass Media Law. In addition, in the course of the prosecutor's check, other facts of violation of the legislation of the Russian Federation were revealed.

Extremist activities in the Russian Federation are prohibited.

Roskomnadzor also received a letter from the Prosecutor's Office of the Republic of Crimea, according to which the TV programs of ATR TV channel, founded by Atlant-SV Television Company LLC, contain signs of extremist activity, namely the incitement of social, racial, ethnic or religious hatred.

At the same time, the arguments of the applicant about the absence of relations Atlant-SV Television Company LLC, the founder of which – L.E. Islyamov – received a warning about the inadmissibility of extremist activities, and Atlant-SV Television Company LLC, which sent an application to Roskomnadzor for the registration of a mass media outlet, did not find its confirmation, since L.E. Islyamov is also the founder of a Russian company called Atlant-SV Television Company LLC. In addition, the specified company was formed by the re-registration of the Ukrainian company Atlant-SV Television Company LLC in accordance with the requirements of the legislation of the Russian Federation.

Also, the activities of the founder of Atlant-SV Television Company LLC L.E. Islyamov are clearly illegal.

Thus, in accordance with data from open sources (TASS news agency http://tass.ru/proisshestviya/2398927), the Investigation Department of the Directorate of the Federal Security Service for the Republic of Crimea and the city of Sevastopol initiated a criminal case against a citizen of the Russian Federation, Lenur Edemovich Islyamov, born in 1966. Investigative actions are ongoing. In addition, according to information from the media (http://tass.ru/proisshestviya/2494553), the Court arrested the property of one of the organisers of the blockade of Crimea – the former Deputy Prime Minister of Crimea and the owner of the ATR TV channel Lenur Islyamov. TASS was informed about this by the prosecutor of the Republic, Natalya Poklonskaya. ("Islyamov's involvement in the crime has been established. Arrest has been imposed on his property in order to ensure the execution of the sentence in the criminal case, that is, in order to compensate for the damage caused.")

Also, the ATR TV channel broadcasts in cable networks of Ukraine, as well as on the website on the Internet at http://atr.ua/.

The applicant also challenges the conclusion of the court that the official website of the Ministry of Justice of the Russian Federation contains data only for non-commercial organisations in on the Internet at the addresses indicated in the statement of claim (http://minjust.ru/nko/perechen_zapret and http://miniust.ru/nko/perechen_priostanovleni). According to Part 1 of Article 2 of Federal Law of 12 January

1996 No. 7-FZ “On non-profit organisations”, a non-profit organisation is an organisation that does not have profit as the main goal of its activities and does not distribute the received profit among the members. Atlant-SV Television Company LLC is not a non-profit organisation according to its Articles of Association.

In addition, the applicant’s assumption that Roskomnadzor is obliged to monitor all issues of “Rossiyskaya Gazeta” for the publication of amendments to the list of organisations in respect of which the court adopted a final court decision on the prohibition of activities, is not substantiated.

Also, the applicant does not take into account the court’s conclusion that an extract from the unified state register of legal entities (hereinafter – the USRLE) and a certificate of registration of an organisation with a tax authority at its location in the Russian Federation (hereinafter – the certificate of registration) do not confirm that the activities of a legal entity are not prohibited in accordance with the current legislation of the Russian Federation, since the entry of information on the liquidation of a legal entity in the USRLE is carried out on the basis of an effective court decision.

At the same time, the entry of the corresponding notation into the USRLE is carried out only after the federal executive body receives a court decision that has entered into legal force. The deadline for making changes to the USRLE is not established by the legislation of the Russian Federation.

In this regard, information contained in the USRLE may be out of date.

Thus, the extract from the USRLE and the certificate of registration do not confirm the fact that the activities of a legal entity are not prohibited in accordance with the legislation of the Russian Federation, and therefore Roskomnadzor did not have information on the presence or absence of a ban on the activities of Atlant-SV Television Company LLC.

The conclusions of the Moscow Arbitrazh Court are based on an objective and direct study of all the evidence in the case. All the circumstances having legal significance in the consideration of the case were established by the court lawfully.

The arguments set out in the appeal do not refute the conclusions of the court of first instance and do not indicate that there are grounds for cancelling the judicial act adopted in the case.

Thus, the court of first instance fully and comprehensively examined the circumstances of the case, which was established during the consideration of the dispute and in the court of appeal, since the applicant indicates the arguments in support of the appeal that were the subject of consideration in the court of first instance and received a proper assessment in the court decision.

In such circumstances, the court of appeal considers the court’s decision in the present case lawful and justified, since it was made on the submitted and considered application, taking into account the factual circumstances, the case materials and the current legislation, and there are therefore no grounds for satisfying the appeal.

Based on the foregoing and, guided by Art. 266, 268, 269, 271 of the Arbitrazh Procedural Code of the Russian Federation, the Ninth Arbitrazh Court of Appeal

**DECIDED:**

To leave the decision of the Moscow Arbitrazh Court of 13 October 2015 in case No. A40-124221/15 unchanged and to dismiss the appeal.

The decision comes into force from the date of its adoption and can be appealed within two months from the date when the decision was produced in full to the Arbitrazh Court of the Moscow District.

Presiding judge: L.G. Yakovleva

Judges S.M. Mukhin

M.V. Kocheshko

The court’s query service – 8 (495) 987-28-00

# Annex 266

Ninth Arbitrazh Court of Appeal, Case No. A40-119488/15,
Decision, 25 January 2016

Translation

NINTH ARBITRAZH COURT OF APPEAL
127994, Moscow, GSP-4, 12 Solomennoj Storozki Lane
E-mail address: 9aas.info@arbitr.ru
Website address: http://www.9aas.arbitr.ru

DECISION
**No. 09AP-56196/2015**

Moscow Case No. A40-119488/15

25 January 2016

The operative part of the decision was announced on 18 January 2016
The full text of the decision was drawn up on 25 January 2016

The Ninth Arbitrazh Court of Appeal comprised of:

| | |
|---|---|
| presiding judge | L.G. Yakovleva, |
| judges | S.M. Mukhin, M.V. Kocheshkova, |
| keeping the record by the courtroom secretary | M.L. Zhiltsova, |

having considered the appeal of "Television Company 'Atlant-SV'" LLC (Atlant-SV Television Company LLC) in open court hearing against the decision of the Moscow Arbitrazh Court of 16 November 2015 in case No. A40-119488/15, taken by judge S.O. Laskina (judge code 33-986)

at the request of Atlant-SV Television Company LLC
to the Federal Service for Supervision of Communications, Information Technology, and Mass Media
on challenging the actions (omissions) of the state body
with the participation:
from the applicant: A.S. Titov under the power of attorney of 24 August 2015;
from the person concerned: A.A. Kulikov under the power of attorney of 30 July 2015;

**ESTABLISHED:**

Atlant-SV Television Company LLC (hereinafter – the applicant) applied to the Moscow Arbitrazh Court with an application to declare unlawful the actions of the Federal Service for Supervision of Communications, Information Technology, and Mass Media (Roskomnadzor) (hereinafter – the defendant) on the return without considering of the application of the founder of Atlant-SV Television Company LLC of 24 March 2015, reference No. 33248-smi of 27 March 2015 on the registration of a mass media outlet – online outlet "15 minutes", unlawfully imposing on the applicant the obligation to confirm the founder's compliance with the requirements of Part 2 Article 7 of the Law "On mass media" specified in the letter of Roskomnadzor of 24 April 2015 No. 04-37090, which impedes the registration of the applicant's mass media outlet, as well as for declaring unlawful the inaction of Roskomnadzor in avoiding the registration of the applicant's mass media outlet; on the obligation of Roskomnadzor to eliminate the violation of the applicant's rights and freedoms and, on a short notice, to consider the application of Atlant-SV Television Company LLC on the registration of a mass media outlet - online outlet "15 minutes", by registering the mass media outlet – the online outlet "15 minutes", according to the legislation of the Russian Federation.

The claims were dismissed by a court decision of 16 October 2015.

Disagreeing with the decision, the applicant filed an appeal asking to set aside the court's decision and to satisfy his claims in full, pointing out that the court had misapplied the substantive law, had not fully clarified the circumstances relevant to the case and that the court's conclusions did not correspond to the circumstances of the case.

At the hearing of the court of appeal, the applicant supported the arguments of the appeal and asked to cancel the decision of the court of first instance, as well as to adopt a new judicial act to satisfy the claims.

The defendant objected to the arguments set out in the complaint, submitted a response to the complaint and asked to leave the decision of the court of first instance unchanged, considering it lawful and justified.

The legality and validity of the decision was verified by the court of appeal in accordance with Articles 266, 268 of the Arbitrazh Procedural Code of the Russian Federation.

Having examined the evidence presented in the case, having heard the representatives of the applicant and the defendant and having considered the arguments of the appeal and the response to it, the court of appeal finds no grounds for canceling or changing the court decision adopted in accordance with the legislation of the Russian Federation and the established factual circumstances, as well as for satisfying the appeal, on the basis of the following facts.

As seen from the materials of the case, on 27 March 2015, Atlant-SV Television Company LLC as the founder of the mass media outlet (hereinafter – the mass media outlet) submitted in hand, through its representative, the application of 24 March 2015 on the registration of the mass media outlet – online outlet "15 minutes", which was registered by Roskomnadzor under the incoming reference No. 33248-smi on 27 March 2015, to the Federal Service for Supervision of Communications, Information Technology, and Mass Media, attaching the appropriate package of documents.

On 12 May 2015, the applicant received a response from Roskomnadzor of 24 April 2015 No. 04-37090 about the application for registration of the online outlet "15 minutes", accompanied by the application of 24 March 2015 incoming reference No. 33248-smi and the attached package of documents, without indicating that the documents were returned without consideration, in which Roskomnadzor invites the applicant to confirm the founder's compliance with the requirements of Part 2 of Art. 7 of the Law of the Russian Federation.

The company, considering the actions of Roskomnadzor unlawful, appealed them to the Moscow Arbitrazh Court.

Part 2 of Article 1 of the Mass Media Law provides for the provision of documents confirming the applicant's compliance with the requirements provided by the Mass Media Law when establishing a mass media outlet.

In addition, an application for registration of a mass media outlet should be perceived as the entire set of documents submitted by the applicant to the registering authority, and not just as a form approved by Order of the Ministry of Communications and Mass Media of Russia dated 29 December 2011 No. 362 (registered with the Ministry of Justice of Russia on 6 April 2012, incoming reference No. 23752).

In this regard, the court of first instance rightfully found that the applicant had indicated an incomplete amount of information that meets the requirements of the Mass Media Law.

The applicant's argument about the application of the order of the Ministry of Justice of Russia of 14 November 2011 No. 380 "On approval of the Administrative Regulations for the provision of state service for providing information to individuals and legal entities about registered organizations by the Ministry of Justice of the Russian Federation" is rejected by the court of appeal.

In the challenged decision, the court of first instance lawfully did not apply the specified Administrative Regulations, and there is no reference to it in the provision on the Ministry of Justice of the Russian Federation, approved by Decree of the President of the Russian Federation of 13 October 2004 No. 1313.

Thus, the norms of the Administrative Regulations indicated by the applicant do not apply to the dispute under consideration.

The court of first instance also rightly pointed out that when making the challenged decision, Roskomnadzor took into account the letter of the Prosecutor General's Office of the Russian Federation, according to which Atlant-SV Television Company LLC is the founder of ATR TV channel. Based on the information contained in this letter, ATR TV channel publicly broadcasted appeals leading to incitement of social, racial, ethnic and religious hatred, which are prohibited by Article 1 of the Federal Law of 25 July 2002 No. 114-FZ "On countering extremist activities" (hereinafter – the Federal Law No. 114-FZ). The letter also indicates that the Prosecutor of the Republic of Crimea issued a warning on 16 May 2014 to L.E. Islyamov, who is the founder of Atlant-SV Television Company LLC, about the inadmissibility of extremist activities and violations of the Federal Law of 25 July 2002 No. 114-FZ "On countering extremist activities", as well as the Mass Media Law. In addition, in the course of the prosecutor's check, other facts of violation of the legislation of the Russian Federation were revealed.

Extremist activities in the Russian Federation are prohibited.

Roskomnadzor also received a letter from the Prosecutor's Office of the Republic of Crimea, according to which the TV programs of ATR TV channel, founded by Atlant-SV Television Company LLC, contain signs of extremist activity, namely the incitement of social, racial, ethnic or religious hatred.

At the same time, the arguments of the applicant about the lack of relationship between the company Atlant-SV Television Company LLC, the founder of which – L.E. Islyamov – received a warning about the inadmissibility of extremist activities, and the company Atlant-SV Television Company LLC, which sent an application to Roskomnadzor for registration of a mass media outlet, are rejected by the court of appeal, since L.E. Islyamov is also the founder of a Russian company called Atlant-SV Television Company LLC. In addition the specified company was formed by the re-registration of the Ukrainian company Atlant-SV Television Company LLC in accordance with the requirements of the legislation of the Russian Federation.

ATR TV channel broadcasts in cable networks of Ukraine, as well as on the website on the Internet at http://atr.ua/. The website on the Internet, located at the address http://15minut.info/, which the applicant indicated as the domain name of the online outlet in the application for registration of the mass media outlet, carried out its activities until 16 December 2015, according to information posted on the specified website on the Internet.

Thus, the following is reported on the specified site: "Today, on 16 December 2015, the team of the website "15 minutes", which recently worked as part of the Crimean production studio "QaraDeniz Production", stops working on this project. This decision was made by us due to the fact that Lenur Islyamov, the owner of the ATR media holding that had previously moved to Kiev, of which "15 minutes" were originally part, claimed the rights to this brand."

The official website of the Ministry of Justice of the Russian Federation contains data only for non-commercial organizations in the information and telecommunications network of Internet at the addresses indicated in the statement of claim (http://minjust.ru/nko/perechen_zapret and http://miniust.ru/nko/perechen_priostanovleni).

According to Part 1 of Article 2 of the Federal Law of 12 January 1996 No. 7-FZ "On non-profit organizations", a non-profit organization is an organization that does not have profit as the main goal of its activities and does not distribute the received profit among the participants. Atlant-SV Television Company LLC is not a non-profit organization according to its charter.

Also, an extract from the unified state register of legal entities (hereinafter – the USRLE) and a certificate of registration of an organization with a tax authority at its location in the Russian Federation (hereinafter – the certificate of registration) do not confirm that the activities of a legal entity are not prohibited in accordance with the current legislation of the Russian Federation, since the entry of information on the liquidation of a legal entity in the USRLE is carried out on the basis of a court decision that has entered into legal force.

At the same time, the corresponding entry is made in the USRLE only after the federal executive body receives an enforceable court decision. The deadline for making changes to the USRLE is not established by the legislation of the Russian Federation. In this regard, the information contained in the USRLE may be out of date.

Thus, the extract from the USRLE and the certificate of registration do not confirm the fact that the activities of a legal entity are not prohibited in accordance with the legislation of the Russian Federation, and therefore Roskomnadzor did not have information on the presence or absence of a ban on the activities of Atlant-SV Television Company LLC.

On 26 December 2013, the Prosecutor's Office of the Republic of Tatarstan issued a submission to eliminate violations of the federal legislation No. 2708-13, according to which Roskomnadzor indicated the failure to verify the compliance with the requirements for the founders of mass media outlets established by Article 7 of the Mass Media Law as a violation of the law.

A similar application challenging the return of the application for mass media outlet registration of the radio channel "Radio Meydan" without consideration was submitted by Atlant-SV Television Company LLC to the Federal Service for Supervision of Communications, Information Technology, and Mass Media in the Republic of Crimea and the city of Sevastopol (case No. A83-2758/2015).

By the decision of the Arbitrazh Court of the Republic of Crimea of 17 September, the application of Atlant-SV Television Company LLC on the recognition of unlawful actions of the Federal Service for Supervision of Communications, Information Technology, and Mass Media in the Republic of Crimea and the city of Sevastopol on the return without considering of the application of the founder of Atlant-SV Television Company LLC dated 2 April 2015 on the registration of the mass media outlet – Radio Meydan radio channel, was dismissed. Atlant-SV Television Company LLC appealed against the specified decision to the Twenty-First Arbitrazh Court of Appeal, however, by decision of 12 January 2016 No. 21AP-1953/2015, the decision of the court of first instance was left unchanged, and the appeal was dismissed.

According to Clause 9 of the Charter of Atlant-SV Television Company LLC, the exclusive competence of the company's participants includes determining the main activities of the Company, including

making decisions on the company's participation in associations and other coalitions of commercial organizations, forming executive bodies of the company, terminating their powers early and so on.

That is, the founders, along with the General Director, manage the company and form its goals and objectives.

Thus, the purpose of the creation of the radio channel "Radio Meydan" is the propaganda of the nationalist ideology in its extreme forms, which incites hatred and enmity among peoples, which has an anti-Russian orientation.

Based on the foregoing, it follows that there are signs of extremist activity in the activities of Atlant-SV Television Company LLC.

Also, in accordance with Part 3 of Article 15 of the Federal Law of 25 July 2002 No. 114-FZ "On countering extremist activities" (hereinafter – the Law No. 114-FZ), if the head or member of the governing body of a public or religious association or other organization makes a public statement calling for the implementation of extremist activity, without indicating that this is his personal opinion, as well as if a court decision for an extremist crime enters into legal force against such a person, the relevant public or religious association or other organization must publicly declare his disagreement with the statements or actions of such a person within five days from the day when the specified statement was made. If the relevant public or religious association or other organization does not make such a public statement, this can be considered as a fact indicating the presence of signs of extremism in their activities.

Extremist activity in the Russian Federation is prohibited, which is confirmed by Part 1 of Article 15 of the Law No. 114-FZ, according to which citizens of the Russian Federation, foreign citizens and stateless persons bear criminal, administrative and civil liability for carrying out extremist activities in accordance with the procedure established by the legislation of the Russian Federation.

Thus, the proposal of Atlant-SV Television Company LLC to confirm compliance with the requirements of Part 2 of Article 7 of the Mass Media Law is justified.

The arguments set out in the appeal do not refute the conclusions of the court of first instance and do not indicate that there are grounds for canceling the judicial act adopted in the case.

Thus, the court of first instance fully and comprehensively examined the circumstances of the case, which was established during the consideration of the dispute and in the court of appeal, since the applicant indicates the arguments in support of the complaint that were the subject of consideration in the court of first instance and received a proper assessment in the court decision.

In such circumstances, the court of appeal considers the court's decision in the present case lawful and justified, since it was made on the submitted and considered application, taking into account the factual circumstances, the case materials and the current legislation, and therefore, there are no grounds for satisfying the appeal.

On the basis of the above and in accordance with Articles 266, 268, 269, 271 of the Arbitrazh Procedural Code of the Russian Federation, the Ninth Arbitrazh Court of Appeal

**DECIDED:**

the decision of the Moscow Arbitrazh Court of 16 October 2015 in case No. A40-119488/15 shall be upheld and the appeal shall be dismissed.

The decision enters into force from the date of its issuance and may be appealed within two months from the date of from the date of issuing the decision in full to the Moscow District Arbitrazh Court.

Presiding judge: L.G. Yakovleva

Judges: S.M. Mukhin
M.V. Kocheshkova

The court's query service: 8 (495) 987-28-00

# Annex 267

Kievskiy District Court of Simferopol, Case No. 2-1201/2016,
Decision, 9 February 2016

Translation

*/Stamp: COPY/*

*Case No. 2-1201/2016*

***DECISION***
***In the Name of the Russian Federation***

9 February 2016 Simferopol

Kievskiy District Court of Simferopol, the Republic of Crimea, comprised of:
presiding judge A.N. Dolgopolov,
secretary E.A. Kozlova,
with the participation of the Prosecutor V.A. Chuprin,
and the representative of the Ministry of Justice of Russia in the Republic of Crimea A.A. Boyko,
having considered in an open court hearing a civil case under the application filed by
***the Prosecutor of the Republic of Crimea acting in the interests of the Russian Federation and general public, the interested party the Main Directorate of the Ministry of Justice of the Russian Federation for the Republic of Crimea and Sevastopol, on the declaration of materials as extremist in accordance with Article 13 of the Federal Law "On countering extremist activities",***
***established*:**

The Prosecutor of the Republic of Crimea acting in the interests of the Russian Federation and general public have filed the application to recognize the materials as extremist with the court, justifying the request by the fact that the inspections of the compliance by the educational religious organizations with the legislation on freedom of conscience and countering extremist activities, and the compliance with the legislation in the course of teaching the basics of religion to minors outside educational institutions conducted in August–September 2014, in the territory of the institutions "Higher Islamic Crimean Madrasa (male)", located at 128 Pobedy Avenue in Simferopol and "Higher Islamic Crimean Madrasa (female)", located at 1 Pontiyskaya Street, Kamenka microdistrict, Kievskiy District of Simferopol acting under the Spiritual Administration of Muslims of Crimea resulted in discovering literature (books), which content may demonstrate signs of calls for extremism, extremist statements, and including "Islamic State" by Taqi al-Din al-Nabhani, "Radicalism, Extremism and Islamism" Realities and Myths in the "War on Terrorism", "Hizb ut-Tahrir" Publishing House, "The Beliefs of the Four Imams. Lost Trends and Sects in Islam", by Mohammed bin Abdulrahman al-Humayis, including "The Beliefs of the Four Imams (Abu Hanifah, Malik, Ash-Shafi'i, and Ibn Hanbal)", "Lost Sects and Trends in Islam", "The System of Islam" by Taqi al-Din al-Nabhani. On the results of the conducted examination, it was established that these books contain a positive assessment of the hostile actions of one group of persons in relation to another group of persons united on the basis of their attitude to religion; statements of an incentive character calling for hostile actions of one group of persons in relation to another group of persons united on the basis of their attitude to religion. These facts are indicative of the extremist activity in the materials provided. On the basis of the above, asked the court to declare the materials (books) including "Islamic State" by Taqi al-Din al-Nabhani, "Radicalism, Extremism and Islamism" Realities and Myths in the "War on Terrorism", Hizb ut-Tahrir Publishing House, "The Beliefs of the Four Imams. Lost Trends and Sects in Islam", by Mohammed bin Abdulrahman al-Humayis, including "The Beliefs of the Four Imams (Abu Hanifah, Malik, Ash-Shafi'i, and Ibn Hanbal)", "Lost Sects and Trends in Islam", "The System of Islam" by Taqi al-Din al-Nabhani.

At the hearing, the Prosecutor upheld the application, insisted on its satisfaction for the reasons set out therein and described above.

The representative of the interested party supported the application, and also explained that earlier this literature had not been recognized as extremist.

After listening to the explanations provided by the Prosecutor, the interested party, and examining of the case files, the Court considers the application justified and subject to satisfaction.

According to Part 2 of Article 19 of the Constitution of the Russian Federation, the state shall guarantee the equality of rights and freedoms of man and citizen, regardless of sex, race, nationality, language, origin, property and official capacity, place of residence, religion, convictions, membership of public associations, and of other circumstances. All forms of limitations of human rights on social, racial, national, linguistic or religious grounds shall be prohibited.

According to Part 2 of Article 29 of the Constitution of the Russian Federation, the propaganda or

agitation instigating religious hatred and strife shall be prohibited. The propaganda of religious supremacy shall be also prohibited.

Pursuant to Part 3 of Article 55 of the Constitution of the Russian Federation, the rights and freedoms of man and citizen may be limited by the federal law only to such an extent, to which it is necessary for the protection of the fundamental principles of the constitutional system, morality, health, the rights and lawful interests of other people, for ensuring the defense of the country and security of the State.

In order to protect the rights and freedoms of man and citizen, the foundations of the constitutional system, ensure the integrity and security of the Russian Federation, Federal Law No. 114-FZ of 25 July 2002 "On countering extremist activities" was adopted, which defines the legal and organizational basis for countering extremist activities, establishes responsibility for its implementation.

In accordance with Clause 1 of Article 1 of the said Federal Law, the extremist activities was defined to include, specifically, propaganda of the exceptional nature, superiority or deficiency of persons on the basis of their social, racial, ethnic, religious or linguistic affiliation or attitude to religion; violation of human and civil rights and freedoms and lawful interests in connection with a person's social, racial, ethnic, religious or linguistic affiliation or attitude to religion by means including, inter alias, dissemination and production of knowingly extremist material.

In accordance with Clause 3 of the said Article, the extremists materials are defined as documents intended for publication or information on other media calling for extremist activity to be carried out or substantiating or justifying the necessity of carrying out such activities, including works by leaders of the National Socialist worker party of Germany, the Fascist party of Italy (including M.).

According to Article 13 of the said Federal Law, the distribution of extremist materials and their production or storage for the purpose of distribution are prohibited in the Russian Federation.

According to paragraph 2, Article 13 of the Federal Law "On countering extremist activities", information materials shall be declared as extremist by the federal court with jurisdiction over the place where they were discovered or distributed or the location of the organization having produced such materials, on the basis of an application submitted by the Prosecutor or in the proceedings under the relevant administrative infringement, civil or criminal case.

The court has established that the inspections of the compliance by the educational religious organizations with the law on freedom of conscience and countering extremist activities, and of the compliance with the law in the course of teaching the basics of religion to minors outside educational institutions conducted in August–September 2014, in the territory of the institutions "Higher Islamic Crimean Madrasa (male)", located at 128 Pobedy Avenue in Simferopol and "Higher Islamic Crimean Madrasa (female)", located at 1 Pontiyskaya Street, microdistrict Kamenka, Kievskiy District of Simferopol acting under the Spiritual Administration of Muslims of Crimea resulted in revealing literature (books), which content may demonstrate signs of calls for extremism, extremist statements, and including "Islamic State" by Taqi al-Din al-Nabhani, "Radicalism, Extremism and Islamism" Realities and Myths in the "War on Terrorism", Hizb ut-Tahrir Publishing House, "The Beliefs of the Four Imams. Lost Trends and Sects in Islam", by Mohammed bin Abdulrahman al-Humayis, including "The Beliefs of the Four Imams (Abu Hanifah, Malik, Ash-Shafi'i, and Ibn Hanbal)", "Lost Sects and Trends in Islam", "The System of Islam" by Taqi al-Din al-Nabhani.

In accordance with expert opinion of 30 January 2015, the books "Islamic State" by Taqi al-Din al-Nabhani, "Radicalism, Extremism and Islamism" Realities and Myths in the "War on Terrorism", Hizb ut-Tahrir Publishing House, "The Beliefs of the Four Imams. Lost Trends and Sects in Islam", by Mohammed bin Abdulrahman al-Humayis, including "The Beliefs of the Four Imams (Abu Hanifah, Malik, Ash-Shafi'i, and Ibn Hanbal)", "Lost Sects and Trends in Islam", "The System of Islam" by Taqi al-Din al-Nabhani comprise a positive assessment of the hostile actions of one group of persons in relation to another group of persons united on the basis of their attitude to religion; statements of an incentive character calling for hostile actions of one group of persons in relation to another group of persons united on the basis of their attitude to religion (case file sheets 11–125).

In accordance with Article 13 of Federal Law No. 114-FZ of 25 July 2002 "On countering extremist activities", distribution of extremist materials, as well as production or storage thereof with the aim of distribution shall be prohibited in the Russian Federation.

According to Articles 55–60 of the Civil Procedural Code of the Russian Federation, the Prosecutor has provided sufficient evidence indicating that the seized literature contains a positive assessment of the hostile actions of one group of persons in relation to another group of persons united on the basis of their attitude to religion; statements of an incentive character calling for hostile actions of one group of persons in relation to another group of persons united on the basis of their attitude to religion, in connection with which

there are all grounds for recognizing this literature as extremist.

In accordance with Article 13 of Federal Law No. 114-FZ of 25 July 2002 "On countering extremist activities", concurrently with recognition of the materials as extremist, the court shall decide on confiscation thereof.

Therefore, the court considers it necessary to confiscate the seized literature recognized as extremist on the basis of the said decision of the court.

In accordance with Articles 13, 29, 30, 129 of the Constitution of the Russian Federation, the Federal Law "On countering extremist activities", being guided by Articles 194–198 of the Civil Procedural Code of the Russian Federation, the court,

***decided:***

To sustain the application by the Prosecutor of the Republic of Crimea in the interests of the Russian Federation and general public.

To recognize as extremist the following materials (books):

- "Islamic State" by Taqi al-Din al-Nabhani,
- "Radicalism, Extremism and Islamism" Realities and Myths in the "War on Terrorism", Hizb ut-Tahrir Publishing House
- "The Beliefs of the Four Imams. Lost Trends and Sects in Islam", by Mohammed bin Abdulrahman al-Humayis, including "The Beliefs of the Four Imams (Abu Hanifah, Malik, Ash-Shafi'i, and Ibn Hanbal)", "Lost Sects and Trends in Islam",
- "The System of Islam" by Taqi al-Din al-Nabhani.

To confiscate the materials (books) found in the territory of the institutions "Higher Islamic Crimean Madrasa (male)" and "Higher Islamic Crimean Madrasa (female)" including "Islamic State" by Taqi al-Din al-Nabhani, "Radicalism, Extremism and Islamism" Realities and Myths in the "War on Terrorism", Hizb ut-Tahrir Publishing House, "The Beliefs of the Four Imams. Lost Trends and Sects in Islam", by Mohammed bin Abdulrahman al-Humayis, including "The Beliefs of the Four Imams (Abu Hanifah, Malik, Ash-Shafi'i, and Ibn Hanbal)", "Lost Sects and Trends in Islam", "The System of Islam" by Taqi al-Din al-Nabhani.

A copy of the decision that has entered into force should be sent to the Main Directorate of the Ministry of Justice of the Russian Federation for the Republic of Crimea and Sevastopol for submission to the Ministry of Justice of Russia.

The decision may be appealed to the Supreme Court of the Republic of Crimea through the Kievskiy District Court of Simferopol within one month from the date of drawing up of the final decision.

The motivated decision was drawn up on 12 February 2016.

Judge *[In handwriting: (illegible)]* A.N. Dolgopolov

*[Seal: Kievskiy District Court of Simferopol, the Republic of Crime]*
*[Stamp: (illegible)]*
*[Signature]*

*[Seal: Kievskiy District Court of Simferopol, the Republic of Crimea]*

*[Stamp: TRUE COPY*
*Judge A.N. Dolgopolov*
*The decision was not challenged and entered into force on 15 March 2016*
*True: Judge (Signature)*
*Secretary (Signature)]*

# Annex 268

Centre for Countering Extremism of the Ministry of Internal Affairs for the Republic of Crimea, Certificate of inspection of the Internet resource, 11 February 2016

Translation

**CERTIFICATE**
**of inspection of the Internet resource**

Simferopol 11 February 2016

Start time: 03:00 p.m.
Completion time: 05:58 p.m.

I, Senior Investigator for High-Priority Cases of the Centre for Countering Extremism of the Ministry of Internal Affairs for the Republic of Crimea, Police Major A.V. Dovgel, pursuant to Article 13 of the Federal Law "On police", Articles 6, 15 of the Federal Law "On operative search activities", at the address: 19 Dekabristov St., office 66, Simferopol, the Republic of Crimea, in artificial light, using an HP Compaq Elite 8300 Microtower personal computer, laser printer HP LaserJet P1102, using Internet browser "Yandex. Browser", performed examinations of Internet pages of the following websites specified in the order of the Public Prosecution Office of the Republic of Crimea: https://www.youtube.com/watch?v=RBS9FgXCBtg.

The examination was performed in the presence of the following persons invited as public representatives:

1. *Grasenkov Alexander Valeryevich, [date of birth, citizenship, registered residence address]*
2. *Malykhin Dmitriy Alexandrovich, [date of birth, registered residence address]*

who, before the beginning of the observation, were explained the right to be present at all actions performed with their participation, to ask questions and to make comments regarding the course of the actions performed that are to be entered in the record as well as their responsibility to witness the fact of the scope and the result of the observation.

1. *Grassenkov* /Signature/ 2. *Malykhin D.* /Signature/

As a result of the observation, it has been revealed that, on the video hosting resource YOUTUBE at https://www.youtube.com/watch?v=RBS9FgXCBtg, a video file under the title "Civil blockade of Crimea: how it will be. Ukrainian Crisis Media Centre, 8-09-2015" is posted and stored.

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As a result of observation of the video footage, the following has been established:
Time 00:00 - 46:06
Voice off:
- Colleagues journalists, thank you all who has come and who is watching us online. Let's start the press conference on the topic "Civil blockade of Crimea - how it will be". Our dear speakers: Mustafa Dzhemilev, leader of the Crimean Tatar people, Refat Chubarov, head of "Mejlis" of the Crimean Tatar people and president of the World Congress of Crimean Tatars, as well as Lenur Islyamov, vice-president of the World Congress of Crimean Tatars. Dear speaker, the floor is yours.
Refat Chubarov:
- Good day. First of all, I would like to thank you all for showing interest in the topic announced by us. We will try to briefly make such introduction and will be waiting for your questions. In the first place, I would like to tell that, since the time when Crimea was occupied by the Russian Federation, two laws have appeared in the Ukrainian legislation that govern main matters related to the temporarily occupied Crimea, the first one being the law "on protection of civil rights and liberties and the legal regime in the temporarily occupied territory of Ukraine" that provides for that the basis of the humanitarian, social and economic policy of the state of Ukraine with regard to the population of the temporarily occupied territory of Ukraine is protection and fully-fledged enjoyment of national and cultural and political rights of citizens of Ukraine, including indigenous peoples and national minorities. In this respect, Article 1 entitled "the legal status of the temporarily occupied territory of Ukraine" provides for that, I am quoting, "the temporarily occupied territory of Ukraine is an inalienable part of the territory of Ukraine subject to the effect of the constitution of Ukraine and the laws of Ukraine." Nevertheless, we are all intelligent people, and we proceed from understanding that, under the

conditions of temporary occupation of Crimea, the effect of the Constitution and the laws of Ukraine extends in so far as the State of Ukraine is able either independently or jointly with international partners and institutions to find influential, on the occupants, levers of pressure. For more than a year and a half since the occupation of Crimea, only the Commissioner of the Council of Europe for human rights Mr. Nils Muižnieks and, subsequently, an unofficial Turkish delegation composed of influential experts and experienced former diplomats have managed to visit the peninsula to study the situation of the Crimean Tatar people, with human rights in the Autonomous Republic of Crimea. Based on the results of both monitorings, reports were prepared, which are publicly available – here, I can only note that both reports, especially the second one made by the Turkish unofficial delegation, were subjected to harsh criticism by the Russian Federation. We, as Crimean Tatars, "Mejlis of the Crimean Tatar people", are grateful for these monitorings that became possible through really very difficult diplomatic and other efforts. We understand that the Russian Federation will never again admit anybody to the territory of Crimea occupied by it, and that is why the question what we do becomes yet more actual to us. We, that is the State of Ukraine, in order to make the occupants, while they will be staying in Crimea, observe the rights of

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citizens of Ukraine who live in Crimea. On top of it, I told you about the law "on protection of civil rights and liberties and the legal regime in the temporarily occupied territory of Ukraine". Under this law, we have undertaken, by the way, those obligations that are substantially present also in other legislation of Ukraine in effect. Regretfully, here, I don't want to talk a lot about well-known facts, we, the State of Ukraine, failing to find any tools for influence on the occupants, at the same time have put in place to the greatest extent possible another law, the law that grants preferences to the Ukrainian business in the context of mutual relations with the occupied territory of Ukraine. I'm referring to the law "on the establishment of the free economic zone of Crimea and on the peculiarities of carrying out economic activity in the temporarily occupied territory of Ukraine". I will quote only those data that… is official, that was literally some days ago provided... if I'm not mistaken, by Journalist Investigation Centre for the week, here, the past week..., "from the mainland to Crimea, 5 777 tons of food were supplied", here, there is a break-down by types, categories... you can see it... I will just add another figure – since the beginning of 2015, from the mainland part of Ukraine to the annexed Crimea, products worth of 475 million dollars have been supplied. So, to sum up... on the one hand, we have this and, on the other, you receive information, every day we have facts of discrimination, pressure, arrests, searches, violence against Crimean Tatars, people of other nationalities. We have political prisoners – deputy head of Mejlis Akhtem Chiygoz, Crimean Tatar activists – Ali Asanov, Mustafa Degermeji, Ukrainian patriots - Oleg Sentsov, Olexander Kolchenko. Of these, the two latter have already been convicted, three are waiting... Akhtem Chiygoz, on the 29th of January... in an FSB (Federal Security Service) torture chamber in Crimea. In respect of all of them, moral and physical pressure, tortures are exerted and continue. People continue to disappear. Once again, we've found two killed. So, every day in Crimea, there are crimes against people and, at the same time, Ukrainian business, on a massive, ocean-wide scale, effects supply... Ukrainian business trades on blood. We believe that it is acceptable neither for public morals nor for the state of Ukraine which, while declaring the obligations to protect rights of citizens of Ukraine and failing to find ways for such protection, at the same time makes the occupants stronger, since these products are directed not only for consumption by people living in Crimea – a substantial part of them is directed also for consumption by the occupational forces, garrisons. They are used in the activity the goal of which is strengthening the military in Crimea and which is aimed against the Ukrainian state. What we propose in this respect. We have held quite wide discussions in our ambience. I mean among activists located here, in the mainland part of Ukraine. We have consulted with many people living in Crimea, and, today, what we want to say is that we must approve a specific plan of activities aimed at full blocking of the supply of products and other resources to the Crimean Peninsula. We, as Crimean Tatars, want all Ukrainian patriots to join this our activity, patriots who proceed from the same belief that, at the time when aggression and war is waged by Russia on Ukraine, we cannot accept any further such form of interaction with the Russian Federation as such, since

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it is clear that the occupation authority established by it in Crimea is an extension of the Kremlin authority, even if temporary, but it is an occupation Kremlin authority. Today, we are announcing that soon we will make known the start date of an action, that is the date of direct blocking of the administrative boundary. By this press conference we are inviting certain people's deputies to join our common activity. Any people's deputies.

I don't want to list right now names of those, but, among Ukrainian people's deputies, there are people who are directly tied to Crimea. They are Crimean by origin, there is an association of deputies, "Crimea". Among them, there are deputies that represent different regions, but their hearts also grieve over Crimea just as hearts of all of us do. We invite leaders of public organizations, including and first of all, those that unite Crimean natives. We call upon reputable expert communities; I will omit their names – just to avoid any misunderstanding if I forget to mention some of them. But I see representatives of some organizations here, and we are grateful to them for it. We believe that literally in a week and a half all of us must stand at the border if the situation is not resolved in another way. At the same time, I should point out at once that we proceed from the position that nobody should understand our acts as carrying a threat to Ukrainian citizens living in the temporarily occupied Crimea, we propose… we have some positions… perhaps, those who will join us, stand with us will help us… we have certain proposals that, provided that are implemented by the government of Ukraine, would help people feel less discomfort if such actions are put in effect. One of such measures, is, let's say, creation of hubs or retail and wholesale chains in Kherson Region which is immediately adjacent to Crimea. Once again, I want to draw your attention to the fact that we are not assuming this business, we want to avoid any speculations that someone wants to cut off one supply channel and open another business. We propose the government to do it, as protection of rights of people, citizens who have to live in conditions of occupation is, in the first place, the obligation of the state as such. So, dear journalists, other participants, this is what I wanted to say, a long speech, but, perhaps, my colleagues, first of all, our leader Mr. Mustafa Dzhemilev will add something. Please.

M. Dzhemilev:

- Dear journalists, something absurd is going on. The Crimean Peninsula is occupied, a terrorist regime that is even worse than Soviet is established, dissidence is persecuted, especially in connection with Ukrainian symbols, mentioning Ukraine. An especially great pressure is exerted by the occupation regime, in the first place, on the indigenous people, and, at the same time, Ukraine dependably supplies the occupied territory with water, electric power and food. I will tell you a few figures – approximately 80% of food is supplied to the Crimean Peninsula from the mainland part of Ukraine. 85% of electric power is also supplied from the mainland part of Ukraine. Approximately 80% of water, especially irrigation water, is also from the mainland part of Ukraine. Whereas, during the Ukrainian authority, it was somewhat repaid by development of tourism, business activity, now, there is none of that. Everything is mainly

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provided from the budget of the Russian Federation that wants to keep everything there under a colonial administration system. And a question now arises – for what reason does the mainland part of Ukraine have to provide for the occupation regime? Arguments that our citizens live there, and, therefore, we may not leave them without power supply, water and food are absurd. As under all international rules of responsibility for legal, financial and social situation of occupied territories is borne by the occupant. But in no way the country whose territory is occupied. Yes, supply of food, power from the mainland part will cost the Russian Federation a few times more, but for what reason should we care about the situation of the occupant's treasury!? Aren't we interested in the occupant's soonest exhaustion and stopping its global rogue behavior. And, secondly, people are very wrong when they think that when they send food from here, they feed out fellow citizens, compatriots. I state authoritatively that over 80% of these food products are reloaded into other trucks and dispatched further through the Kerch Strait to the Russian Federation, as prices there are yet higher. The rest of them is directed to the occupant's military units, punitive detachments, self-defense formations that persecute our compatriots, our fellow citizens. But some of our oligarchs are interested in it. Refat Chubarov has just quoted some figures - stunning! And do you really think that this money goes into the treasury!? Far from it. After giving bribes to both Ukrainian and Russian border guards, a great margin remains that in no way goes into the Ukrainian treasury. It goes into the pockets of these oligarchs and, notably, of criminal groups too. Both Aksenov and others ruling in the occupied territory are interested in this business. It's not that our authorities are totally indifferent to it. We've had many discussions on this issue with the President, and, recently, we had a conversation at the Cabinet of Ministers with Arseniy Yatsenyuk. Over a month ago, the Cabinet developed a draft of activities aimed at resolving the situation between Crimea and the mainland part of Ukraine. But, unfortunately, the adopted drafts of resolutions have not been implemented. It seems that some powers badly want them not to be implemented. So, the goals of this action are to draw public attention to the shame occurring at this border. And somehow to settle our relations with the occupation regime. We can't feed the bandits who abuse our compatriots in the occupied territory. We will put forth our conditions before them. But we don't want our actions to be inconsistent with, let's say, actions of our nation's leadership.

That is why, we will try to coordinate our actions as much as possible, and, today, a meeting with the President is expected, we will discuss our steps in detail.

Refat Chubarov

- Dear friends, as you know, on 1-2 September, the world congress of Crimean Tatars was held in Ankara. That was the second convocation, and, during the congress, the executive council of the congress was elected; we have already held

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one meeting a week ago or so in the city of Constantsa, Romania, where the greatest Crimean Tatar diaspora, after Turkey, lives. Approximately 50 thousand Crimean Tatars live in Romania. They are of Crimean descent. And, as a part of the planned actions, the world congress, the executive council will soon approve a single worldwide day of every month when Crimean Tatars in countries of their residence will hold such protest actions. I don't think that this month we will have a chance to time the start of the blockade to coincide with that day, but, subsequently, you will see that all these actions for the de-occupation of Crimea that will be held worldwide will be held simultaneously, you'll see it literally in a month and a half. We are scaling up our movement and our pressure worldwide. We want Crimean Tatars and the diaspora at their location not only to become as active as possible but, as our first priority, to get involved the society they live in and, most importantly, to make their governments be consistent with the consolidated position against the aggressor and for the protection of Ukraine. In some countries, we have been long engaged in these activities jointly with Ukrainian diaspora organizations. One of vice-presidents of the World Congress is Lenur Islyamov. Let us turn the floor over to him.

L. Islyamov

- Good afternoon, gentlemen, journalists, colleagues. I've been here for four months already, and all these four months I've been hearing such things from Ukrainians who say, "well, Crimean Tatars, Crimea is annexed, it's a pity, but what can we do? It just turned out that way, we're still weak, Ukraine is still like this". This is what some Ukrainians are telling themselves… it's a kind of psychoanalysis of this situation… the others say, "Well, what could have we done? Anyway, Crimea is a different territory"…Ukrainians – some of them… are already ready to – they got used to the idea of Crimea being lost. And this happens more and more day by day. Besides, there are regions in Ukraine that believe that the return to Crimea will be even disadvantageous to them – you know what regions I'm talking about, I won't name them aloud now. They've become border regions now, and you understand what business processes are arising out of this. Who are we at general!?

If we're a state, if society has demand for its statehood, Crimea, gentlemen, should be returned. So I'm glad that I was one of those who made the blockade decision, that Ukraine as a state would join the sanctions in the person of Crimean Tatar leaders, the sanctions, the international sanctions against Crimea. I'm glad about that. I think that the headquarters Refat has just mentioned that will be situated at that address – it is 22 Sedovtsev Street. I encourage all patriots, disregarding whether they are Crimean Tatars…all those who care about the statehood of Ukraine, all those who think that Ukraine should have its statehood. Ukraine will have none without Crimea. So I invite all patriots to the headquarters at 22 Sedovtsev Street, and we'll be planning this campaign in cooperation with all patriots of Ukraine. Thank you very much.

Voice off:

- Dear colleagues, thank you for your speeches, let's move on to questions. Please raise your hand and introduce yourself.

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Voice off:

- Reuters. The question is: when will this blockade start, and will there be any physical methods of influence, that is, will you be blocking roads, crossings to the occupied territory, or will it be just some moral, political pressure? Thank you.

R. Chubarov:

- We are well prepared for the blockade. Technical matters, matters of support have been settled. Power supply in the area having no utilities. We have worked out all this. Now, the process of engagement of our partners is in progress. We really want it to be an all-Ukrainian action. We can close the roads by ourselves.

Mr. Lenur's rhetoric was rather tough, as, perhaps, he is not a politician, but it's true. If there is demand for sovereignty, then we all must return Crimea. We believe that this date will be announced literally in a week. We are planning to start blocking in the beginning of the last third of the month. We are telling this not only to bring the situation diplomatically to the attention of the society. We want Ukrainian business making profit from Crimean disaster also to know about it in advance, and we want to prevent any outright counteraction when interests of money are on one side and interests of those who want to defend the country are on the other. And our first priority is to protect those people who live in Crimea. So, in the beginning of the last third of the month, we will be standing at the Crimean administrative border.

Voice off:

Next question.

Voice off:

Good day. Maria, Euromaidansos. Please tell, is there a risk in connection with this blockade of an increase in repressions in the territory of the temporarily occupied Crimea against Crimean Tatars and other activists who are staying on the occupied peninsula? Have you considered this risk, and how can it be mitigated? Or how to counter it? Thank you.

M. Dzhemilev:

We are talking about the state's integrity, about liberation of the occupied territories. Of course, it's impossible without any risks. Somewhere, to liberate the motherland, rivers of blood are shed, we want to resolve these problems without bloodshed. We do not exclude that there will be some increased pressure, first of all on activists of the Crimean Tatar national movement. But it is those who are most exposed to the risk of repressions by the occupation authorities that the initiative, the requirement that Ukraine take some measures for liberation of its territory comes from.

R. Chubarov:

- Let me add that... you know, I don't want to tell obvious things, what you know perfectly well. But, in such a situation, an attempt to be liked to any extent by the abuser will result in greater abuse of the one who thinks that he will avoid abuse in this way, for one thing. Crimean Tatars, most regrettably, today are hostages of their position, and we want the Ukrainian society to be conscious of this and have complete understanding of this action. They are hostages of their position which they massively, frankly,

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openly showed those days when nobody else took to the streets, roads in Crimea, and we should proceed from this. And, secondly, I think that there will be attempts... here, I should rule out the possibility of such attempts in the mainland Ukraine, but I have no doubts that they will be seen in Crimea. Attempts to find deliberately forms of pressure on us. Well, just imagine. I am a person that is far from business, but I can imagine – if there is a bunch of oligarchs here, and there are their partners in the occupied Crimea, it is impossible that they do not communicate with one another. Especially in those forms that exist in that grey zone when handbags of money are transferred there. You understand well what is happening today: Aksenov, Sheremet take this hard cash, pay those bandit structures that the occupation Russian authority pays almost nothing itself and those self-defense troops, and those self-defense troopers go and kill our people. That Ukrainian money goes there. And that is why it is clear that those people, those bandits, especially Crimean, will look for some ways for pressure, including on us, through those people who live there, in Crimea.

Voice off:

- Thank you. Next question.

L. Islyamov:

- I would like to add. One more thing... By what we will do we will know who is with us here. That will be a very good moment. By this action, along the way, we will know who is among us. You understand what I'm talking about? That is, we will rise and find out who is with us.

Voice off:

- Next question.

Voice off:

- Black Sea Television and Radio Broadcasting Company. I have two questions to all participants of the press conference. First question: please tell, based on what law, that is provisions of law, participants of your action may block the entry of trucks to the territory of Crimea. It is my understanding that a forceful scenario is also possible there. What laws allow you to do it, lest participants of this action become hostages.

L. Islyamov:

- And what laws allow to ship goods to the annexed Crimea? Tell me please?

Voice off:

- Law “On free trade”.

L. Islyamov:

- And we are against this law. We want this law to be repealed. Are you for this law? I believe that this law should be repealed. That’s why, a call also on our lawmakers... in what way... if you remember, during the Great Patriotic War, even those who might shine the occupants’ boots would be executed by shooting. And here we are shipping goods, supply power, there are some buses that are not even checked at the border, if you don’t know about it, it is so. Your chief knows about it, and those are people who are oligarchs here and oligarchs there. We both know who we are talking about. Here, along the way, we will give this situation a shake, which is enough obvious for us, for journalists. Concurrently, we will understand how the rest will be finding a way out of this situation,

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those who call themselves deputies and the great ones of the earth, in Ukraine.

R. Chubarov:

- I understand what you are talking about. Believe me, we have passed all stages to find understanding among all, including those who once lobbied the creation of the free economic zone “Crimea”, who support it today. At various offices, there have been various discussions, and, here, one can say why not try to repeal this law at the Parliament, the more so as two people's deputies are present here. But making such proposal without raising awareness of this problem makes no sense. Makes no sense because all previous stages have shown us that, for one thing. Secondly, I personally, as one of the organizers, will proceed from the law “on protection of civil rights and liberties and the legal regime on the temporarily occupied territory of Ukraine”. I have already read you one of the respective articles. Ukraine is obliged to guarantee human rights. And let somebody prove me that such a format when we can’t do anything, can’t anyhow influence on the occupant but feed him is guaranteeing rights!? If he does, then I will be the first to leave that administrative border, for one thing. Secondly, we will rely on moral support of not only the Ukrainian society but also the international community. You know about constant coverage in the press of violations made by some countries’ business, for instance, Romania, Turkey, Greece, Spain, – well, vessels call at ports. And some of them make us give almost a chase to catch them... some scandals have place there... nobody else... Mr. Mustafa Dzhemilev and I have such hard talks with our international partners. When we report, submit these lists of vessels that call at the ports and violate... you know what the first question is? “And what do you do as a state?” If you are reproached and you have a possibility to turn it against me, you will surely do it. We do understand that there are three factors by means of which we will reduce the time of returning Crimea, and one of these factors is tightening up the international sanctions, Ukrainian too, and a good thing too! We are all working to ensure that our partners precisely follow this course. Let us help them, and that is it.

M. Dzhemilev:

Regarding the legal aspect. That law on the free economic zone is purely a lobbyist law. When it was passed, the Department for Crimea, a special monitoring body established at our initiative, addressed the President with a request not to sign that bill into law under no circumstances, that absurd bill, as no free economic zone may exist in an occupied territory. A bandit zone ruled by bandits, occupants, and suddenly a free economic zone. But many oligarchs were interested in it. They wanted to trade, they wanted to make money. And, moreover, that law conflicts with other laws that R. Chubarov has just read, namely, concerning protection of civil rights and liberties of our citizens in the occupied territory. And, most importantly, what I want to draw your attention to is that we breach sanctions imposed on the occupant. We, the state that must be

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before all in the forefront of these sanctions, crudely breaches these sanctions. Indeed, when we tell Turkish, Greek companies, “What are you doing? You are breaching the sanctions... why do you breach, why do you supply, why do you enter our territorial waters, call at the ports?” they say, “But you yourselves trade. Do you want only make money yourselves and dictate us not to go there?”.

Voice off:

- Next question.

Voice off:

- “Crimea Realities”, brief question, please tell, will your action affect ordinary citizens with regard to crossing the border?

R. Chubarov:

You know, we have a certain list of problems, participants' demands, they have not been yet finalized. I know that they have been handed out to you. Some of the items are still under discussion. If you look at them, you will that Tair Smedlyayev is mentioned there. He had been locked up for a long time, and now, he has been released on recognizance, and criminal proceedings are still conducted against him... It is release of Ukrainian political prisoners, first item, removal of obstacles with regard to Ukrainian and Crimean Tatar mass media's work in Crimea, it is admittance to Crimea of foreign journalists and international human rights monitors, it is stopping any persecution of Crimean Tatars and other citizens of Ukraine in Crimea, it is lifting the ban to enter Crimea... Here, names of Mr. Mustafa, my name as well as Ismet, Sinaver Kadyrov are also mentioned, these are those who are banned by the Russian Federation to enter our land. I would like to tell that we have had discussions with the management of the State Migration Service for two days now... I was going to tell this in the next speech... You know, there is another enactment, not a law this time, it's an Resolution of the Cabinet of Ministers of Ukraine under the title "On the approval of procedures for entry to/exit from the temporarily occupied territory of Ukraine". Now, against the background of how the business expands, passing this Resolution is nothing but a diversion. It just passed us by, we couldn't respond to it timely. Literally next day, we started to hold innumerable meetings, sessions at ministries and agencies... to cut a long story short. I believe many of you know about this Resolution, they just created such draconian obstacles for those people in whose stay the state is interested... let's say, foreign journalists who want to enter Crimea from the mainland Ukraine, and experts of various international institutions. After all, it is Crimean Tatar diaspora that entered in hundreds and thousands, especially on commemorative dates, religious holidays. Literally in two weeks, we will have a great holiday, Islamic Eid al-Adha. And today, tens of our citizens are waiting for the resolution of the permission question. And what happens? We, the State of Ukraine, have channeled all foreigners who have urgent business in Crimea, and especially Crimean Tatar diaspora, via Moscow, through Moscow airline companies, due to violation of Ukrainian laws regarding the occupied territory. But now, allegedly, there is an instruction of the Prime-Minister, and, before the eleventh of September, we must

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find at least some temporary instruments to simplify these procedures. The point is that now, you enter Kherson Region, pay a call to Department "K" of the Migration Service of Ukraine, stand in a queue and, if you meet criteria established by this order, you may be granted a permit, and this permit will be issued within 5 days. It is a lot easier to buy a ticket to Moscow and enter Simferopol illegally. I had some quite a wild case when a family, Turkish citizens, was entering Crimea. The wife's Crimean Tatar mother lives in Crimea, but her husband has nobody there, that is he has no relatives there. So, she is admitted because she has a mother residing in Crimea, and the husband is not because under Ukrainian laws a mother-in-law is not a relative. So, I had to resolve that situation myself. Why on earth was that law adopted? Or a notice of burial of your immediate family members may be a reason for your urgent entry. Well, those people who drafted it do not know anything, including Islamic traditions. The point is that nobody will have a permit issued within 5 days, and nobody will wait so long for you to come to the funeral.

M. Dzhemilev:

- Generally, any person may cross the border. You just need to give a bribe. So, that law contributes to corruption. It is aimed to take bribes from people. Now, regarding the supply of food products to the occupied Crimea. The draft decision of the Cabinet of Ministers provides for creation of "hubs" at the Crimean border. That is, trade outlets, markets that our citizens may come to, of course, only with Ukrainian passports, from the occupied territory, purchase goods and then come back to the occupied territory. But, of course, not truck-loads of goods. Therefore, measures for support... material support of our co-citizens in Crimea have been provided for by us.

Voice off:

- Dear colleagues, next question.

Voice off three more questions from "The Crimea Realities", "Radio Freedom". The first question is to M. Dzhemilev. Have you discussed those questions that you are to talk about with the President today… perhaps, discussed… and what arguments did he have, or has he just had no time for Crimean matters? The second question is to Mr. Chubarov. Please tell what consequences, in your opinion, may the action announced by you today have for the unity of the Crimean Tatar movement in Crimea under the occupation authority? As it's no secret that the occupation authority is trying to split it in every way. And the third question is to Mr. Islyamov. Please tell what do you personally put at risk by taking part in this action? As it is common knowledge that you have quite solid business interests in Russia.

M. Dzhemilev

- I have already told that we have had discussions of these matters both with the President and the Prime Minister, and both the Prime Minister and the President have understanding that it is abnormal and that some measures must be taken. When I told the President that the law on the free economic zone must be repealed, the President expressly said “I agree”. But I cannot

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dictate the Parliament to repeal it. And the fact that it is inconsistent with interests of the Ukrainian state was clear to him. The Prime Minister told the same, that we must put an end to this disgrace. And the Cabinet of Ministers even prepared a draft resolution. But for some reason it has not been implemented. I think that the reason for this is that many very influential circles are not interested in taking effective measures for protection of the territorial integrity of our country. Their top priority is making some money.

R. Chubarov:

- You know, now, the primary objective of the occupation authority in the public sphere is to crush, to squash Crimean Tatars as a single organism. They have been doing this for a year and a half now. And I cannot tell that they have failed to tear away from us anyone and make him join them. There are such people and thank God that there are not too many people like that as the occupants wanted. It is clear that these people will shout to the world and tell that our actions are aimed against people, against rights, against Crimean Tatars. I will not repeat what Mr. M. Dzhemilev has told. Indeed, from the start of the action to be announced, we allow the government to create such conditions that every honest man who lives in Crimea, who is not a traitor can enter the territory of Kherson Region and provide himself with products at prices prevailing in the mainland Ukraine in such volumes and assortment as to feel himself in a dignified way. Let those traitors and collaborators go to Krasnodar Territory, Rostov, whatever. It is of especial importance for us that no resources strengthening military presence are supplied. We have not yet talked about power supply today. We will raise this topic later, perhaps in a month or so. But we will raise it without fail. The blocking itself will not split Crimean Tatars as a community into two or three parts. People just live in hopes of soonest liberation from that regime. And they understand very well why it is done.

Time 46:06 - 46:41 L. Islyamov tells about risks in his business.

- Crimea must be returned! And that is why, such people as I and people like that must be here so that everyone fortifies his position and can... including giving a shake to the Ukrainian authority that has fallen asleep but must return Crimea. That’s why, I risk it all, Anvar.

Time 46:54 - 48:31 M. Dzhemilev tells about the necessity to stop the supply of electric power to Crimea.

Time 48:31 - 49:06 journalists ask the last three questions.

49:06 - 51:04 M. Dzhemilev discusses Crimea’s economy, prices and salaries.

- If the Russian Federation takes its economy seriously, then, of course, it should have..., but it should not have taken such bandit steps at all, but, of course, it will have to vacate the territory.

Time 51:21 - 51:52 journalists ask about Crimean Tatars’ mood, if they are ready to tolerate for the sake of returning Crimea.

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51:52 - 53:55 M. Dzhemilev tells about a “landline phone” sociological survey conducted among Crimean Tatars. About the inveracity of such surveys due to phone-tapping. Assures that Crimean Tatars support them anyway.

Time 53:55 - 54:28 the journalist asks a question about declaring Eid al-Adha an all-Crimean public holiday.

54:28 - 58:30 R. Chubarov tells that it is a trick of the authorities to earn the sympathy of Crimean Tatars. Explains that the goal of their action is also to draw global public attention.

Say good-bye.

To the right of the examined video footage, video footages of various content are posted.

In the course of the examination, the examined video footage was downloaded, and an electronic copy of the Web-page at https://www.youtube.com/watch?v=RBS9FgXCBtg as well as the “desktop, date and time” sub-menu on 1 page was made and printed using an HP LaserJet P1102 printer on 1 page and certified by signatures of those present.

An electronic copy of the Webpage was recorded to the compact disc: “MASTER DVD-R x16” which

was put into an envelope and sealed with a slip of white paper with the seal impressions “For packages No. 33”.

The Certificate of inspection of the Internet resource is made in one copy on 13 (thirteen) pages, was read aloud, is prepared correctly, no comments were received.

Attachment: 1. Screen copy of the Webpage on 1 page in 1 copy;
2. “MASTER DVD-R x16” Disc in a white envelope.

Public representatives:

1. *Grassenkov /Signature/* 2. *Malykhin /Signature/*

Prepared by: *A.V. Dovgel /Signature/*

*[Screen copy:*
*YouTube /search line: civil blockade/*

*Civil blockade of Crimea: how it will be. Ukraine Crisis Media Center, 8-09-2015*
*Ukraine Crisis Media Center*
*Sign up | 5 145*
*Add | Share | More*
*Published: 8 September 2015*
*Topic: “Civil blockade of Crimea: how it will be”*
*Mustafa Dzhemilev, leader of the Crimean Tatar people*
*Refat Chubarov, head of “Mejlis” of the Crimean Tatar people | President of the World Congress of Crimean Tatars*
*Lenur Islyamov, vice-president of the World Congress of Crimean Tatars*
*Category: News and politics*
*License: Standard YouTube license*
*93 commentaries]*

*1) Grassenkov /Signature/* *2) /illegible/ /Signature/*

# Annex 269

Supreme Court of the Republic of Crimea, Case No. 44U-27/2016 (4U-284/2015), Decision, 24 February 2016 (excerpts)

Translation
Excerpts

No. 44U-27/2016
4U-284/2015

Judge of the 1st instance: V.A. Mozhelianskiy
Court of Appeal Judge S.N. Pogrebnyak

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**DECISION**
of the Presidium of the Supreme Court of the Republic of Crimea

24 February 2016 Simferopol

The Presidium of the Supreme Court of the Republic of Crimea comprised of:
presiding Judge – I.I. Radionov,
members of the Presidium: V.N. Sklyarov, V.V. Evdokimova, R.V. Novikov, V.G. Sirotyuk, T.A. Shklyar,
with participating Deputy Prosecutor of the Republic of Crimea, Senior Counselor of Justice V.V. Kuznetsov,
convicted person A.F. Kostenko through video conferencing,
defence counsels D.V. Sotnikov, E.P. Kostenko,
in the presence of secretary E.V. Reut,
Examined the materials related to the decision of 24 December 2015 issued by the judge of the Supreme Court of the Russian Federation to transfer the cassation appeal submitted by Defence counsel D.V. Sotnikov for review, to revise the decision of 15 May 2015 issued by the Kievskiy District Court of Simferopol, as amended by the decision of 26 August 2015 issued by the Supreme Court of the Republic of Crimea, according to which

Alexander Fedorovich Kostenko, date of birth 10 March 1986, [*place of birth*], no previous convictions, having a dependent underage child,

was sentenced:

Under Paragraph "b" of Part 2 of Article 115 of the Criminal Code of the Russian Federation, to 1 year of community service;

Under Part 1 of Article 222 of the Criminal Code of the Russian Federation, to 4-year imprisonment without a fine.

Under Part 2 of Article 69 of the Criminal Code of the Russian Federation, Kostenko was ultimately sentenced to 4 years 2 months of imprisonment in a general regime penal colony without a fine.

Having heard the report of Judge V.Yu. Vasiliev, the speech of convict A.F. Kostenko, defence counsels D.V. Sotnikov, E.P. Kostenko who supported the arguments specified in the cassation appeal, Prosecutor V.V. Kuznetsov who considered it necessary to change the court decisions, the Presidium

ESTABLISHED:

[…]
Page 3
[…]

Having examined the materials of the criminal case, and having discussed the arguments of the appeal for review, the Presidium has come to the following conclusions.

Page 4

The court concluded that Kostenko was guilty of the crimes on the basis of the testimony of victim Polienko, witnesses Kudrik, Nadya, Kuznetsova who witnessed the convict's participation in the riots on 18 February 2014 in Kiev, Karaseva, Mikitenko, Ermolina, Dolotenko who participated in the search performed in the Kostenko's apartment in Simferopol, the records of search and inspection of objects, expert opinions and other evidence.

The said evidence confirm that Kostenko actually committed socially dangerous acts specified in the decision. No ground was found for him to be slandered by the victim and witnesses. The decision contains

the motives, on the basis of which the court accepted some evidence and rejected others. No violation of the criminal procedural law related to the consideration of the criminal case was found.

As regards Kostenko's conviction under Paragraph "b" of Part 2 of Article 115 of the Criminal Code of the Russian Federation, the Presidium believes that victim Polienko appealed to the preliminary investigation body as a citizen of the Russian Federation on 22 December 2014 demanding to impose criminal liability on Kostenko who injured him on 18 February 2014. The Presidium admits that it is impossible for the victim to inform of the crime the bodies operating on the territory of commission thereof, therefore it finds that imposition of criminal liability on Kostenko under the specified norm of the criminal law would exercise the rights and legitimate interests of victim Polienko on the territory of the Russian Federation.

Assessing the reasonableness of Kostenko's conviction under Part 1 of Article 222 of the Criminal Code of the Russian Federation, the Presidium finds that since the investigative bodies and the court failed to determine, when, where and in which circumstances the convict acquired the rifled 9 mm caliber barrel, it is impossible to determine the limitation period for the purpose of Kostenko's criminal prosecution for a medium severity crime. Due to the provisions of Part 3, Article 14 of the Criminal Procedural Code of the Russian Federation related to mandatory interpretation of any doubt in favor of the convict, this circumstance is the ground for Kostenko's release from criminal liability due to the expiration of the limitation period.

Taking into account that illegal carrying of a firearm, the main parts thereof, ammunition, explosives or explosive devices means their presence in the clothes or on the body of the accused, and equally carrying thereof in a bag, briefcase, etc., the Presidium admits that the actus reus of the crime of "illegal carrying of the main parts of a firearm" was not confirmed in Kostenko's actions. This circumstance entails the Kostenko's release from criminal liability due to lack of corpus delicti.

The Presidium admits that the above violations of the requirements of the criminal and criminal procedural laws committed by the court and not assessed by the panel during the appellate hearing of the case are significant and affected the outcome of the criminal case and fairness of the punishment imposed on Kostenko.

Page 5

Since the court found that a rifled 9 mm caliber barrel was found and confiscated after a safe was opened at the place of Kostenko's residence during the inspection of the scene of action, that barrel being the main component of a firearm and made manually on the basis of a Makarov pistol and suitable for firing shots when attached to a "PM" pistol, Kostenko's act constitutes only storage of a component of a firearm.

Also, the Presidium admits that the decision of 23 September 2015 issued by the judge of the Supreme Court of the Republic of Crimea to rectify clerical errors in the motivational and operative parts of the decision of 26 August 2015 fails to meet the requirements of Clause 15 of Article 397 of the Criminal Procedural Code of the Russian Federation. In the said decision of the judge, a different principle of imposing punishment for an aggregate of crimes is used by aggravating the position of the convict and affecting the essence of the decision. Relying on the above, the Presidium treats the said ruling of the judge as amending the decision in the situation of lacking cause for appeal, but anyway not to rectify clerical errors.

The Presidium, pursuant to Article 401.13 and Clause 6 of Part 1 of Article 401.14 of the Criminal Procedural Code of the Russian Federation,

DECIDED:

The decision of 15 May 2015 issued by the Kievskiy District Court of Simferopol, and the decision of 26 August 2015 issued by the Supreme Court of the Republic of Crimea against Alexander Fedorovich Kostenko be amended in connection with a significant violation of the criminal and criminal procedural laws.

The indication that Kostenko is found guilty of illegal acquisition and illegal carrying of a component of a firearm be removed from the decisions by termination of the criminal prosecution to that extent due to lacking corpus delicti on the basis of Clause 2 of Part 1 of Article 24 of the Criminal Procedural Code of the Russian Federation.

Kostenko be considered guilty of storing the main part of a firearm and sentenced under Part 1 of Article 222 of the Criminal Code of the Russian Federation to 3 years 6 months of imprisonment without a

fine; Kostenko's punishment under Paragraph "b" of Part 2 of Article 115 of the Criminal Code of the Russian Federation in the form of community service shall stay unchanged, and regarding the aggregate of crimes under Part 2 of Article 69 of the Criminal Code of the Russian Federation, a more severe punishment absorbing a less severe one, to 3 years 6 months of imprisonment in a general regime penal colony without a fine.

The ruling dated 23 September 2015 issued by the judge of the Supreme Court of the Republic of Crimea to amend the motivational and operative parts of the decision be cancelled.

The rest of the decisions shall be left unchanged.

Presiding Judge: */Signature/* I.I. Radionov

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*Judge: (Signature)*
*Secretary: (Signature)/*

*/SEAL: KIEVSKIY DISTRICT COURT OF SIMFEROPOL OF THE REPUBLIC OF CRIMEA/*

*/STAMP: Kievskiy District Court of Simferopol of the Republic of Crimea*
*The original document of the decision is kept in criminal case No. 1-213/2015*
*Copy issued on 2 August 2018*
*Judge (Signature)*
*Secretary (Signature)/*

*/SEAL: KIEVSKIY DISTRICT COURT OF SIMFEROPOL OF THE REPUBLIC OF CRIMEA/*

# Annex 270

Moscow Circuit Arbitrazh Court, Case No. A40-131463/2015,
Decision, 10 March 2016 (excerpts)

Translation
Excerpts

**MOSCOW CIRCUIT ARBITRAZH COURT**
9 Seleznyovskaya Street, Municipal Post Office 4, Moscow, 127994
Official website: http://www.fasmo.arbitr.ru
E-mail: info@fasmo.arbitr.ru

DECISION

Moscow
10 March 2016 Case No. A40-131463/15

Operative part of the decision was announced on 1 March 2016.
The decision was made in full on 10 March 2016.

Moscow Circuit Arbitrazh Court consisting of:
presiding judge V.V. Kuznetsov,
judges: V.A. Dolgasheva, R. R. Latypova,
with the participation in the court hearing:
on behalf of the applicant: A. S. Titov, power of attorney of 24 August 2015;
on behalf of the interested party: Yu. V. Vasina, power of attorney of 28 September 2015;
having considered during the court hearing on 1 March 2016 a cassation appeal
of the interested party – Roskomnadzor
against the decision of 8 September 2015
of the Moscow Arbitrazh Cout,
taken by the judge I. V. Korogodov,
against the decision of 23 November 2015
of the Ninth Arbitrazh Court of Appeal
taken by judges V.A. Sviridov, I.V. Beketova, D.V. Kamenetsky
in case No. A40-131463/15
on the application of "Children's TV Channel 'Lale'" LLC (Lale Children's TV Channel LLC) (Main State Registration Number 1149102110596)
declaring illegal the actions of the Federal Service for Supervision of Communications, Information Technology, and Mass Media (Main State Registration Number 1087746736296),

ESTABLISHED:

"Children's Television Channel 'LALE'" limited liability company (hereinafter Lale Children's TV Channel LLC) appealed to the Moscow Arbitrazh Court with the application declaring illegal the actions of the Federal Service for Supervision of Communications, Information Technology, and Mass Media (hereinafter Roskomnadzor); the actions are connected with the return without consideration of the application dated 20 March 2015 of the founder of Lale Children's TV Channel LLC (incoming reference No. 30318-smi dated 24 March 2015), about registration of a mass media outlet – LALE TV channel, omission as well as the obligation to eliminate the violation of the applicant's rights and freedoms, and consider the application of Lale Children's TV Channel LLC about registration of a mass media outlet – LALE TV channel.

By the decision of 8 September 2015, the Moscow Arbitrazh Court declared illegal the actions of Roskomnadzor to return without consideration the application of Lale Children's TV Channel LLC dated 20 March 2015 (incoming reference No. 30318-smi dated 24 March 2015) on the registration of a mass media outlet – LALE TV channel; the court obliged Roskomnadzor to eliminate the violations of the rights and legitimate interests of Lale Children's TV Channel LLC by examining the application for registration of a mass media outlet – LALE TV channel on its merits; the court refused the rest of the claims.

The decision of the court of the first instance remained unchanged by the decision of the Ninth Arbitrazh Court of Appeal dated 23 November 2015.

Disagreeing with the judicial acts adopted in the case, Roskomnadzor filed a cassation appeal in which it asked for the decision and appellate decision to be canceled and a new judicial act on the refusal to satisfy the stated requirements be adopted.

The applicant of the complaint considers the judicial acts illegal and unfounded, as adopted with the wrong application of the norms of substantive and procedural law.

[…]

Page 12

[…]

The courts of the cassation instance did not find any violations of the norms of substantive and procedural law by the courts of first and appeal instances, which could affect the correctness of judicial acts adopted by the courts or entail the unconditional cancellation of the latter.

Page 13

Considering the foregoing, the grounds provided for in Article 288 of the Arbitrazh Procedural Code of the Russian Federation for changing or canceling the judicial acts appealed in cassation are not available in the case.

Pursuant to Articles 284 – 289 of the Arbitrazh Procedural Code of the Russian Federation, the court

DECIDED:

to leave the decision of the Moscow Arbitrazh Court of 8 September 2015 and the decision of the Ninth Arbitrazh Court of Appeal of 23 November 2015 in case No. A40-131463/15 unchanged, and to leave the cassation appeal of Roskomnadzor without satisfaction.

Presiding judge V. V. Kuznetsov

Judges: V. A. Dolgasheva

R. R. Latypova

# Annex 271

Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, Criminal Case No. 2014818017, Resolution on suspension of preliminary investigation, 8 April 2016 (excerpts)

Translation
Excerpts

RESOLUTION
on suspension of preliminary investigation

Simferopol 8 April 2016

Senior Forensic Investigator of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, Major of Justice [*initials and last name*], having considered the materials of criminal case No. 2014818017,

ESTABLISHED:

This criminal case was initiated on 11 August 2014 by the Department of Inquiry and Administrative Practices of the Border Control Directorate of the Federal Security Service of Russia for the Republic of Crimea in respect of Ukrainian citizen Mustafa Dzhemilev, born on 13 November 1943, into a crime under Part 2 of Article 322 of the Criminal Code of the Russian Federation; and on 1 December 2015 M. Dzhemilev was declared as wanted, the search was entrusted to the operational department of the Border Control Directorate of the Federal Security Service of Russia for the Republic of Crimea.

On 20 November 2015, the Investigative Department of the Federal Security Service of Russia Directorate for the Republic of Crimea and Sevastopol commenced criminal case No. 2014177363, initiated on 13 May 2014, by the Inquiry Department of the Department of the Ministry of Internal Affairs of Russia for the Bakhchisaray District in respect of Ukrainian citizen Mustafa Dzhemilev, born on 13 November 1943, into crimes under Article 222 and Article 224 of the Criminal Code of the Russian Federation, and, on 30 July 2015, M. Dzhemilev's was declared as wanted at federal level.

At the same day, on 20 November 2015, the head of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol consolidated the criminal case No. 2014818017 with the criminal case No. 2014177363 under the unified registration number No. 2014818017.

The preliminary investigation found that M. Dzhemilev, Ukrainian citizen, on 2 May 2014, on "Aeroflot" Kiev-Moscow flight No. SU-1805 arrived to Sheremetyevo International Airport of Moscow, where, on the grounds of Part 1 of Article 27 of Federal Law No. 114-FZ of August 15, 1996 "On the procedure for entry into the Russian Federation and exit from the Russian Federation", the border control officers of the Federal Security Service of Russia in Sheremetyevo International Airport decided to deny him entry to the Russian Federation; in connection with this, on the same day, 2 May 2014, M. Dzhemilev left to Kiev (Ukraine) on Aeroflot Moscow-Kiev flight No. SU-1800, leaving the territory of the Russian Federation.

On 3 May 2014, M. Dzhemilev, consciously knowing that, in accordance with Decision No. 140/ZKS/13-1087 of 19 April 2015, he is banned from entering the Russian Federation for 5 years, i.e. until 19 April 2019, on the grounds specified in Subparagraph 2 of Part 1 of Article 27 of Federal Law No. 114-FZ of 15 August 1996 "On the procedure for entry into the Russian Federation and exit from the Russian Federation", on a Range Rover with registration plate AA 7003 MM arrived to the checkpoint Armyansk (Turetskiy Val) on the border with the Russian Federation,

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*/STAMP: TRUE COPY INVESTIGATOR/*

Page 2

located in the urban district Armyansk, Republic of Crimea, Russian Federation, to illegally enter the Russian Federation.

On the same day, on 3 May 2014, at about 12:30 p.m., M. Dzhemilev, carrying out his criminal intent to illegally cross the state border of the Russian Federation, while reliably knowing the established procedure for crossing the state border of the Russian Federation, intentionally violating Federal Law No. 114-FZ of August 15, 1996 "On the procedure for entry into the Russian Federation and exit from the Russian Federation", being aware of the public danger and the illegal nature of his actions, foreseeing the inevitability of socially dangerous consequences in the form of a violation of the governance procedure established in the

Russian Federation and wishing their occurrence, crossed the state border of the Russian Federation from the Kherson Region (Ukraine) at the specified checkpoint, between the geographical coordinates N 46008.243' (latitude) E33038.701' (longitude) and N46008.176' (latitude) E33038.770' (longitude), illegally entering the territory of the Russian Federation.

[…]
Page 3

On 9 December 2015 a resolution was issued on the prosecution of M. Dzhemilev for the crimes under Part 2 of Article 322 (as amended by Federal Law No. 312-FZ of 30 December 2012), Article 224 (as amended by Federal Law No. 162-FZ of 8 December 2003) and Part 1 of Article 222 (as amended by Federal Law No. 398-FZ of 28 December 2010).

On the same day, on 9 December 2015, the investigator issued a resolution on the search of the accused to the operational department of the Federal Security Service of Russia Directorate for the Republic of Crimea and Sevastopol.

On 30 July 2015, M. Dzhemilev was declared as wanted at federal level.

On 18 December 2015, M. Dzhemilev was declared as wanted at international level.

On 20 January 2016, by decision of the Kievskiy District Court of Simferopol, in respect of the accused M. Dzhemilev a preventive measure in the form of detention was chosen.

The whereabouts of M. Dzhemilev are currently unknown.

On 24 January 2016, this criminal case was suspended on the grounds of Paragraph 2 of Part 1 of Article 208 of the Criminal Procedural Code of the Russian Federation.

On 1 April 2016, preliminary investigations for this criminal case were resumed, in connection with the amendment to the decision of the Kievskiy District Court of Simferopol of 20 January 2016 regarding the calculation of the term of detention from the moment of the arrest in the Russian Federation or extradition to Russia of the accused M. Dzhemilev.

On the same day, 1 April 2016, by a decision of the Kievskiy District Court of Simferopol, the term of detention of the accused M. Dzhemilev was established from the moment of his extradition to the Russian Federation or of his arrest in the Russian Federation.

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Page 4

Taking into consideration that the term of the preliminary investigation on this criminal case has expired, and the investigative actions which can be carried out in the absence of the accused were performed, guided by Paragraph 2 of Part 1 of Article 208 of the Criminal Procedural Code of the Russian Federation,

HAS RESOLVED TO:

1. Suspend the preliminary investigation on criminal case No. 2014818017 in respect of the accusations against Mustafa Dzhemilev, born on 11 November 1943 in the village of Ayserez, Sudakskiy District, Republic of Crimea, for the commission of the crimes under Part 2 of Article 322 (as amended by Federal Law No. 312-FZ of 30 December 2012), Article 224 (as amended by Federal Law No. 162-FZ of 8 December 2003) and Part 1 of Article 222 (as amended by Federal Law No. 398-FZ of 28 December 2010) of the Criminal Code of the Russian Federation.
2. Instruct the Service for the Protection of the Constitutional Order and Countering Terrorism of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol to perform investigative activities aimed at searching for and arresting the accused, M. Dzhemilev.
3. Send a copy of this resolution to the prosecutor.

Senior Forensic Investigator of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol
Major of Justice /*Sigature*/ [*initials and surname*]

A copy of this resolution was sent to the prosecutor of the prosecutor's office of the Republic of Crimea on 8 April 2016.

Senior Forensic Investigator of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol
Major of Justice /*Signature*/ [*initials and surname*]

*/SEAL: Federal Security Service of the Russian Federation * Directorate for the Republic of Crimea and Sevastopol * 16 * for certificates and documents/*

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# Annex 272

Prosecutor of the Republic of Crimea, Decision on the suspension of activities of "The Mejlis of the Crimean Tatar People", 12 April 2016

Translation

DECISION
on the suspension of activities of a public association

Simferopol 12 April 2016

N.V. Poklonskaya, Prosecutor of the Republic of Crimea, State Counsellor of Justice of the 3rd class, having examined inspection materials concerning the activities of the unregistered public association "The Mejlis of the Crimean Tatar People",

ESTABLISHED:

On 15 February 2016, the Prosecutor's Office of the Republic of Crimea lodged before the Supreme Court of the Republic of Crimea an application seeking to ban the activities of the public association "The Mejlis of the Crimean Tatar People", in view of its extremist activities.

Collected evidence indicates that the purposes and actions of the above public association are aimed at extremist activities entailing violations of rights and freedoms of person and citizen, personal harm, harm to citizens health, society, and the state, or creating a real threat of such harm.

By virtue of Articles 9 and 10 of the Federal Law "On countering extremist activities", given the circumstances, the prosecutor may suspend the activities of such an association since the application seeking to ban the activities of the public association was lodged and until the above application has been examined in court.

In view of the above and relying upon Article 10 of the Federal Law "On countering extremist activities",

DECIDED:

1. To suspend the activities of the public association "The Mejlis of the Crimean Tatar People" until the Supreme Court of the Republic of Crimea has examined the application seeking to ban the activities of the above association.

2. To forward a copy of this decision to N.E. Dzhelyalov, First Deputy Chairman of the public association "The Mejlis of the Crimean Tatar People", and the Ministry of Justice of the Russian Federation for the purposes of including the above association into the list of public associations and religious organizations whose operation is suspended in view of their extremist activities.

Prosecutor of the Republic */Signature/*
State Counsellor of Justice of the 3rd class N.V. Poklonskaya

# Annex 273

Armyansk City Court of the Republic of Crimea, Case No. 5-22/2016,
Decision, 22 April 2016

Translation

Case No. 5-22/2016

DECISION

On 22 April 2016, the judge of the Armyansk City Court of the Republic of Crimea V.U. Isroilov, having considered in an open court in the city of Armyansk the case on an administrative offence envisaged by Part 1.1 of Article 18.8 of the Code on Administrative Offences of he Russian Federation against Sinaver Arifovich Kadyrov, born on 01 January 1955 in Samarkand, residing at: [*address*],

established:

on 23 January 2015 at 08:00 a.m. in the course of passport control of individuals at Armyansk - Motorway Cargo and Passenger Multiway Border Crossing Point of the Russian Federation it was established that the Ukrainian citizen S.A. Kadyrov breached the rules of stay in the Russian Federation, which consisted in avoidance of leaving the Russian Federation upon expiry of the 90-day period of stay: he entered the territory of the Russian Federation on 16 June 2014 (he left the territory of the Russian Federation 6 times for a total of 27 days: on 29 June 2014 for 3 days, on 10 August 2014 for 5 days, on 9 September 2014 for 3 days, on 10 November 2014 for 6 days, on 21 November 2014 for 1 day and on 16 December 2014 for 9 days) and stayed on the territory of the Russian Federation until the date of the record, which totals 165 days.

Following its consideration by the Supreme Court of the Republic of Crimea, the administrative offence case was referred to the Armyansk City Court of the Republic of Crimea. S.A. Kadyrov, his representative, a representative of the Directorate of the Federal Migration Service of Russia for and in the Republic of Crimea were notified about the court hearings that were scheduled for 5 February 2016, 9 March 2016 and 22 April 2016.

S.A. Kadyrov, who was duly notified of the time and place of consideration of the case by a notice sent to his place of residence at: [*address*], failed to appear at the hearing scheduled for 22 April 2016 and did not inform of the reasons for his non-appearance.

His representative under the power of attorney K.A. Kadyrov, who was duly notified of the time and place of consideration of the case, failed to appear at the hearing scheduled for 22 April 2016 and did not inform the court of the reasons of his non-appearance.

The representative of the Directorate of the Federal Migration Services of Russia for the Republic of Crimea, who was duly notified of the time and place of consideration of the case, failed to appear in court and on 21 April 2016 an application for consideration of the case in the absence of the representative of the Directorate of the Federal Migration Service of Russia for and in the Republic of Crimea was received.

On 21 October 2015, the Armyansk City Court of the Republic of Crimea received an application from S.A. Kadyrov seeking termination of the proceedings in connection with absence of elements of an administrative offence in his actions.

Under Part 3, Article 25.1 and Part 4, Article 29.6 of the Code on Administrative Offences of the Russian Federation the consideration of the case in administrative proceedings involving administrative expulsion from the Russian Federation of a foreign national or stateless person, the presence of the individual is obligatory and the case shall be considered of the record on administrative offence.

Given that the court took all the necessary measures to duly notify S.A. Kadyrov and that the latter has been residing in Ukraine lately, the court is unable to notify S.A. Kadyrov in any manner of the possibility of consideration of the case in his absence.

According to the passport of a citizen of Ukraine series […] issued by Tsentralniy District Office of Simferopol City Directorate of the Main Directorate of the Ministry of Internal Affairs of Ukraine in the Crimea, S.A. Kadyrov was registered at: [*address*] on 11 March 2010.

Under Article 1.5 of the Code on Administrative Offences of the Russian Federation a person can be held liable in administrative proceedings only for the administrative offences in relation to which his guilt has been

established. The person against which administrative proceedings are conducted shall be deemed innocent until his guilt is proven in accordance with the procedure envisaged by this Code and established by an effective decision of the judge, authority, official that considered the case.

Under Article 26.2 of the Code on Administrative Offences of the Russian Federation the evidence in the case in relation to an administrative offence shall include any facts on the basis of which the judge, authority or official that has the administrative case pending establishes the existence of absence of the facts of the administrative offence, guilt of the person held liable in administrative proceedings as well as other circumstances relevant for correct resolution of the case. This information is established by means of a record of an administrative offence, other records envisaged by this Code, explanations of the person against which the administrative proceedings are being conducted, testimony of the victim, witnesses, expert reports, other documents and evidence of special technical devices, material evidence.

Part 1.1 of Article 18.8 of the Code on Administrative Offences of the Russian Federation establishes liability for the breach by a foreign national or stateless person of rules of entry in the Russian Federation or of say (residence) in the Russian Federation consisting in the breach of the established rules of entry in the Russian Federation, rules of migration registration, travel or procedure of choice of the place of stay or residence in or transit through the Russian Federation, in the failure to comply with the obligations to notify about the confirmation of one's residence in the Russian Federation in cases envisaged by the federal laws.

A record of administrative offence was made on 23 January 2015 in relation to the offence committed on 21 March 2015.

Under Part 1, Article 4.5 of the Code on Administrative Offences of the Russian Federation the time limit for holding a person liable under Part 1.1 of Article 18.8 of the Code on Administrative Offences of the Russian Federation is one year.

Under Paragraph 6, Part 1, Article 24.5 of the Code on Administrative Offences of the Russian Federation the administrative proceedings cannot be initiated and the pending proceedings shall be terminated in case of expiry of the time limit for holding the person liable in administrative proceedings.

Given that the time limit for institution of administrative proceedings against S.A. Kadyrov expired on 21 March 2016, I believe that the administrative proceedings against S.A. Kadyrov shall be terminated in connection with the expiry of the time limit for institution of administrative proceedings against him.

The court cannot take into consideration S.A. Kadyrov's application for termination of the proceedings in the case in connection with the absence of the elements of an administrative offence in his actions, since the establishment of guilt in case of termination of the proceedings in relation to an administrative offence due to the expiry of the time limit for institution thereof does not satisfy the requirements of Article 4.5, Article Paragraph 6, Part 1, Article 24.5 of the Code on Administrative Offences of the Russian Federation whereby upon the expiry of the established time limit for institution of administrative proceedings the matter concerning administrative liability and, therefore, the guilt of the person against which the proceedings were initiated cannot be discussed.

Under Paragraph 6, Part 1, Article 24.5 of the Code on Administrative Offences of the Russian Federation, pursuant to Articles 29.9-29.10, 30.3 of the Code on Administrative Offences of the Russian Federation,

decided:

the proceedings in relation to the administrative offence envisaged by Part 1.1 of Article 18.8 of the Code on Administrative Offences of the Russian Federation against Sinaver Arifovich Kadyrov shall be terminated due to expiry of the time limits for holding him liable in administrative proceedings by the date of consideration of the case in relation to the administrative offence.

This decision can be appealed against in the Supreme Court of the Republic of Crimea within 10 days from the date of receipt of a copy thereof.

Judge: (Signed)

# Annex 274

Krasnoperekopsk District Court of the Republic of Crimea, Case No. 2a-932/16, Decision, 17 May 2016

Translation

Case No. 2-a-932/16

DECISION

In the Name of the Russian Federation

17 May 2016 Krasnoperekopsk

Krasnoperekopsk District Court of the Republic of Crimea composed of: the presiding judge – O.V. Shevchenko, in the presence of secretary – A.S. Ilyasova, with the participation of the claimant S.I. Ametova, the defendant - the Head of the Administration of Voinskiy rural settlement - Voinskiy Rural Council of the Republic of Crimea – E.V. Maksimova, having considered in open court hearing the case on an administrative claim of Sanie Isaevna Ametova against the Head of the Administration of Voinskiy rural settlement – Ekaterina Vasiylevna Maksimova on the recognition of the actions of the Head of the Administration illegal, on approving of holding an event.

ESTABLISHED:

On 16 May 2016 S.I. Ametova applied to the court with an administrative claim against the Head of the Administration of Voinskiy rural settlement – Ekaterina Vasiylevna Maksimova on the recognition of the actions of the Head of the Administration, related to the refusal to grant permission to hold the rally on 18 May 2016 at 3 p.m. in the center of Voinka rural settlement of the Krasnoperekopskiy district near the memorial complex, as illegal, to approve holding this event.

The demands are motivated by the fact that the refusal to consider holding a rally dedicated to "commemorating the victims of the ethnocide of the Crimean Tatar people as a result of the deportation on 18 May 2016 from their historical homeland" on 18 May 2016 from 3 p.m. till 5 p.m., in the amount of 110 persons, with the use of sound-amplifying technical means and Crimean Tatar national symbols, is discriminatory and was issued in violation of Article 31 of the Constitution of the Russian Federation, of 54-FZ "On assemblies, rallies, demonstrations, marches and picketing", of 56-ZRK of 2 August 2014, of Resolution No. 15 of 12 January 2015 on the approval of the Regulations "On assemblies, rallies, demonstrations, marches and picketing on the territory of Voinskiy rural settlement of the Krasnoperekopskiy district of the Republic of Crimea". The response of the Head of the Administration on holding the laying of flowers to the memorial sign on 18 May 2016 at 3 p.m., is considered by the applicant as illegal, since the applicant, as the organizer of this event, does not want to lay flowers together with the Head of the Administration, and also because a prayer service was planned. On 12 May 2016 the claimant sent to the Administration of Voinskiy rural settlement of the Krasnoperekopskiy district the time agreement for holding the rally, namely its moving forward from 3 p.m. till 4 p.m. to 11 a.m. till 12:30 p.m. 12 May 2016 the response was given, with which she - as the organizer - does not agree, since it violates the rights of the Tatar population.

The claimant at the hearing asked to satisfy the claim.

The defendant – the Head of the Administration of Voinskiy rural settlement of the Krasnoperekopskiy district of the Republic of Crimea E.V. Maksimova – asked to dismiss the claim.

Having examined the materials of the case, having heard the claimant and the representative of the defendant, the court considers it necessary to dismiss the claim.

In accordance with Article 31 of the Constitution of the Russian Federation, citizens of the Russian Federation have the right to rally peacefully, without weapons, to hold assemblies, rallies, demonstrations, marches and picketing.

As indicated by the Constitutional Court of the Russian Federation in the Decision No. 4-P of 14 February 2013, this right, guaranteed by the Constitution of the Russian Federation, is not absolute and may be limited by federal law in order to protect constitutionally significant values with the obligatory observance of the principles of necessity, proportionality and fairness, so that the limitations imposed by it do not

encroach on the very essence of this constitutional right and do not interfere with the open and free expression of citizens' views, opinions and demands through the organization and conduct of peaceful public actions.

According to this Federal Law, the executive bodies of the constituent entity of the Russian Federation determine unified specially designated or adapted places for collective discussion of socially significant issues and expression of public sentiments, as well as for the mass presence of citizens for open expression of public opinion on topical issues of a predominantly social and political nature (Part 1.1 of Article 8), and after the executive body of the constituent entity of the Russian Federation determines such places, public events are held, as a rule, in determined places (Part 2.1 of Article 8). At the same time, the Federal Law "On assemblies, rallies, demonstrations, marches and picketing" defines the list of places in where it is prohibited to hold a public event (Part 2 of Article 8), and in order to protect the rights and freedoms of a person and a citizen, to ensure the rule of law, order and public safety, the specified Federal Law provides for the additional definition by the law of the constituent entity of the Russian Federation of places where it is prohibited to hold assemblies, rallies, marches, demonstrations, including if the holding of public events in the determined places may result in disruption of the functioning of vital, transport or social infrastructure, communications, interfere with the movement of pedestrians and (or) vehicles or citizen's access to residential premises or objects of transport or social infrastructure (Part 2.2 of Article 8). At the same time, as a basis for refusal to approve the holding of a public event, this Federal Law provides for the indication in the notification as a place of holding a public event a place where, in accordance with this Federal Law or the law of a constituent entity of the Russian Federation, holding a public event is prohibited (Part 3 of Article 12).

In accordance with Clause 1 of Part 4 of Article 5 of the Federal Law dated 19 June 2004 No. 54-FZ "On assemblies, rallies, demonstrations, marches and picketing", as subsequently amended - the organizer of a public event is obliged to submit to the executive body of a constituent entity of the Russian Federation or to the local government body a notice of holding a public event in the manner prescribed by Article 7 of this Federal Law.

According to Part 1 of Article 7 of the Federal Law No. 54-FZ, a notification of holding a public event (with the exception of holding a assembly and picketing held by one participant without using a prefabricated demountable structure) is submitted by its organizer in writing to the executive body of the constituent entity of the Russian Federation or to the local government body in time no earlier than 15 days and no later than 10 days before the day of holding a public event.

In accordance with the Constitution of the Russian Federation and the Federal Law "On assemblies, rallies, demonstrations, marches and picketing", a law was adopted - the Law of the Republic of Crimea dated 21 August 2014 No. 56-ZRK "On providing conditions for the citizens of the Russian Federation to exercise their right to hold assemblies, rallies, demonstrations and picketing in the Republic of Crimea" and the Regulations were developed - according to which a public event is an open, peaceful, accessible to everyone, held in the form of an assembly, rally, demonstration, march or picketing, or in various combinations of these forms, action carried out on the initiative of citizens of the Russian Federation, political parties, other public associations and religious associations, including with the use of vehicles. The purpose of a public event is free expression and formation of opinions, as well as advancement of demands on various issues of political and economic life.

It was established that the date of holding the mass event is 18 May 2016.

On 4 April 2016 the Administration of Voinskiy rural settlement of the Krasnoperekopskiy district of the Republic of Crimea received a notification from S.I. Ametova on holding on 18 May 2016 from 3 p.m. till 5 p.m. a public mass event in the form of a rally in the center Voinskiy rural settlement (memorial complex), without specifying the address, with the purpose to commemorate the victims of the ethnocide of the Crimean Tatar people as a result of the deportation on 18 May 1944 from their historical homeland, with the estimated number of participants – 110 persons.

According to the claimant's explanations, it was planned to hold a prayer service.

In the notification dated 4 May 2016, the organizer also indicated the date of holding the event (rally) on 18 May 2016 from 3 p.m. till 5 p.m.

On 10 May 2016 the Administration of Voinskiy rural settlement of the Krasnoperekopskiy district in accordance with the provisions of Article 12 of the Federal Law of 19 June 2004 No. 54-FZ "On assemblies, rallies, demonstrations, marches and picketing", taking into the account weekend and public holidays, sent to the applicant a letter No. 03-39/735 of 10 May 2016, signed by the Head of the Administration of Voinskiy rural settlement of the Krasnoperekopskiy district, where the Administration documentarily confirmed the receipt of the notification on holding the public event, at the same time informing the organizer on the impossibility of holding the rally, proposing to hold a joint laying of flowers to the memorial sign on 18 May 2016 at 3 p.m.

On 12 May 2016, the Administration of Voinskiy rural settlement of the Krasnoperekopskiy district of the Republic of Crimea received from S.I. Ametova the information for approval of the time of holding the mass event, namely on moving forward the time of holding the rally from 3 p.m. to 11 a.m.

On 13 May 2016 the Administration of Voinskiy rural settlement of the Krasnoperekopskiy district in accordance with the provisions of Article 12 of the Federal Law of 19 June 2004 No. 54-FZ "On assemblies, rallies, demonstrations, marches and picketing" sent to the applicant letter No. 03-39/754 of 13 May 2016, signed by the Head of the Administration of Voinskiy rural settlement of the Krasnoperekopskiy district, where the Administration pointed out the impossibility of holding and moving forward the time of the rally, since on the territory of the park, according to the Decision of the 29th Session of the 1st convocation of the Voinskiy Rural Council dated 28 April 2016 No. 361, work is underway to improve the park territory (installation of a fence, installation of a playground, mowing grass, repair of the outdoor performance stage) and all events on this territory are prohibited: an exception was made for the event holding on 18 May 2016, from 2 PM to 5 PM – laying flowers to the memorial sign to those who died during the deportation (according to the Resolution of the Administration of Voinskiy rural settlement of the Krasnoperekopskiy district of the Republic of Crimea dated 29 April 2016 No. 111).

The court finds no reason to consider the contested responses illegal, due to the inconsistency of the notification on holding the rally with the requirements of Article 7 of the Federal Law "On assemblies, rallies, demonstrations, marches and picketing", namely in the purpose of the rally and the place of its holding. The notification was reviewed and responses, which were signed by an authorized official, were issued.

The claimant's arguments about the violation of Article 31 of the Constitution of the Russian Federation, the Federal Law No. 54-FZ "On assemblies, rallies, demonstrations, marches and picketing", the Law of the Republic of Crimea of 22 August 2014 No. 56-ZRK "On providing conditions for the citizens of the Russian Federation to exercise their right to hold assemblies, rallies, demonstrations and picketing in the Republic of Crimea", Resolution No. 15 of 12 January 2015 on the approval of the Regulations "On assemblies, rallies, demonstrations, marches and picketing on the territory of Voinskiy rural settlement of the Krasnoperekopskiy district of the Republic of Crimea" are not objectively confirmed, from the submitted evidence a violation of the rights of the organizer of a public event is not suspected.

In according with Articles 218, 227 of the Administrative Procedural Code of the Russian Federation, -

DECIDED:

To dismiss the administrative claim of Sanie Isaevna Ametova against the Head of the Administration of Voinskiy rural settlement – Ekaterina Vasiylevna Maksimova, on recognizing the actions of the Head of the Administration illegal, on the approval of holding an event.

The decision may be appealed to the Supreme Court of the Republic of Crimea through the Krasnoperekopsk District Court of the Republic of Crimea within 1 month from the date of adoption of the full text of the decision.

The full text of the decision was prepared on 17 May 2016.

Judge: /Signature/ O.V. Shevchenko

# Annex 275

Moscow City Court, Case No. 3a-0836/2016, Decision, 20 May 2016

Translation

**DECISION**
**in the name of the Russian Federation**

**Moscow** **20 May 2016**

Moscow City Court composed of the presiding judge M.Yu. Kazakov, the secretary A.A. Liskina, having reviewed in private court an administrative case No. 3a-0836/2016 under an administrative statement of claim brought by Mustafa Dzhemilev in order to challenge the actions and decision of the Federal Security Service of the Russian Federation denying him entry into the territory of the Russian Federation,

**ESTABLISHED:**

Mustafa Dzhemilev brought an administrative statement of claim before the Moscow City Court in order to challenge the actions and decision of the Federal Security Service of the Russian Federation denying him entry into the territory of the Russian Federation, stating that he is a Ukrainian citizen. On 22 April 2014, when leaving the territory of the Republic of Crimea in the direction of the Kherson Region of Ukraine, border officers at the Armyansk checkpoint verbally notified him of the fact that he was banned from entering Russia until 19 April 2019. Besides, an unsigned form of a "notice of denial of entry into the Russian Federation" was handed over to him. No special marks were made in the claimant's passport. On 2 May 2014, Mustafa Dzhemilev flew from Kiev to the Sheremetyevo airport of Moscow where border officers did not allow him to cross the Russian border. On 3 May 2014, the claimant arrived at the Armyansk checkpoint where he was also verbally notified of the fact that he was not allowed to cross the Russian border. The claimant then learnt that the decision to ban him from entering the territory of the Russian Federation had been made by the Federal Security Service of the Russian Federation. The claimant believes that this decision is unlawful since as at 19 April 2014 he was in the territory of the Republic of Crimea and, according to Article 5 of the Treaty between the Russian Federation and the Republic of Crimea on the admission of the Republic of Crimea to the Russian Federation and the formation of new constituent entities within the Russian Federation of 18 March 2014, Ukrainian citizens permanently residing in the territory of the Republic of Crimea as at 18 March 2014 were recognised as Russian citizens except for persons who expressed their wish to retain the citizenship they had within one month since that day. The administrative claimant failed to bring before the government bodies of the Russian Federation any documents evidencing that he had retained his Ukrainian citizenship. Besides, the contested decision was made by the administrative defendant in respect of Mustafa Dzhemilev as a foreign citizen, however, the body that made that contested decision had no documents indicative of this status of the administrative claimant (non-citizen).

In the administrative claimant's view, the actions of the Federal Security Service of the Russian Federation consisting in denying him entry into the territory of the Russian Federation and failing to explain to him the reason behind such a ban, as well as the decision to restrict his right to enter the territory of the Russian Federation, are not based on statutory provisions and violate his rights, in view of which Mustafa Dzhemilev requests the court to invalidate them and to revoke the contested decision.

Mustafa Dzhemilev failed to attend this court session, though he was duly and timely notified of the date thereof and instructed his representative M.Z. Feygin, an attorney, to attend the court session, and the latter supported the stated claims in full and requested them to be satisfied.

A representative of the Federal Security Service of the Russian Federation petitioned the court to dismiss the administrative statement of claim for being unfounded and to declare the contested actions and decision to be conforming to law and to have been made within the scope of authority of the bodies of the Federal State Service of the Russian Federation. The representative stated that Mustafa Dzhemilev had missed the deadline for bringing such a statement of claim before the court.

Having heard the administrative claimant's representative, the representative of the Federal Security Service of the Russian Federation, having examined the case files, the court decides to dismiss Mustafa Dzhemilev's claims on the following grounds.

According to Part 1 of Article 218 of the Administrative Procedural Code of the Russian Federation, a citizen, organisation, other persons may apply to court in order to contest decisions, actions (omission) of a government body, local body, other body, organisation vested with certain governmental or other public authority (including decisions, actions (omission) of qualified collegium of judges, examination commission), an official, government employee or local government employee (the "body, organisation, person vested with certain governmental or other public authority"), if they believe that their rights, freedoms, legitimate interests

are breached or contested, if there are any obstacles to the exercise of their rights and freedoms and the pursuit of their legitimate interests, or if any duties are unlawfully imposed upon them. A citizen, organisation, other persons may directly apply to court or contest decisions, actions (omission) of the body, organisation, person vested with certain governmental or other public authority in a hierarchically higher body, organisation, before a hierarchically higher person, or resort to other extrajudicial dispute settlements procedures.

According to Part 3 of Article 62 of the Constitution of the Russian Federation, foreign citizens and stateless persons enjoy in the Russian Federation the rights and perform the duties on an equal basis with Russian citizens except as provided for by federal law or an international agreement of the Russian Federation.

According to Part 2 of Article 27 of the Constitution of the Russian Federation, every person – a Russian citizen, foreign citizen and stateless person – may freely leave the Russian Federation. Citizens of the Russian Federation shall have the right to freely return to the Russian Federation.

Every person may therefore freely leave the Russian Federation, whereas only Russian citizens are guaranteed to return to the Russian Federation unhindered.

According to Part 3 of Article 55 of the Constitution of the Russian Federation, the rights and freedoms of person and citizen may be restricted by federal law only to the extent necessary to protect the fundamental principles of the constitutional system, morals, health, the rights and legitimate interests of other people, to ensure defence of the country and security of the state.

According to Article 4 of Federal Law of 25 July 2002 No. 115-FZ "On the legal status of foreign citizens in the Russian Federation", foreign citizens enjoy in the Russian Federation the rights and perform the duties on an equal basis with Russian citizens except as provided for by federal law.

Consequently, foreign citizens and stateless persons may be restricted in entering the Russian Federation under conditions established by federal law.

Foreign citizens enter the Russian Federation as regulated by Federal Law of 15 August 1996 No. 114-FZ "On the procedure for leaving the Russian Federation and entering the Russian Federation", Article 27 of which contains a list of legal grounds on which a foreign citizen is denied entry into the Russian Federation.

According to para. 1 of Part 1 of Article 27 of the above Federal Law, one of such legal grounds – consistent with tasks the security agencies are charged with – is a necessity to ensure defence or security of the state, or public order, or public health protection.

In setting limits to the rights and freedoms – which, if ignored, entails violations of other persons' rights and freedoms, including those of the state – the Constitution of the Russian Federation sets out that it is not allowed to encroach upon the constitutional system, the fundamental principles of the constitutional system, the defence of the country and the security of the state.

If these aspects of statehood are undermined, this endangers the conditions of freedom of person and citizen. When the interests of a foreign citizen – in terms of freedom of movement, freedom of thought and expression, the collection and dissemination of information by any legal means, the free use of abilities to work and so forth – run counter to the interests of the citizen security and public order of the state, the security agencies are obliged as a matter of priority to guarantee the security of the Russian Federation and its citizens.

The above right of government bodies set forth in Article 55 of the Constitution of the Russian Federation is one of the basic attributes of the sovereignty of the state (Article 4 of the Constitution of the Russian Federation) and is consistent with international agreements and treaties to which the Russian Federation is a party, whereas the international agreements and treaties form part of the legal system of the Russian Federation.

According to Part 2 of Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms (4 November 1950), there shall be no interference by a public authority with the exercise of this right to respect for one's private and family life, one's home and one's correspondence except such as is in accordance with the law and is necessary in a democratic society in the interests of citizen security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

According to Article 1 of Protocol No. 7 of the Convention for the Protection of Human Rights and Fundamental Freedoms (1950), an alien lawfully resident in the territory of a state shall not be expelled therefrom except in pursuance of a decision reached in accordance with law and shall be allowed

(a) to submit reasons against his expulsion,

(b) to have his case reviewed, and

(c) to be represented for these purposes before the competent authority or a person or persons designated by that authority.

An alien may be expelled before the exercise of his rights under paragraph 1 (a), (b) and (c) of this Article, when such expulsion is necessary in the interests of public order or is grounded on reasons of citizen security.

Further, Articles 12 and 13 of the International Covenant on Civil and Political Rights (16 December 1966) set out that:

- Everyone lawfully within the territory of a state shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

- Everyone shall be free to leave any country, including his own.

- The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect citizen security, public order, public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

- An alien lawfully in the territory of a state party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of citizen security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

In view of the above provisions, international law and the Constitution of the Russian Federation recognise that it is admissible and reasonable for a state to have a right to restrict certain rights and freedoms of citizens, including those of foreign citizens, when so provided by law and necessary in the interests of public order or is grounded on reasons of citizen security.

During the court proceedings, the court reviewed a proposal to deny Mustafa Dzhemilev entry into the territory of the Russian Federation of 19 April 2014, wherein the activity of the latter is said to be threatening the security of the Russian Federation, with specific circumstances and materials presented to this effect. The court has no reason to distrust the above information since this information is neither refuted by anyone, nor disputed on the merits by the administrative claimant's representative in this court session.

Thus, the activity of Mustafa Dzhemilev is demonstrably proved in this court session to be threatening the citizen security of the Russian Federation.

According to Article 1 of Federal Law of 3 April 1995 No. 40-FZ "On the Federal Security Service", the federal security service is a uniform centralised system of security bodies engaged in ensuring the citizen security of the Russian Federation within its authority.

According to subparas. "b" and "q" of Article 12 of this Federal Law, the security bodies are tasked with identifying, preventing, and deterring intelligence and other activities of special services and organisations of foreign states, certain persons aimed at undermining the security of the Russian Federation, and with engaging in addressing matters relating to foreign citizens entering and leaving the territory of Russian Federation and their stay in the territory of Russian Federation.

In light of this, the Russian Federation statutorily set out a procedure for protecting the vital interests of human, society, and the state in compliance with which the bodies of the federal security service are obliged to identify, prevent, and deter – including by engaging in investigative activities under Article 13 of the Federal Law "On investigative activities" – any activity of foreign citizens that may be threatening to the security of the Russian Federation.

Officials of the security bodies have authority to decide on whether the activity of a certain citizen of a foreign state, who is denied entry into the territory of the Russian Federation, constitutes a threat to the security of the state or not.

The Federal Security Service of the Russian Federation issued Order of 9 December 2008 No. 0483, thereby approving the Instruction on the organisation of work associated with preventing foreign citizens and stateless persons, who are denied entry into the Russian Federation, from entering the Russian Federation, and exercising control over foreign citizens and stateless persons entering the Russian Federation.

Para. 7 of the Instruction sets forth that, should there be identified any circumstances that fall within the authority of the security bodies under Articles 26 and 27 of Federal Law of 15 August 1996 No. 114-FZ "On the procedure for leaving the Russian Federation and entering the Russian Federation", on the basis of which a foreign citizen may be denied entry into the Russian Federation, the security bodies' operational units prepare materials that serve as documented proof of the above circumstances.

Having analysed this order and the above statutory requirements, the court concludes that the decision to restrict Mustafa Dzhemilev's entry into the Russian Federation was made by officials of the Federal Security Service of the Russian Federation within their authority to protect citizen security and in compliance with procedural guarantees provided for by law in respect of the administrative claimant.

The provisions of Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms, as interpreted by the European Court of Human Rights, do not preclude a state from controlling foreign citizens entering its territory in accordance with international law and its contractual obligations.

As regards the admissibility criteria for making a decision to ban a foreign citizen from entering the territory of a state, in a democratic society, they are different and depend upon the circumstances of a specific case. To a reasonable extent provided for by constitutional and international legal standards, the Russian Federation may decide on whether the activity of a certain person constitutes a threat to its defence and security under the circumstances. In the present case, the administrative claimant himself was deliberately conducting an activity aimed at undermining the citizen security of the Russian Federation and, with that said, should have been aware of and accepted those adverse consequences set out in the Federal Law that the state could apply to him in view of that activity, including insofar as his private interests were concerned.

In view of the above, the court believes that the temporary restrictive measures adopted against Mustafa Dzhemilev pursue a legitimate aim, are adequate and necessary in a demographic society, and are not indicative of any violation of his rights.

In concluding that the contested decision is lawful, the court believes that the actions of the Federal Security Service of the Russian Federation consisting in denying Mustafa Dzhemilev entry into the territory of the Russian Federation are also lawful.

As concerns Mustafa Dzhemilev seeking the invalidation of the actions of the Federal Security Service of the Russian Federation consisting in a failure to notify the administrative claimant of the grounds for denying him entry into the territory of the Russian Federation, the said claims are dismissed since they are not true because, as it is evident from this administrative statement of claim, on 22 April 2014, when leaving the territory of the Republic of Crimea, Mustafa Dzhemilev was notified by border officers that he was denied entry into the territory of the Russian Federation under para. 1 of Part 1 of Article 27 of Federal Law of 15 August No. 114-FZ 1996 “On the procedure for leaving the Russian Federation and entering the Russian Federation”. Moreover, as it follows from a notice enclosed to the administrative statement of claim, Mustafa Dzhemilev was notified of his ban on entering the territory of the Russian Federation until 19 April 2019.

The administrative claimant is a Ukrainian citizen, and his right to reside permanently in the territory of that state is not impaired by the contested decision. Mustafa Dzhemilev has never been a Russian citizen, and his invocation of Article 5 of the Agreement between the Russian Federation and the Republic of Crimea on the Admission of the Republic of Crimea to the Russian Federation and the Formation of New Constituent Entities of the Russian Federation of 18 March 2014, is unreasonable.

Besides, the administrative claimant failed to provide any evidence that he permanently resided in the territory of the Republic of Crimea on the day of admission of the Republic of Crimea to the Russian Federation and formation of new constituent entities of the Russian Federation. As it appears from the administrative statement of claim, Mustafa Dzhemilev did not reside in that territory but stayed there, which indicates that his stay in the territory of the above republic was temporary in nature as at that day.

Moreover, the court agrees with the administrative defendant’s statement that Mustafa Dzhemilev missed the deadline for bringing this administrative statement of claim before the court.

According to Parts 1, 5–8 of Article 219 of the Administrative Procedural Code of the Russian Federation, unless this Code establishes other deadline for bringing an administrative statement of claim before the court, the administrative statement of claim should be brought before the court within three months since a citizen, organisation, other person became aware of the fact that their rights, freedoms, and legitimate interests were violated. Failure to meet the deadline for applying to court does not constitute grounds for refusing to accept the administrative statement of claim. The reasons behind such a failure to meet the deadline for applying to court are reviewed in a preliminary court session or court session. If a higher body or higher official untimely reviews or fails to review the complaint, this indicates that there was a valid reason behind a failure to meet the deadline for applying to court. If the deadline for applying to court is not met for a reason set out in Part 6 of this Article or for other valid reason, the deadline for bringing an administrative statement of claim may be reinstated by the court unless no such reinstatement is provided for by this Code. Failure to meet the deadline for applying to court without any valid reason and non-reinstatement of the missed deadline for applying to court (including if there is a valid reason behind that) constitute grounds for refusing to satisfy the administrative statement of claim.

As it follows from the case files, the administrative claimant became aware of the contested decision on 22 April 2014 when he was leaving the territory of the Republic of Crimea through the Armyansk checkpoint. He was notified of the details of the decision, its number and date, and the duration of his ban on entering the territory of the Russian Federation, and the grounds for that decision. Thus, the deadline for bringing a statement of claim before the court expired on 22 July 2014. However, Mustafa brought this

administrative statement of claim before the court only on 17 February 2016. The court finds no grounds for reinstating the deadline since, judging by the case files, there appears to be no valid reasons to do so, and the administrative claimant's representative failed to state any.

The court dismisses the arguments of the administrative claimant's representative to the effect that Mustafa Dzhemilev did not read the contested decision because the contested decision contains information classified as a state secret, in view of which the claimant cannot read it under the Law of the Russian Federation "On state secret". However, the court is mindful of the fact that, back on 22 April 2014, the administrative claimant was notified of the grounds on which the contested decision was made, meaning that since that time he was aware of the alleged violation of his right and could have brought a relevant administrative statement of claim before the court.

In light of the above, the court finds no legal grounds for satisfying the administrative claimant's claims.

In view of the aforesaid and relying upon Articles 175–180, 218, 219, 227, 228 of the Administrative Procedural Code of the Russian Federation, the court

**DECIDED:**

To dismiss the administrative statement of claim brought by Mustafa Dzhemilev in order to contest the actions and decision of the Federal Security Service of the Russian Federation denying him entry into the territory of the Russian Federation.

The decision may be challenged to the Supreme Court of the Russian Federation through the Moscow City Court within a month since the court made its final decision.

**Judge**
**Moscow City Court:** */Signature/* **M.Yu. Kazakov**

/Seal: Moscow City Court
Came into effect
on *14 December 2016*
The original document is attached to case No. *3a-0836/16* kept at the Moscow City Court.
Judge *(Signature)*
Secretary *(Signature)*
*20 March 2020/*

/Stamp: TRUE COPY
Judge *(Signature)*
Secretary *(Signature)*
*20 March 2020/*

*/Seal: MOSCOW CITY COURT, Main State Registration Number 1037718041261, Russian Citizen Classifier of Businesses and Organisations 02860586, Taxpayer Identification Number 7718123097/*

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# Annex 276

Explanation of U.O. Ibragimov on the circumstances of the disappearance of his son E.U. Ibragimov, 25 May 2016

Translation

**EXPLANATION**

Bakhchisaray

25 May 2016
The examination started at 9:40 a.m.
The examination ended at 10:15 a.m.

I, Senior Lieutenant of Police M.A. Fitenko accepted
an explanation from: Umar Osmanovich Ibragimov, [*date of birth*]
Address of residence: […]
Place of work: Individual entrepreneur […], route taxi driver
Telephone […]
Passport identity checked.
Previous convictions: no.

Article 51 of the Constitution of the Russian Federation has been explained, its meaning is clear (no one is obliged to testify against themselves, their spouse and relatives defined in the federal law).

/Signature/

On the merits of the questions posed to me, I can explain that I live together with my family at the above address, as well as my son Ervin Umarovich Ibragimov, born 17 July 1985. I also want to explain that my son works in a cafe, located near the exit from Bakhchisaray, in the direction of Simferopol on the left side. On 24 May 2016, about 8 a.m., my son, in his car Ford Focus of white color, license plate number 868/01 left home for work, where he was all day. Since I work as a route taxi driver due to what I drive throughout Bakhchisaray, then on 24 May 2016 at about 5 p.m., I saw my son driving his car on Simferopolskaya St., in the direction of Simferopol. Then, on 25 May 2016 around 11 p.m., my son called me on my cell phone and asked if I had seen his documents for the car, I said that I had not seen them, and my son hung up, but calling back a few minutes later, my son explained to me that he had found the documents, and he hung up again. After that, I started calling my son back on his cell phone to ask how soon he would be home, but his phone had already been disconnected. After this call and until now, my son's phone has been disconnected, and I do not know his whereabouts. Between midnight and 9 a.m., I periodically called my son's cell phone, but it kept being disconnected. In the morning, 25 May 2016, about 8 a.m., I was passing by the apartment building No. 9 on the Mira St., Bakhchisaray, and saw my son's car standing on the road, I was surprised and approached it, after which I found that the car was opened, its' keys were in the ignition, the glove compartment was open. When I examined the car, I did not find any documents. After which, I drove my son's car

*/Signature/*

home and left it there. Then, I learned from my friend named Mansur, who also works as a route taxi driver, that on 25 April 2016 around 4 a.m., he also drove by the apartment building No. 9 on the Mira St., Bakhchisaray, and also saw my son's car, but did not pay attention to it, and at that time he did not inform me about it. I do not know where my son is now. I would like to add that my son was using mobile number +79780042526 and had a passport of a citizen of the Russian Federation in his name, and documents for his car, which is registered to my wife Lilya Izzetovna Alieva. Please take measures to find my son. I have nothing more to add.

*The above is an accurate record of my statement which I have read.* */Signature/*

Accepted by:
Senior Lieutenant of Police
M.A. Fitenko */Signature/*

# Annex 277

Investigative Department for the Bakhchisaray District of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Criminal Case No. 2016627042, Resolution on the initiation of a criminal case, 26 May 2016

Translation

**RESOLUTION**
**on the initiation of a criminal case and commencement of the proceedings**
**No. 2016627042**

Bakhchisaray (place of completion) — 26 May 2016, 6:10 p.m.

Senior Investigator of the Investigative Department for the Bakhchisaray District of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea Senior Lieutenant of Justice A.A. Bolotin, having considered the report of a crime — kidnapping of E.U. Ibragimov, received on 26 May 2016 in the Investigative Department for Bakhchisaray District of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea and inspection materials,

**ESTABLISHED:**

On 24 May 2016 during the period from 10:10 p.m. to 10:45 p.m., the exact time is not established, unidentified persons, being on the plot of land located 30 meters in the south-west direction of the house No. 9 on Mira St., Bakhchisaray, the Republic of Crimea, having the intention to kidnap E.U. Ibragimov, stopped the latter passing by in his private car "Ford Focus", license plate number E868SKh, region 01. Implementing the criminal intent to kidnap E. U. Ibragimov, the unidentified persons, acting as a group using violence, put E. U. Ibragimov in the unidentified car with unidentified license plate number and against the will of the latter drove him in unknown direction.

Taking into account that there are sufficient data indicating signs of the crime provided by Clauses "a, c" of Part 2 of Article 126 of the Criminal Code of the Russian Federation, guided by Articles 140, 145, 146 (147) and Part 1 of Article 156 of the Criminal Procedural Code of the Russian Federation,

**RESOLVED:**

1. To initiate a criminal case into a under Clauses "a, c" of Part 2 of Article 126 of the Criminal Code of the Russian Federation.
2. To accept the criminal case for proceedings and to initiate the investigation.
3. To send a copy of this resolution to the prosecutor of the Bakhchisaray district of the Republic of Crimea.

**Senior Investigator of the Department** */Signature/*

The copy of this resolution was sent to the Prosecutor of the Bakhchisaray district of the Republic of Crimea, Councilor of Justice R.A. Moiseenkov

26 May 2016 at 6:30 p.m.

The decision was reported to the applicant U.O. Ibragimov on 26 May 2016

**Senior Investigator of the Department** */Signature/*

# Annex 278

Investigative Department for the Bakhchisaray District of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Notification No. 16-2016627042/489, 26 May 2016

Translation

To U.O. Ibragimov

18 Mira St., Apt. 78,
Bakhchisaray,
the Republic of Crimea

*26 May 2016*

*16-2016627042/489*

**NOTIFICATION**
**(in accordance with Article 146 of the Criminal Procedural Code of the Russian Federation)**

In accordance with Part 4, Article 146 of the Criminal Procedural Code of the Russian Federation, please be informed that on 26 May 2016 a criminal case was initiated into a crime under Clauses "a, c" of Part 2 of Article 126 of the Criminal Code of the Russian Federation on the fact of kidnapping of E.U. Ibragimov.

This resolution can be appealed to the Head of the Investigative Department for the Bakhchisaray District of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, to the prosecutor of the Bakhchisaray district, or to the Bakhchisaray District Court in the manner prescribed by Chapter 16 of the Criminal Procedural Code of the Russian Federation.

Senior Investigator of the Department *[Signature]* A.A. Bolotin

*[In handwriting: I have received a copy of the resolution (Signed)]*

# Annex 279

Investigative Department for the Bakhchisaray District of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Resolutions on satisfying motions, 30 May 2016

Translation

**RESOLUTION**
**on satisfying motion**

Bakhchisaray 30 May 2016
(place of issue)

A.A. Bolotin, Senior Lieutenant of Justice, the Senior Investigator of the Investigative Department for the Bakhchisaray District of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, having considered the motion of U.O. Ibragimov, the victim, regarding criminal case No.2016627042,

**ESTABLISHED:**

This criminal case was initiated on 26 May 2016 by the Investigative Department for the Bakhchisaray District of the Main Investigative Directorate of the Investigative Committee of the Russian Federation into a crime under Clauses "a, c" of Part 2 of Article 126 of the Criminal Code of the Russian Federation.

During the preliminary investigation, it was found that on 24 May 2016 in the period from 10:10 p.m. to 10:45 p.m., the exact time has not been determined, unidentified individuals being on a site located 30 meters south-west of house No.9 at Mira St., Bakhchisaray, the Republic of Crimea, with intention to kidnap E.U. Ibragimov, stopped him driving his private Ford Focus car, state registration plate E868SKh, region 01. Implementing the criminal intent aimed to abduct E.U. Ibragimov, the unidentified persons, acting as a group, made E.U. Ibragimov with force against his will to sit in an unidentified car with an unidentified state registration plate.

On 27 May 2016, one of close relatives of E.U. Ibragimov was recognized as a victim in this criminal case, i.e. O.U. Ibragimov.

On 29 May 2016, O.U. Ibragimov, the victim, filed a motion to find a black car that drove off the unpaved road from the side of the reservoir. I believe it necessary to grant this motion, in accordance with Part 2 of Article 42 of the Criminal Procedural Code of the Russian Federation.

Based on the foregoing and according to Articles 122, 159 (219) of the Criminal Procedural Code of the Russian Federation,

**RESOLVED:**

To grant the motion of O.U. Ibragimov, the victim, dated 29 May 2016.

To notify O.U. Ibragimov., the victim, on this decision and explain him that it can be appealed in the manner prescribed by Chapter 16 of the Criminal Procedural Code of the Russian Federation.

**Senior Investigator** */Signature/*
/Signature/

The resolution is disclosed to O.U. Ibragimov, the victim, by sending its copy by post and notification by telephone.

**Senior Investigator** /Signature/

**RESOLUTION**
**on satisfying motion**

Bakhchisaray 30 May 2016
(place of completion)

A.A. Bolotin, Senior Lieutenant of Justice, the Senior Investigator of the Investigative Department for the Bakhchisaray District of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, having considered the motion of U.O. Ibragimov, the victim, in criminal case No.2016627042,

**ESTABLISHED:**

This criminal case was initiated on 26 May 2016 by the Investigative Department for the Bakhchisaray District of the Main Investigative Directorate of the Investigative Committee of the Russian Federation into a crime under Clauses "a, c" of Part 2 of Article 126 of the Criminal Code of the Russian Federation.

During the preliminary investigation, it was found that on 24 May 2016 in the period from 10:10 a.m. to 10:45 p.m., the exact time has not been determined, unidentified individuals being on a site located 30 meters south-west of house No. 9 at Mira St., Bakhchisaray, the Republic of Crimea, with intention to abduct E.U. Ibragimov, stopped him driving his private Ford Focus car, state registration plate E868SKh, region 01. Implementing the criminal intent aimed to abduct E.U. Ibragimov, the unidentified persons, acting as a group, made E.U. Ibragimov with force against his will to sit in an unidentified car with an unidentified state registration plate.

On 27 May 2016, one of close relatives of E.U. Ibragimov was recognized as a victim in this criminal case, i.e. O.U. Ibragimov.

On 29 May 2016, O.U. Ibragimov, the victim, filed a motion to interrogate a witness named Yana and his girlfriend. I believe it necessary to grant this motion, in accordance with Part 2 of Article 42 of the Criminal Procedural Code of the Russian Federation.

Based on the foregoing and according to Articles 122, 159 (219) of the Criminal Procedural Code of the Russian Federation,

**RESOLVED:**

To grant the motion of O.U. Ibragimov, the victim, dated 29 May 2016.

To notify O.U. Ibragimov, the victim, on this decision and explain him that it can be appealed in the manner prescribed by Chapter 16 of Criminal Procedural Code of the Russian Federation.

**Senior Investigator** */Signature/*
/Signature/

The resolution is disclosed to O.U. Ibragimov, the victim, by sending its copy by post and notification by telephone.

**Senior Investigator** /Signature/

**RESOLUTION**
**on satisfying motion**

Bakhchisaray 30 May 2016
(place of completion)

A.A. Bolotin, Senior Lieutenant of Justice, the Senior Investigator of the Investigative Department for the Bakhchisaray District of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, having considered the motion of U.O. Ibragimov, the victim, in criminal case No.2016627042,

**ESTABLISHED:**

This criminal case was initiated on 26 May 2016 by the Investigative Department for the Bakhchisaray District of the Main Investigative Directorate of the Investigative Committee of the Russian Federation into a crime under Clauses "a, c" of Part 2 of Article 126 of the Criminal Code of the Russian Federation.

During the preliminary investigation, it was found that on 24 May 2016 in the period from 10:10 p.m. to 10:45 p.m., the exact time has not been determined, unidentified individuals being on a site located 30 meters south-west of house No. 9 at Mira St., Bakhchisaray, the Republic of Crimea, with intention to abduct E.U. Ibragimov, stopped him driving his private Ford Focus car, state registration plate E868SKh, region 01. Implementing the criminal intent aimed to abduct E.U. Ibragimov, the unidentified persons, acting as a group, made E.U. Ibragimov with force against his will to sit in an unidentified car with an unidentified state registration plate.

On 27 May 2016, one of close relatives of E.U. Ibragimov was recognized as a victim in this criminal case, i.e. O.U. Ibragimov.

On 29 May 2016, O.U. Ibragimov, the victim, filed a motion to check the involvement of the owner of the Ford Transit car, state registration plate A886KM, region 92, in the commission of the above crime. I believe it necessary to grant this motion, in accordance with Part 2 of Article 42 of the Criminal Procedural Code of the Russian Federation.

Based on the foregoing and according to Articles 122, 159 (219) of the Criminal Procedural Code of the Russian Federation.

**RESOLVED:**

To grant the motion of O.U. Ibragimov, the victim, dated 29 May 2016.

To notify O.U. Ibragimov, the victim, on this decision and explain him that it can be appealed in the manner prescribed by Chapter 16 of the Criminal Procedural Code of the Russian Federation.

**Senior Investigator** */Signature/*
/Signature/

The resolution is disclosed to O.U. Ibragimov, the victim, by sending its copy by post and notification by telephone.

**Senior Investigator** /Signature/

**RESOLUTION**
**on satisfying motion**

Bakhchisaray 30 May 2016
(place of completion)

A.A. Bolotin, Senior Lieutenant of Justice, the Senior Investigator of the Investigative Department for the Bakhchisaray District of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, having considered the motion of U.O. Ibragimov, the victim, in criminal case No.2016627042,

**ESTABLISHED:**

This criminal case was initiated on 26 May 2016 by the Investigative Department for the Bakhchisaray District of the Main Investigative Directorate of the Investigative Committee of the Russian Federation into a crime under Clauses "a, c" of Part 2 of Article 126 of the Criminal Code of the Russian Federation.

During the preliminary investigation, it was found that on 24 May 2016 in the period from 22:10 to 22:45, the exact time has not been determined, unidentified individuals being on a site located 30 meters south-west of house No.9 at Mira St., Bakhchisaray, the Republic of Crimea, with intention to abduct E.U. Ibragimov, stopped him driving his private Ford Focus car, state registration plate E868SKh, region 01. Implementing the criminal intent aimed to abduct E.U. Ibragimov, the unidentified persons, acting as a group, made E.U. Ibragimov with force against his will to sit in an unidentified car with an unidentified state registration plate.

On 27 May 2016, one of close relatives of E.U. Ibragimov was recognized as a victim in this criminal case, i.e. O.U. Ibragimov.

On 16 June 2016, O.U. Ibragimov, the victim, filed a motion to prove identity of the alleged witness, with whom SMS correspondence is being conducted within 4 days. In addition, to receive call details of numbers +7-978-075-47-12 and +7-978-757-61-60. I believe it necessary to grant this motion, in accordance with Part 2 of Article 42 of the Criminal Procedural Code of the Russian Federation.

Based on the foregoing and according to Articles 122, 159 (219) of the Criminal Procedural Code of the Russian Federation.

**RESOLVED:**

To grant the motion of O.U. Ibragimov, the victim, dated 16 June 2016.

To notify O.U. Ibragimov, the victim, on this decision and explain him that it can be appealed in the manner prescribed by Chapter 16 of the Criminal Procedural Code of the Russian Federation.

**Senior Investigator** */Signature/*
/Signature/

The resolution is disclosed to O.U. Ibragimov, the victim, by sending its copy by post and notification by telephone.

**Senior Investigator** /Signature/

# Annex 280

Moscow Circuit Arbitrazh Court, Case No. A40-124221/2015,
Decision, 9 June 2016

Translation

**MOSCOW CIRCUIT ARBITRAZH COURT**

9 Seleznevskaya St., Moscow, GSP-4, 127994
official website: http://www.fasmo.arbitr.ru e-mail: info@fasmo.arbitr.ru

DECISION

Moscow
9 June 2016

Case No. A40-124221/2015

The operative part of the decision was announced on 2 June 2016
The full text of the decision was delivered on 9 June 2016

The Moscow Circuit Arbitrazh Court
consisting of:
presiding judge S.V. Krasnova,
judges E.A. Ananyina, V.A. Dolgasheva,
involving:
on behalf of the applicant – "Television Company 'Atlant-SV'" Limited Liability Company – A.S. Titov under the power of attorney of 24 August 2015,
on behalf of the interested party – the Federal Service for Supervision of Communications, Information Technology, and Mass Media – A.A. Kulikov under power of attorney No. 129-D of 30 July 2015,
having considered a cassation appeal of Atlant-SV Television Company LLC at the court hearing on 2 June 2016,
against the decision of 13 October 2015
of the Moscow Arbitrazh Court
adopted by judge T.I. Makhlaeva,
against the decision of 20 January 2016
of the Ninth Arbitrazh Court of Appeal
adopted by judges L.G. Yakovleva, S.M. Mukhin, M.V. Kocheshkova,
in case No. A40-124221/2015
in relation to the application of Atlant-SV Television Company LLC (Main State Registration Number: 1149102062317)
against the Federal Service for Supervision of Communications, Information Technology, and Mass Media (Main State Registration Number: 1097746174976)
on challenging the actions

ESTABLISHED:

'Television Company 'Atlant-SV'" Limited Liability Company (hereinafter – the applicant, the company, Atlant-SV Television Company LLC) filed with the Moscow Arbitrazh Court an application against the Federal Service for Supervision of Communications, Information Technology, and Mass Media (hereinafter – the interested party, Roskomnadzor) seeking the invalidation of the actions related to the return of the application of the company dated 24 March 2015 (incoming reference No. 30330-smi) on the registration of the mass media outlet – the "ATR T" TV channel (ATR T TV channel) by sending letter No. 04-37088 of 24 April 2015.

The stated claims were dismissed by the decision of the Moscow Arbitrazh Court dated 13 October 2015, which was upheld by the decision of the Ninth Arbitrazh Court of Appeal dated 20 January 2016.

The Arbitrazh Courts dismissed the above claims as no complete information was submitted to Roskomnadzor pursuant to the provisions of Law of the Russian Federation of 27 December 1991 No. 2124-1 "On mass media" (hereinafter – the Mass Media Law).

Disagreeing with the decisions of the courts, Atlant-SV Television Company LLC filed a cassation appeal to the Moscow Circuit Arbitrazh Court, in which it seeks the cancellation of the challenged judicial acts as illegal and ungrounded, and rendered in violation of the law.

In support of the stated claims, the company indicates that the above-mentioned requirement of Roskomnadzor to provide additional information is illegal, and the courts' conclusions regarding the applicant's submission of an incomplete list of information do not correspond to the circumstances of the case. In addition, the company believes that the courts' references to the letters of the Prosecutor General's Office of the Russian Federation and the Prosecutor's Office of the Republic of Crimea are untenable since they do not evidence that the organisation's activities were banned.

At the hearing, the applicant's representative supported the arguments of the cassation appeal on the grounds set out therein. The representative of the interested party objected to the satisfaction of the cassation appeal and asked to leave the court decision and ruling unchanged; before the court hearing began, he submitted a statement of defence in accordance with Article 279 of the Arbitrazh Procedural Code of the Russian Federation against the cassation appeal to be attached to the case records.

No challenges to the composition of the court were received.

Having heard the representatives of the parties, discussed the arguments of the cassation appeal and the statement of defence to the cassation appeal, having checked (in accordance with Article 286 of the Arbitrazh Procedural Code of the Russian Federation) the legality of the challenged judicial acts, establishing that substantive and procedural laws were correctly applied when considering the case and making the decisions as well as that the conclusions contained in the challenged judicial acts were compliant with the factual circumstances established by them in the case and the evidence available in the case, and on the basis of the arguments contained in the cassation appeal, the court of cassation concluded that the challenged judicial acts should be left unchanged, and the cassation appeal should be dismissed.

In accordance with Part 1 of Article 198 of the Arbitrazh Procedural Code of the Russian Federation, citizens, organisations and other persons have the right to apply to the arbitrazh court with an application for the invalidation of non-normative legal acts and invalidating the decisions and actions (omissions) of the authorities exercising public powers and officials, if they believe that the challenged non-normative legal act, decision and action (omission) do not comply with the law or other normative legal act and violate their rights and legitimate interests in the field of entrepreneurial and other economic activities, illegally impose any obligations on them and create other obstacles for implementing entrepreneurial and other economic activities.

Given the above, in order to recognise a non-normative legal act as invalid, two conditions must be met: non-compliance of the challenged non-normative act with the requirements of the law and other normative legal acts and violation of the rights and legitimate interests of the applicant in the field of entrepreneurial and other economic activities.

According to Part 4 of Article 200 of the Arbitrazh Procedural Code of the Russian Federation, when considering cases on challenging non-normative legal acts, decisions and actions (omissions) of the state bodies, local authorities and other authorities and officials, the arbitrazh court, at a court session, examines the challenged act or its separate provisions and the challenged decisions and actions (omissions), and establishes whether they comply with the law or other normative legal act, establishes the powers of the authority or person who adopted the challenged act, decision or committed the challenged actions (omissions), as well as establishes whether the challenged act, decision and actions (omissions) violate the rights and legitimate interests of the applicant in the field of entrepreneurial and other economic activities.

On 5 November 2014, the applicant submitted to the Roskomnadzor Directorate for the Republic of Crimea and Sevastopol with an application for the registration of a mass media outlet – ATR T TV channel.

Notification No. 720-05/91 of 14 November 2014 on the return of the application and the documents attached thereto, filed for the registration of ATR T TV channel, was sent to the applicant by the Roskomnadzor Directorate for the Republic of Crimea and Sevastopol and was not considered.

On 24 December 2014, Roskomnadzor received the application from the company for the registration of the mass media outlet – ATR T TV channel.

As the document that was submitted to confirm the payment of the state duty contained incorrect details, the application was returned by notification No. 04-6235 of 26 January 2015.

On 9 February 2015, the company reapplied to Roskomnadzor with the corresponding application.

By the letter dated 24 April 2015, Roskomnadzor suggested to Atlant-SV Television Company LLC that it provide confirmation in relation to the founder of ATR T TV channel in compliance with the requirements of Part 2 of Article 10 of the Mass Media Law.

Thus, in accordance with Part 2 of Article 10 of the Mass Media Law, if the application for the registration of the mass media outlet is submitted in violation of the requirements of Part 2 of Article 8 or Part 1 of Article 10 of the Mass Media Law, the application shall be returned to the applicant without consideration and with the indication of grounds for such return.

Pursuant to clause 60.1.3. of the Administrative Regulations of Roskomnadzor, approved by Order of the Ministry of Communications and Mass Media of Russia of 29 December 2011 No. 362, the application for the registration of the mass media outlet shall be returned to the applicant without consideration, if the application contains incomplete information.

Article 10 of the Mass Media Law obliges the applicant to submit documents confirming his compliance with the requirements of the law, including information about the founders of the mass media outlet.

In accordance with Article 7 of the Mass Media Law, an association of citizens, enterprise, institution or organisation whose activities are prohibited by law cannot be a founder of a mass media outlet.

Taking into account that the applicant indicated an incomplete scope of information required by the Mass Media Law, the cassation collegium supports the conclusions of the court of first instance and the appeal court on the legality and validity of the decision of Roskomnadzor, adopted in light of the letters of the Prosecutor General's Office of the Russian Federation and the Prosecutor's Office of the Republic of Crimea.

Thus, according to the letters of the General Prosecutor's Office of the Russian Federation and the Prosecutor's Office of the Republic of Crimea received by the interested party, Atlant-SV Television Company LLC is the founder of ATR TV channel, which carried out public broadcasting of appeals leading to incitement of social, racial, ethnic and religious hatred, which are prohibited by Article 1 of Federal Law of 25 July 2002 No. 114-FZ "On countering extremist activity". The letter also indicates that the Prosecutor of the Republic of Crimea issued a warning on 16 May 2014 to L.E. Islyamov, who is the founder of Atlant-SV Television Company LLC, about the inadmissibility of extremist activities and violations of Federal Law of 25 July 2002 No. 114-FZ "On countering extremist activity", as well as the Mass Media Law. In addition, in the course of the prosecutor's inspection, other facts of violation of the legislation of the Russian Federation were revealed. Taking into account the above, it was concluded that the broadcast of the TV programs of ATR TV channel, the founder of which is Atlant-SV Television Company LLC, contains signs of extremist activity, namely the incitement of social, racial, ethnic or religious hatred.

In this regard, the interested party, by offering the applicant to confirm the compliance of the TV channel's founder with the requirements of Part 2 of Article 7 of the Mass Media Law, acted within the framework of the applicable legislation. Article 4 of the Mass Media Law contains an exhaustive list of inappropriate uses of mass media outlets. Taking into account the information available to Roskomnadzor about the activities of the persons who are the founders of the TV channel and doubts arisen in connection with this, the interested party acted lawfully in order to prevent the use of the mass media outlets for the dissemination of extremist materials.

The courts, having examined and evaluated the evidence, in light of the scope and grounds of the stated claims, as well as the sufficiency and interconnection of all the evidence in their entirety, having established all the circumstances that constitute facts in issue and are essential for the correct resolution of the dispute, and taking into account the specific circumstances of the case, correctly indicated that an extract from the unified state register of legal entities and a certificate of registration of the organisation with the tax authority at its location in the Russian Federation are not, by themselves, information that is requested.

At the same time, the arguments made in the cassation appeal about the obligation of the registering authority to request independently the necessary information from the relevant state authorities were properly assessed during the consideration of the case.

The arguments of the complaint about the violation of the uniformity of the application of the law by the court of first instance and the appeal court when passing the challenged judicial acts are rejected by the cassation court. In the case indicated by the applicant, the circumstances that served as a basis for the company's appeal to the arbitrazh court do not coincide with those considered in the present case.

The arguments of the cassation appeal, indicated in substantiation of the stated requirements for the cancellation of the challenged judicial acts – repeating in essence the arguments of the application and the appeal – were discussed and rejected by the courts on grounds of unreasonableness since they were not confirmed when the case materials were inspected.

That the applicant that filed the cassation appeal treated the factual circumstances of the case established by the court and interpreted the law in a different manner does not mean that there was a miscarriage of justice as the case was considered.

Since the factual circumstances relevant to the case were established by the court of the first instance and the appeal court on the basis of a full, comprehensive and objective examination of the evidence in the case, taking into account all the arguments and objections of the persons involved in the case, and the final conclusions of the courts are based on the correct application of substantive and procedural laws, the court of

cassation has no grounds for cancelling or changing the challenged judicial acts pursuant to Article 288 of the Arbitrazh Procedural Code of the Russian Federation.

No violations of procedural law entailing the unconditional cancellation of the judicial acts have been established.

Pursuant to Articles 284–289 of the Arbitrazh Procedural Code of the Russian Federation, the court

DECIDED:

To uphold the decision of the Moscow Arbitrazh Court of 13 October 2015 and the decision of the Ninth Arbitrazh Court of Appeal of 20 January 2016 in case No. A40-124221/2015 and to dismiss the cassation appeal.

Presiding judge S.V. Krasnova

Judge E.A. Ananyina

Judge V.A. Dolgasheva

# Annex 281

Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, Case No. 2016427026, Ruling, 16 June 2016

Translation

RULING
on an outpatient forensic psychiatric examination

Simferopol 16 June 2016

Senior Lieutenant of Justice [*Initials, surname*], an Investigator of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, having reviewed case files of criminal case No. 2016427026,

ESTABLISHED:

This criminal case was initiated on 12 May 2016 by the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol against Ilmi Rustemovich Umerov, a Russian national, born on 3 August 1957, into a crime under Part 2 of Article 280.1 of the Criminal Code of the Russian Federation.

The preliminary investigation established that on 19 March 2016, while in the territory of Ukraine (Kiev), in furtherance of his intention to take action to violate the territorial integrity of the Russian Federation, under circumstances unknown to the investigation, when taking part in a live television programme named after Noman Çelebicihan on the Ukrainian television channel "ATR", while giving an interview to a presenter of the above television channel, I.R. Umerov intentionally and publicly addressed an unlimited number of people calling them to take action to return the Republic of Crimea to the jurisdiction of Ukraine.

Afterwards, under circumstances unknown to the investigation, the video of that television address of I.R. Umerov was made public on the Internet, namely on YouTube at the address: https://www.youtube.com/watch?v=CyTuPNPkTUI titled "Ilmi Umerov, Live, 19 March 2016" that may be accessed by an unlimited number of people.

According to Report No. 77 dated 21 April 2016 prepared by a specialist of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, insofar as linguistics is concerned, the verbatim transcript of "Ilmi Umerov, Live, 19 March 2016" contains a call for actions to violate the territorial integrity of the Russian Federation.

Further, on 9 June 2016, the Investigative Department of the Federal Security Service Directorate of Russia for the Republic of Crimea and Sevastopol received a written motion from the defence counsel D.M. Temishev (certificate No. 1289 of 24 December 2015, warrant No. 27 of 12 May 2016) who is allowed to be involved in the criminal proceedings and acts in the interests of the accused I.R. Umerov; D.M. Temishev requested to have a copy of an extract from I.R. Umerov's outpatient medical record dated 23 May 2016 (on one page) enclosed to the case files of criminal case No. 2016427026. After that, on 9 June 2016, the above motion was granted.

According to the copy of the extract from I.R. Umerov's outpatient medical record of 23 May 2016, he is diagnosed with Stage 3 of Parkinson's disease; Stage 2 of high blood pressure; a state after the excision of a left atrium myxoma (a heart surgery in 2011); Stage 2 of diabetes; cerebral atherosclerosis.

The above circumstances make it necessary to assess the mental state of I.R. Umerov, which requires special knowledge in psychiatry.

In view of the above, relying upon Articles 195 and 199 of the Criminal Procedural Code of the Russian Federation,

RULED:

1. To commission an outpatient forensic psychiatric examination under criminal case No. 2016427026, with it to be conducted by expert physicians of the State Public Healthcare Institution of the Republic of Crimea "Crimean Republican Psychiatric Clinical Hospital No. 1" of the City of Simferopol.

2. The experts are to address the questions below:

- was I.R. Umerov suffering from any mental disorder while committing the incriminated acts, if yes, what mental disorder exactly, and did that mental disorder prevent him from understanding what actions he was committing or controlling them at the time of crime commission?

- was I.R. Umerov in a state of temporary mental impairment while committing the incriminated acts, if yes, did that state prevent him from understanding what actions he was committing or controlling them at the time of crime commission?

- is I.R. Umerov currently suffering from any mental disorder, if yes, what mental disorder exactly, and does this mental disorder prevent him from understanding what actions he is committing and controlling them; is he mentally ill?

- if I.R. Umerov is suffering from any mental disorder, does he require compulsory treatment, and are there any contraindications thereto?

3. The expert committee is to examine I.R. Umerov and be provided with copies of the case files in criminal case No. 2016427026 relating to the subject-matter of this examination.

4. If required, the experts may be provided with other criminal case files as necessary for this examination.

5. To instruct the Head Physician of the State Public Healthcare Institution of the Republic of Crimea "Crimean Republican Psychiatric Clinical Hospital No. 1" of the City of Simferopol, to explain to the expert physicians their rights and obligations under Article 57 of the Criminal Procedural Code of the Russian Federation and to warn them of criminal liability under Article 307 of the Criminal Code of the Russian Federation for giving a knowingly false opinion.

6. To send this ruling for execution by the State Public Healthcare Institution of the Republic of Crimea "Crimean Republican Psychiatric Clinical Hospital No. 1" of the City Simferopol.

Investigator of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol
Senior Lieutenant of Justice — */Signature/* — [*Initials, surname*]

*/STAMP: TRUE COPY*
*Investigator of the Investigative Department*
*(Signature) 2016/*

# Annex 282

Moscow Circuit Arbitrazh Court, Case No. A40-119488/2015,
Decision, 28 June 2016

Translation

106652_868563

**MOSCOW CIRCUIT ARBITRAZH COURT**

GSP-4, 9 Seleznevskaya Street, Moscow, 127994,
official website: http://www.fasmo.arbitr.ru e-mail: info@fasmo.arbitr.ru

DECISION

Moscow
28 June 2016

Case No. A40-119488/2015

The operative part of the decision was announced on 21 June 2016
The full text of the decision was delivered on 28 June 2016

Moscow Circuit Arbitrazh Court
consisting of:
presiding judge S.V. Krasnova,
judges V.V. Kuznetsova, R.R. Latypova,
with the participation in the hearing:
from the applicant – "Television company 'Atlant-SV'" Limited Liability Company (Atlant-SV Television Company LLC) – A.S. Titov under the power of attorney of 24 August 2015,
from the interested party – the Federal Service for Supervision in the Sphere of Telecom, Information Technologies and Mass Communications – A.A. Kulikov under the power of attorney of 30 July 2015 No. 129-D,
having considered the cassation appeal of Atlant-SV Television Company LLC at the court hearing on 21 June 2016,
on the decision of 16 October 2015
of the Moscow Arbitrazh Court
adopted by judge S.O. Laskina,
on the decision of 25 January 2016
of the Ninth Arbitrazh Court of Appeal
adopted by judges L.G. Yakovleva, S.M. Mukhin, M.V. Kocheshkova,
in case No. A40-119488/2015
at the application of Atlant-SV Television Company LLC (MSRN: 1149102062317)
to the Federal Service for Supervision of Communications, Information Technology, and Mass Media on challenging the actions (omissions) of the state body

ESTABLISHED:

'Television Company 'Atlant-SV'" Limited Liability Company (hereinafter – the applicant, the company, Atlant-SV Television Company LLC) applied to the Moscow Arbitrazh Court with an application against the Federal Service for Supervision of Communications, Information Technology, and Mass Media (hereinafter – the interested party, Roskomnadzor) seeking the invalidation of the actions related to the return of the application of the company registered on 27 March 2015 (incoming reference No. 33248-smi) on the registration of the mass media outlet – the online outlet "15 minutes" (returned by the letter of 24 April 2015), as well as recognition of the omission of Roskomnadzor being illegal; on the obligation to consider the application for registration, subsequently registering the mass media outlet – the online outlet "15 minutes".

The stated claims were dismissed by the decision of the Moscow Arbitrazh Court of 16 October 2015, upheld by the decision of the Ninth Arbitrazh Court of Appeal of 25 January 2016.

The Arbitrazh Courts dismissed the above claims as no complete information was submitted to Roskomnadzor pursuant to the provisions of Law of the Russian Federation of 27 December 1991 No. 2124-1 "On mass media" (hereinafter – the Mass Media Law), namely: the founder's compliance with the requirements of Part 2 of Article 7 of the Mass Media Law has not been confirmed.

Disagreeing with the decisions of the courts, Atlant-SV Television Company LLC filed a cassation appeal to the Moscow Circuit Arbitrazh Court, in which it asks to cancel the challenged judicial acts as illegal and ungrounded, and rendered in violation of the law.

In support of the stated claims, the company indicates that the above-mentioned requirement of Roskomnadzor to provide additional information is illegal, and the courts' conclusions on the applicant's submission of an incomplete list of information does not correspond to the circumstances of the case. In addition, the company believes that the courts' references to the letters of the Prosecutor General's Office of the Russian Federation and the Prosecutor's Office of the Republic of Crimea are untenable, since they do not not evidence that the organisation's activities were banned.

The representative of Atlant-SV Television Company LLC at the court session declared a challenge to the presiding judge in the case S.V. Krasnova, based on the results of the consideration of which a determination was made on 21 June 2016.

At the hearing, the applicant's representative supported the arguments of the cassation appeal on the grounds set out therein.

The representative of the interested party objected to the satisfaction of the cassation appeal and asked to leave the court decision and ruling unchanged; before the court hearing began, he submitted a statement of defence in accordance with Article 279 of the Arbitrazh Procedural Code of the Russian Federation against the cassation appeal to be attached to the case records.

Having listened to the representatives of the parties, discussed the arguments of the cassation appeal and the statement of defence to the cassation appeal, having checked (in accordance with Article 286 of the Arbitrazh Procedural Code of the Russian Federation) the legality of the challenged judicial acts, establishing that substantive and procedural laws were correctly applied when considering the case and making the decisions as well as that the conclusions contained in the challenged judicial acts were compliant with the factual circumstances established by them in the case and the evidence available in the case, and on the basis of the arguments contained in the cassation appeal, the court of cassation concluded that the challenged judicial acts should be left unchanged, and the cassation appeal should be dismissed.

In accordance with Part 1 of Article 198 of the Arbitrazh Procedural Code of the Russian Federation, citizens, organisations and other persons have the right to apply to the arbitrazh court with an application for the invalidation of non-normative legal acts and invalidating the decisions and actions (omissions) of the authorities exercising public powers and officials, if they believe that the challenged non-normative legal act, decision and action (omission) do not comply with the law or other normative legal act and violate their rights and legitimate interests in the field of entrepreneurial and other economic activities, illegally impose any obligations on them and create other obstacles for implementing entrepreneurial and other economic activities.

Given the above, in order to recognise a non-normative legal act as invalid, two conditions must be met: non-compliance of the challenged non-normative act with the requirements of the law and other normative legal acts and violation of the rights and legitimate interests of the applicant in the field of entrepreneurial and other economic activities.

According to Part 4 of Article 200 of the Arbitrazh Procedural Code of the Russian Federation, when considering cases on challenging non-normative legal acts, decisions and actions (omissions) of the state bodies, local authorities and other authorities and officials, the arbitrazh court, at a court session, examines the challenged act or its separate provisions and the challenged decisions and actions (omissions), and establishes whether they comply with the law or other normative legal act, establishes the powers of the authority or person who adopted the challenged act, decision or committed the challenged actions (omissions), as well as establishes whether the challenged act, decision and actions (omissions) violate the rights and legitimate interests of the applicant in the field of entrepreneurial and other economic activities.

On 24 March 2015, the applicant submitted to Roskomnadzor with an application for registration of a mass media outlet – online outlet "15 Minutes".

By letter dated 24 April 2015 No. 04-37090, the company received the application and the documents attached to it, submitted for the purpose of registering the online outlet "15 minutes" back without consideration, in which the interested party suggested that the company confirm the founder's compliance with the requirements of Part 2 of Article 7 of the Mass Media Law.

Believing that the actions of Roskomnadzor, as well as the factual omission and evasion of the authorized body from registering the specified mass media outlet were illegal and violating the rights and legitimate interests of the company in the field of entrepreneurial activity, the applicant appealed to the arbitrazh court with the specified requirements.

Thus, in accordance with Part 2 of Article 10 of the Mass Media Law, if the application for the registration of the mass media outlet is submitted in violation of the requirements of Part 2 of Article 8 or Part

1 of Article 10 of the Mass Media Law, the application shall be returned to the applicant without consideration and with the indication of grounds for such return.

Pursuant to clause 60.1.3. of the Administrative Regulations of Roskomnadzor, approved by Order of the Ministry of Communications and Mass Media of Russia of 29 December 2011 No. 362, the application for the registration of the mass media outlet shall be returned to the applicant without consideration, if the application contains incomplete information.

Article 10 of the Mass Media Law obliges the applicant to submit documents confirming his compliance with the requirements of the law, including information about the founders of the mass media outlet.

In accordance with Article 7 of the Mass Media Law, an association of citizens, enterprise, institution or organisation whose activities are prohibited by law cannot be a founder of a mass media outlet.

Taking into account that the applicant indicated an incomplete scope of information required by the Mass Media Law, the cassation collegium supports the conclusions of the court of first instance and the appeal court on the legality and validity of the decision of Roskomnadzor, adopted in light of the letters of the Prosecutor General's Office of the Russian Federation and the Prosecutor's Office of the Republic of Crimea.

Thus, according to the letters of the General Prosecutor's Office of the Russian Federation and the Prosecutor's Office of the Republic of Crimea received by the interested party, Atlant-SV Television Company LLC is the founder of ATR TV channel, which carried out public broadcasting of appeals leading to incitement of social, racial, ethnic and religious hatred, which are prohibited by Article 1 of Federal Law of 25 July 2002 No. 114-FZ "On countering extremist activity". The letter also indicates that the Prosecutor of the Republic of Crimea issued a warning on 16 May 2014 to L.E. Islyamov, who is the founder of Atlant-SV Television Company LLC, about the inadmissibility of extremist activities and violations of Federal Law of 25 July 2002 No. 114-FZ "On countering extremist activity", as well as the Mass Media Law. In addition, in the course of the prosecutor's inspection, other facts of violation of the legislation of the Russian Federation were revealed. Taking into account the above, it was concluded that the broadcast of the TV programs of ATR TV channel, the founder of which is Atlant-SV Television Company LLC, contains signs of extremist activity, namely the incitement of social, racial, ethnic or religious hatred.

In addition, in the course of the prosecutor's inspection, other violations of the legislation of the Russian Federation were revealed.

In this regard, the interested party, by offering the applicant to confirm the compliance of the TV channel's founder with the requirements of Part 2 of Article 7 of the Mass Media Law, acted within the framework of the applicable legislation. Article 4 of the Mass Media Law contains an exhaustive list of inappropriate uses of mass media outlets. Taking into account the information available to Roskomnadzor about the activities of the persons who are the founders of the TV channel and doubts arisen in connection with this, the interested party acted lawfully in order to prevent the use of the mass media outlets for the dissemination of extremist materials.

The courts, having examined and evaluated the evidence, in light of the scope and grounds of the stated claims, as well as the sufficiency and interconnection of all the evidence in their entirety, having established all the circumstances that constitute facts in issue and are essential for the correct resolution of the dispute, and taking into account the specific circumstances of the case, correctly indicated that an extract from the unified state register of legal entities and a certificate of registration of the organisation with the tax authority at its location in the Russian Federation are not, by themselves, information that is requested.

At the same time, the arguments of the cassation appeal about the obligation of the registering authority to independently request the necessary information from the relevant state bodies received their proper assessment when considering this dispute.

The arguments of the complaint about the violation of the uniformity of the application of the law by the court of first instance and the appeal court when passing the challenged judicial acts are rejected by the cassation court. In the case indicated by the applicant, the circumstances that served as a basis for the company's appeal to the arbitrazh court do not coincide with those considered in the present case.

The arguments of the cassation appeal, indicated in substantiation of the stated requirements for the cancellation of the challenged judicial acts – repeating in essence the arguments of the application and the appeal – were discussed and rejected by the courts on grounds of unreasonableness since they were not confirmed when the case materials were inspected.

That the applicant that filed the cassation appeal treated the factual circumstances of the case established by the court and interpreted the law in a different manner does not mean that there was a miscarriage of justice as the case was considered.

Since the factual circumstances relevant to the case were established by the court of the first instance and the appeal court on the basis of a full, comprehensive and objective examination of the evidence in the case, taking into account all the arguments and objections of the persons involved in the case, and the final conclusions of the courts are based on the correct application of substantive and procedural laws, the court of cassation has no grounds for cancelling or changing the challenged judicial acts pursuant to Article 288 of the Arbitrazh Procedural Code of the Russian Federation.

No violations of procedural law entailing the unconditional cancellation of the judicial acts have been established.

Pursuant to Articles 284–289 of the Arbitrazh Procedural Code of the Russian Federation, the court

DECIDED:

To uphold the decision of the Moscow Arbitrazh Court of 16 October 2015 and the decision of the Ninth Arbitrazh Court of Appeal of 22 January 2016 in case No. A40-119488/15 and to dismiss the cassation appeal.

| | |
|---|---|
| Presiding judge | S.V. Krasnova |
| Judge | V.V. Kuznetsov |
| Judge | R.P. Latypova |

# Annex 283

Constitutional Court of the Russian Federation, No. 1428-O, Ruling, 7 July 2016 (excerpts)

Translation
Excerpts

**CONSTITUTIONAL COURT OF THE RUSSIAN FEDERATION**

**RULING**
**of 7 July 2016 No. 1428-O**

**FOLLOWING THE APPLICATION OF THE CITIZENS ANASTASIYA VLADIMIROVNA ANOKHINA, DENIS VLADIMIROVICH BADOV AND OTHERS REGARDING VIOLATION OF THEIR CONSTITUTIONAL RIGHTS BY PROVISIONS OF PARAGRAPH 1 OF PART 4 OF ARTICLE 6, PART 1 OF ARTICLE 7 AND PARTS 1.1 OF ARTICLE 8 OF THE FEDERAL LAW "ON ASSEMBLIES, RALLIES, DEMONSTRATIONS, MARCHES AND PICKETING", AS WELL AS PART 5 OF ARTICLE 20.2 OF THE CODE ON ADMINISTRATIVE OFFENCES OF THE RUSSIAN FEDERATION**

[…]

Page 5

[…]

3.

[…]

Page 6

The procedure for prior notification of the executive authority of the constituent entity of the Russian Federation or a local authority about holding a public event is aimed at providing the relevant public authorities with the necessary information about the form, place (route), commencement and end times of the public event, the expected number of its participants, means (methods) of ensuring public order and organization of medical care, as well as about the organizers and persons authorized to perform administrative functions for organizing and holding a public event; otherwise, without proper understanding of the planned public event, its nature and scale, the public authorities are not able to fulfill the obligation, imposed on them by Article 2 of the Constitution of the Russian Federation, to observe and protect the rights and freedoms of people and citizens and take the necessary measures, including preventive and organizational measures, aimed at ensuring safe conditions for holding a public event both for the public event participants and for other people.

[…]

# Annex 284

Explanation of D.Ya. Selyametov,
13 July 2016

Translation

**EXPLANATION**

*Simferopol district* — *13 July* 2016
(place of issue)

*Senior Operative at the Internal Affairs Department /illegible/ for the Republic of Crimea, Police Major /illegible/*

Relying on Part 1 of Article 86 and Part 1 of Article 144 of the Criminal Procedural Code of the Russian Federation, I received an explanation from:

| | |
|---|---|
| 1. Surname, name, patronymic | */illegible/ Yakubovich Selyametov* |
| 2. Date of birth | *[…]* |
| 3. Place of birth | *the city of Simferopol* |
| 4. Residential and (or) registered address | *[…]* |
| 5. Citizenship | *Russian* |
| 6. Education | *secondary* |
| 7. Matrimonial status | *unmarried* |
| 8. Place of work or education | *unemployed* |
| 9. Association with military duty | *no* |
| 10. Previous convictions | *verbal assurances of no previous convictions* |
| 11. Passport or another identity document */illegible/: [phone No.]* | *Passport [series] No. […] issued on […]* |
| | */Signature/* |
| | (signature of the individual that provided the explanation) |

Before the interrogation is started, it is explained to me that I have the following rights:
1) in accordance with Article 51 of the Constitution of the Russian Federation, [I have the right] not to testify against myself, my spouse (my wife) and other close relatives defined by Clause 4 of Article 5 of the Criminal Procedural Code of the Russian Federation;
2) to provide testimony and explanations in native language or a language I speak;
3) to use an assistance of an interpreter free of charge;
4) to apply for disqualification of individuals that participate in the interrogation;
5) to submit motions and provide complaints on actions (inaction) and decisions of the inquiry body, inquiry officer, investigator, head of the investigative authority, prosecutor;
6) to arrive for interrogation being accompanied by an attorney;
7) to apply for security measures.

*/Signature/*
(signature of the individual that provided the explanation)

Article 306 “Knowingly false denunciation” of the Criminal Code of the Russian Federation was explained to me before the interrogation started,

*/Signature/*
(signature of the individual that provided the explanation)

Where an oral report of a crime is provided during the interrogation, the applicant is warned of criminal liability for knowingly false denunciation under Article 306 of the Criminal Code of the Russian Federation, a corresponding note is made in the explanation, which is certified by the signature of the applicant.

On the merits of the case I can give the following explanation:

*Since birth, I have lived at the above address with my parents.*

*On 1 April 2016 at about 10:30 p.m., I arrived at cafe “Bagdad” with a purpose to have a look at the current situation in cafe “Bagdad”, since my acquaintances called me and said that in this cafe the police*

*officers detained a group of people, which included my acquaintances. Having approached cafe "Bagdad", located in village Pionerskoe, I saw that police officers wearing uniform had detained a group of people, which included my acquaintances, Ismet Mukhterem and Osman Seitmemetov. Having approached the said individuals and asked what had happened, I was also detained and taken to the police administrative building, located on 19 Dekabristov St. In this building the police officers verified my identity then voluntarily, with my consent, fingerprinted and took buccal epithelia and subsequently interrogated me on the involvement in illegal armed groups and extremist activities. After the said procedures I was released.*

*The next day me and my acquaintances, Ismet Mukhterem and Osman Seitmemetov, applied to human rights activist Emil Kurbedinov who prepared statements on our behalf to various law enforcement bodies and sent them himself. I am not aware where exactly Emil Kurbedinov sent these statements. In total, he wrote, and I signed, about 7-8 applications and complaints.*

*The purpose of me applying to human rights activist Emil Kurbedinov and writing the statements was to draw the attention of law enforcement bodies to the situation in cafe "Baghdad". Since attention has been drawn to my statement at the present time I have no complaints against the police officers and I do not desire to have further review to be performed, I apply for termination of the review. I have no complaints. On this fact I have no further explanations.*

*The above is an accurate record of my statement which I have read. /Signature/*

*Senior Operative at the Internal Affairs Department /illegible/*
*of the Ministry of Internal Affairs for the Republic of Crimea*

# Annex 285

Explanation of I.S. Mukhterem,
14 July 2016

Translation

**EXPLANATION**

*Dobroe village, Simferopol district* — *14 July* 2016
(place of issue)

*Senior /illegible/ at the Internal Affairs Department /illegible/ of the Ministry of Internal Affairs for the Republic of Crimea, /illegible/ Police*

Relying on Part 1 of Article 86 and Part 1 of Article 144 of the Criminal Procedural Code of the Russian Federation, I received an explanation from:

| | |
|---|---|
| 1. Surname, name, patronymic | *Mukhterem Ismet /illegible/* |
| 2. Date of birth | *[…]* |
| 3. Place of birth | *Simferopol district, Dobroe village* |
| 4. Residential and (or) registered address | *[…]* |
| 5. Citizenship | *Russian* |
| 6. Education | *vocational secondary* |
| 7. Matrimonial status | *unmarried* |
| 8. Place of work or education | *State Enterprise /illegible/* |
| 9. Association with military duty | *yes* |
| 10. Previous convictions | *verbal assurances of no previous convictions* |
| 11. Passport or another identity document | *Passport series […] No. […] issued on […] by […]* |

*/Signature/*
(signature of the individual that provided the explanation)

Before the interrogation is started, it is explained to me that I have the following rights:
1) in accordance with Article 51 of the Constitution of the Russian Federation, [I have the right] not to testify against myself, my spouse (my wife) and other close relatives defined by Clause 4 of Article 5 of the Criminal Procedural Code of the Russian Federation;
2) to provide testimony and explanations in native language or a language I speak;
3) to use an assistance of an interpreter free of charge;
4) to apply for disqualification of individuals that participate in the interrogation;
5) to submit motions and provide complaints on actions (inaction) and decisions of the inquiry body, inquiry officer, investigator, head of the investigative body, prosecutor;
6) to arrive for interrogation being accompanied by an attorney;
7) to apply for security measures.

*/Signature/*
(signature of the individual that provided the explanation)

Article 306 “Knowingly false denunciation” of the Criminal Code of the Russian Federation was explained to me before the interrogation started,

*/Signature/*
(signature of the individual that provided the explanation)

Where an oral report of a crime is provided during the interrogation, the applicant is warned of criminal liability for knowingly false denunciation under Article 306 of the Criminal Code of the Russian Federation, a corresponding note is made in the explanation, which is certified by the signature of the applicant.

On the merits of the case I can give the following explanation:

*On 1 April 2016, me and my acquaintance named Osman Seitmemetov arrived at cafe “Bagdad”, located in village Pionerskoe of the Simferopol district of the Republic of Crimea, for the purpose of*

*recreation. While staying in cafe "Bagdad", I did not consume alcoholic beverages and drugs.*

*About half an hour after my arrival at this cafe, around 10 p.m., the police officers wearing civilian clothing and uniforms arrived at the said cafe and frisked me, some of the cafe visitors were tested for drug use. They took urine, and the analysis was performed by a woman using a special tester. After these procedures I was offered to go to the administrative building of the Ministry of Internal Affairs located on 19 Dekabristov St. Upon arrival at the building I provided voluntary explanations on the fact of participation in illegal armed formations, extremist organizations. I was also voluntarily photographed, fingerprinted and taken the samples of buccal epithelia. After the said procedures I was released. The next day I and two my acquaintances, Osman and Demirelya, applied to human rights activist Emil Kurbedinov, who made statements on our behalf and sent them to various law enforcement bodies.*

*The purpose of this statement was to draw the attention of law enforcement bodies to the current situation, and, in my opinion, rude behavior of the police officers during the said actions. But none of the police officers used physical violence against me personally, none of the police officers insulted me personally. At the moment I have no complaints, and I apply for termination of the review.*

*The above is an accurate record of my statement which I have read /signed/*

*Senior /illegible/ at the Internal Affairs Department /illegible/*
*of the Ministry of Internal Affairs for the Republic of Crimea*
*Major of Police /signed/ /illegible/*

# Annex 286

Explanation of O.N. Seitmemetov,
14 July 2016

Translation

**EXPLANATION**

*Simferopol district* *14 July* 2016
(place of issue)

*Senior /illegible/ at the Internal Affairs Department /illegible/ of the Ministry of Internal Affairs for the Republic of Crimea Police /illegible/*
(class ranking or military rank, surname, initials)

In accordance with Part 1 of Article 86 and Part 1 of Article 144 of the Criminal Procedural Code of the Russian Federation, in the premise
*/illegible/*
(specify exact premise)

From *7 30* a.m. to *8 00* a.m. I received the explanations from citizen:

| | |
|---|---|
| 1. Surname, name, patronymic | *Osman /illegible/ Seitmemetov* |
| 2. Date of birth | *[…]* |
| 3. Place of birth | *Simferopol* |
| 4. Residential and (or) registered address | *[…]* |
| telephone | *[…]* |
| 5. Nationality | *Russia* |
| 6. Education | *higher* |
| 7. Matrimonial status | *unmarried* |
| 8. Place of work or education | *unemployed* |
| 9. Association with military duty | *liable for call-up* |
| | (place of military registration) |
| 10. Previous convictions | *verbal assurances of no previous convictions* |
| | (time and court of conviction, article of the Criminal Code of the Russian Federation, type and amount of punishment, time of release) |
| 11. Passport or another identity document | *Passport [series] No. […] issued on […] by […]* |
| | */Signature/* |
| | (signature of the individual that provided the explanation) |

Before the interrogation is started, it is explained to me that I have the following rights:
1) in accordance with Article 51 of the Constitution of the Russian Federation, [I have the right] not to testify against myself, my spouse (my wife) and other close relatives defined by Clause 4 of Article 5 of the Criminal Procedural Code of the Russian Federation;
2) to provide testimony and explanations in native language or a language I speak;
3) to use an assistance of an interpreter free of charge;
4) to apply for disqualification of individuals that participate in the interrogation;
5) to submit motions and provide complaints on actions (inaction) and resolutions of the inquiry body, inquiry officer, investigator, head of the investigative body, prosecutor;
6) to arrive for interrogation being accompanied by an attorney;
7) to apply for security measures.

*/Signature/*
(signature of the individual that provided the explanation)

On the merits of the case I can give the following explanation:

*On 1 April 2016 at about 9 p.m. me and my acquaintance, Mukhterem Ismet, arrived at the cafe "Bagdad", located in village Pionerskoe, Simferopol district, for the purpose of recreation. While staying in*

*this cafe I did not consume alcoholic beverages and drugs.*

*At about 10 p.m. police officers who were wearing uniform and civilian clothes arrived at the cafe "Bagdad". Entering the cafe the police officers conducted an external inspection of the individuals who were present in the cafe. After the inspection I was asked to go to the toilet where I provided my urine, which was tested by a woman who arrived with the police officers using a tester in my presence for drugs in my body. No drugs were found in my body. After that the police officers said that I have to go with them to the administrative building of the Ministry of Internal Affairs for the Republic of Crimea located on 19 Dekabristov St. for identification and interrogation as to the fact of being present in this cafe, on employment and also on participation in any illegal armed groups and extremist organizations. Arriving at the administrative building of the Ministry of Internal Affairs of the Republic of Crimea located on 19 Dekabristov St. I gave explanations on the above issues voluntarily and I was also voluntarily fingerprinted and buccal epithelium were taken from me. I was released after the said procedures.*

*During my stay in the specified building located on 19 Dekabristov St., none of the police officers exerted any physical or moral influence on me.*

*The next day my acquaintances and I applied to human rights activist Emil Kurbedinov, who made statements on our behalf and sent them to various law enforcement bodies. I am not aware where exactly he sent these statements.*

*The purpose of my application to Emil Kurbedinov and the law enforcement bodies was to draw the attention of law enforcement bodies to the situation in cafe "Bagdad". Since attention has been drawn to my statement I currently have no complaints against the police officers and I do not want a pre-investigation review on this fact, and I apply for termination of the review. I have no complaints. I have no further explanation on this fact.*

*The above is an accurate record of my statement which I have read. /signed/*

*Senior /illegible/ at the Internal Affairs Department /illegible/*
*of the Ministry of Internal Affairs for the Republic of Crimea,*
*/illegible/ Police /Signature/ R.M. /illegible/*

# Annex 287

Constitutional Court of the Russian Federation, Case No. 1707-O,
Ruling, 19 July 2016

Translation

**RULING**

**OF THE CONSTITUTIONAL COURT OF THE RUSSIAN FEDERATION**

on refusal to accept for consideration the complaint of the citizen of Ukraine Dmitry Fedorovich Papenko, regarding the violation of his constitutional rights by Article 2, by Part 2, Article 6 and by Article 7 of the Federal Law "On Application of the Provisions of the Criminal Code of the Russian Federation and the Criminal Procedural Code of the Russian Federation on the Territory of the Republic of Crimea and the Federal City of Sevastopol"

Saint Petersburg 19 July 2016

The Constitutional Court of the Russian Federation composed of Presiding Judge V.D. Zorkin, judges K.V. Aranovsky, A.I. Boitsov, N.S. Bondar, G.A. Gadzhiev, Yu.M. Danilov, L.M. Zharkova, G.A. Zhilin, S.M. Kazantsev, M.I. Kleandrov, S.D. Knyazev, A.N. Kokotov, L.O. Krasavchikova, S.P. Mavrin, N.V. Melnikov, Yu.D. Rudkin, O.S. Khokhryakova, V.G. Yaroslavtsev,

having reviewed the possibility of acceptance for consideration of the complaint of the citizen of Ukraine D.F. Papenko at the session of the Constitutional Court of the Russian Federation

has established as follows:

1. In his complaint submitted to the Constitutional Court of the Russian Federation the citizen of Ukraine D.F. Papenko, convicted by the decision of the Balaklavskiy District Court of Sevastopol of 8 December 2014 (as amended by the Decision of the Cassation Court on 3 February 2016) for commission of crimes against sexual inviolability of a minor in 2007–2009, including crimes qualified under Clause b, Part Four, Article 131 "Rape" and Clause b, Part Four, Article 132 "Sexual Assault" of the Criminal Code of the Russian Federation, appeals against the constitutionality of the following provisions of Federal Law of 5 May 2014 No. 91-FZ "On Application of Provisions of the Criminal Code of the Russian Federation and the Criminal Procedural Code of the Russian Federation on the Territory of the Republic of Crimea and the Federal City of Sevastopol":

Article 2 according to which the criminal nature and punishability of acts committed on the territory of the Republic of Crimea and the City of Sevastopol prior to 18 March 2014 shall be established in accordance with the criminal laws of the Russian Federation; however, no change for the worse is permitted;

Part 2, Article 6, which provides that if criminal proceedings were initiated prior to 18 March 2014, they shall be continued in accordance with the procedure established by the Criminal Procedural Code of the Russian Federation, provided that there are no grounds for returning the criminal case to the prosecutor in accordance with Article 237 of the aforementioned Code; upon a motion of the prosecutor, the acts committed by the accused shall be requalified by the court in accordance with the Criminal Code of the Russian Federation, provided that such requalification does not aggravate the position of the accused; the penalty shall be imposed taking into account the requirements of Article 10 of the Criminal Code of the Russian Federation; proceedings in courts of trial and courts of appeal with regard to a criminal case falling within the competence of the court specified in Part 3, Article 31 of the Criminal Procedural Code of the Russian Federation shall be continued by the court considering such case;

Article 7, according to which the provision of Clause 2, Part Two, Article 30 of the Criminal Procedural Code of the Russian Federation shall be applied on the territory of the Republic of Crimea and the Federal City of Sevastopol from 1 January 2018.

According to the claimant, the contested provisions create a conflict with the provisions of Part Two,

Article 1(2), Article 9 and Part Three, Article 12 of the Criminal Code of the Russian Federation, Parts One and Two, Article 1, Parts One and Two, Article 7, Part Three, Article 8 of the Criminal Procedural Code of the Russian Federation and contradict Articles 18, 47, 49 (Part 1), 50(Part 1), 56(Part 3) and 64 of the Constitution of the Russian Federation, as they allow:

holding persons liable in criminal proceedings under the Criminal Code of the Russian Federation for the acts committed on the territory the City of Sevastopol prior to 18 March 2014 against a minor not being a citizen of the Russian Federation, which also violates the actual and universal principles of criminal law;

continuing the court proceedings commenced prior to 18 March 2014 the same judges of district court (a panel of three professional judges), without bringing charges under the Russian criminal law, without the explanation of the rights envisaged by Part Five, Article 217 of the Criminal Procedural Code of the Russian Federation, without due regard being had to jurisdiction and without granting the accused the right to a trial by jury;

reconvicting a person for the acts for which such person has already been found guilty in accordance with the procedure provided for by the criminal procedure laws of Ukraine and with regard to which conviction was reversed as per the appeal procedure;

cumulative sentencing by applying partial cumulative sentence provisions of Part Three, Article 69 of the Criminal Code of the Russian Federation, while Article 70 of the Criminal Code of Ukraine provides for a possibility of absorption of less severe punishment by more severe punishment in addition to a cumulative sentence rule.

Moreover, the claimant requests that the correctness of the qualification of the criminal acts he is charged with be verified.

2. Having studied the materials submitted, the Constitutional Court of the Russian Federation finds no grounds to accept the given complaint for consideration.

The constitutional principles of justice provide for strict compliance with the criminal prosecution procedure and the correct application of criminal law provisions as the guarantee of criminal proceeding participants' rights (Resolution of the Constitutional Court of the Russian Federation No. 24-P dated 19 November 2013).

2.1. The *nullum crimen, nulla poena sine lege* generally acknowledged legal principle (no crime or penalty without law) envisaged in Article 54 (Part two) of the Constitution of the Russian Federation is implemented through the interrelated provisions of the Criminal Code of the Russian Federation under which the criminal laws of the Russian Federation consist of this Code and the new laws providing for criminal liability shall be included in the said Code (Part One, Article 1); the criminality, punishability and other penal consequences of an act shall be determined solely on the basis of the Code (Part One, Article 3); the criminality and punishability of an act shall be determined by the criminal law effective as at the date of commission of such act, which shall be understood as the time at which the respective socially dangerous act (act of omission) is committed, regardless of the time when the consequences occur (Article 9). Moreover, in case the criminal law regulation system changes, the said provisions shall operate in conjunction with Article 10 of the Criminal Code of the Russian Federation which establishes the rules for the retroactive effect of criminal law. Articles 11 and 12 of the Code specify the rules for the operation of criminal law with regard to persons who committed crimes both within the Russian Federation and abroad.

In its Resolution of 19 March 2014 No. 6-P, the Constitutional Court of the Russian Federation acknowledges the existence of a transition period per se as an essential consequence of the formation of new constituent entities of the Russian Federation — the Republic of Crimea and the Federal City of Sevastopol — but concludes that the constitutional requirements of the supremacy on the entire territory of the Russian Federation of not only the Constitution, but also the federal laws of the Russian Federation (Article 4, Part 2), as well as of the obligation for state and local authorities, officials, citizens and associations thereof to comply with the Constitution and laws of the Russian Federation (Article 15, Part 2) shall be applicable as a general rule in any case due to the direct effect of the Constitution of the Russian Federation.

Therefore, the related provisions of Article 2 and Part 2, Article 6 of the Federal Law "On Application of the Provisions of the Criminal Code of the Russian Federation and the Criminal Procedural Code of the

Russian Federation on the Territory of the Republic of Crimea and the Federal City of Sevastopol" that do not per se determine the penal consequences of crimes committed within the said territories and that stipulate the requirements for the prohibition of change for the worse and for the application of general rules regarding the retroactive effect of criminal law in conformity with Article 54 (Part 2) of the Constitution of the Russian Federation, are aimed at ensuring legal certainty of status of the participants of criminal law relations arising as a result of the commission of crimes prior to 18 March 2014.

2.2. Under Parts One and Two, Article 1 of the Criminal Procedural Code of the Russian Federation, this Code establishes the procedure for holding criminal proceedings within the Russian Federation on the basis of the Constitution of the Russian Federation and such procedure shall be mandatory for courts, prosecution bodies, pre-trial investigation authorities, bodies of inquiry and other participants of criminal proceedings.

As the Constitutional Court of the Russian Federation noted in its Decision of 14 May 2015 No. 9-P, under Articles 46 (Part 1) and 47 (Part 1) of the Constitution of the Russian Federation in conjunction with Articles 19 (Part 1), 121 and 128 (Part 2 and 3) thereof and the provisions of the international legal instruments, which by virtue of Article 15 (Part 4) of the Constitution of the Russian Federation form an integral part of the legal system of the Russian Federation, the right to legal protection granted to each person, including the right to a lawful trial, on the one hand, implies free access to justice for individuals and resolution of the case by a court assessing evidence on the basis of its judges' beliefs built upon the comprehensive, complete, impartial and direct study of all evidence available in the case, without undue delays and within a reasonable time, and, on the other hand, the immutability of the composition of the court during the consideration of a specific case and impermissibility of arbitrary change thereof. The instruction regarding the immutability of the composition of the court is additionally based on the provisions of the Constitution of the Russian Federation, which provide that, in the Russian Federation, justice may only be administered by a court (Article 118, Part 1) and which establish the independence of courts and judges as repositories of judicial power under the system of separation of powers (Article 10; Article 120, Part 1; Article 124), as well as based on the requirements of formal certainty of a legal regulation arising out of the constitutional principles of the rule of law (Article 1, Part1; Article 2; Article 17, Part3; Articles 18 and 19).

In furtherance of the constitutional provisions above, the federal legislator has established in the Criminal Procedural Code of the Russian Federation the rules for determining the composition of the court and criminal jurisdiction (Articles 30–32), the issue of which is subject to clarification in a criminal case submitted to the court (Article 228) and shall be resolved when scheduling a court hearing (Article 231). Upon its scheduling, a court hearing shall be held taking into account the general conditions of the court proceedings, including the rule of the immutability of composition of the court, according to which a criminal case shall be considered by the same judge or the same court panel (in case a judge is unable to continue participating in the court hearing, such judge shall be substituted by another judge and the criminal proceedings shall be started over (Article 242 of the Criminal Procedural Code of the Russian Federation).

The issue regarding criminal jurisdiction shall be resolved on the basis of assessment of the facts and circumstances existing in the course of rendering the respective procedural decision, as the specific legal relation also arises, exists and is terminated within a specific time. The legislator refers the resolution of this issue to the stage of preparation for the trial and pre-trial hearing (Article 34, Clause 1, Part One, Article 227 and Clause 1, Part One, Article 236 of the Criminal Procedural Code of the Russian Federation), as apposed to the trial stage, during which, given the requirement of immutability of the composition of the court, no change of jurisdiction is allowed, for the purpose of ensuring the stability of legal relations in criminal proceedings (Decision of the Constitutional Court of the Russian Federation of 17 July 2014 No. 1810-O).

The provision of Part 2, Article 6 of the Federal Law "On application of the Provisions of the Criminal Code of the Russian Federation and the Criminal Procedural Code of the Russian Federation on the Territory of the Republic of Crimea and the Federal City of Sevastopol" regarding the continuation after 18 March 2014 of previously initiated criminal proceedings, including the proceedings in cases within the jurisdiction of the court specified in Article 31 of the Criminal Procedural Code of the Russian Federation, is aimed at ensuring compliance with the principle of the immutability of the composition of the court. The continuation of court

proceedings in accordance with the procedure envisaged by the Criminal Procedural Code of the Russian Federation, as a part of the application of the Code to unfinished criminal procedural relations, creates guarantees of legal certainty for the participants of such relations and is consistent with Article 4 of the said Code specifying the general principle of law operation in time.

Consequently, Part 2, Article 6 of the Federal Law "On Application of the Provisions of the Criminal Code of the Russian Federation and the Criminal Procedural Code of the Russian Federation on the Territory of the Republic of Crimea and the Federal City of Sevastopol" appealed against by the claimant does not contradict the constitutional principles of criminal proceedings, does not create any conflict with the provisions of the Criminal Procedural Code of the Russian Federation (including with Parts One and Two, Article 7 and Part Three of Article 8 thereof) and cannot be deemed to violate the claimant's constitutional rights in the context specified by the latter.

2.3. Within the meaning of Articles 20 (Part 2), 47 (Part 2) and 123 (Part 4) of the Constitution of the Russian Federation, the right to a lawful trial granted to a person accused of a crime includes the right to a trial by jury in cases envisaged by federal law. As follows from the aforementioned Articles of the Constitution of the Russian Federation, the regulation of this right in conjunction with Articles 71 (Clauses c, d and n), 118 (Part 3) and 128 (Part 3) thereof shall be carried out at the discretion of the federal legislator authorised to determine in which cases, besides the case stipulated by Article 20 (Part 2) of the Constitution of the Russian Federation, a jury trial may act as a lawful court in criminal cases placed into the respective category by a federal law (Resolution of the Constitutional Court of the Russian Federation of 25 February 2016 No. 6-P).

However, although the jury trial as a form of criminal case consideration does not fundamentally rule out the confidentiality of a criminal case, the conditions for maintaining confidentiality are properly ensured if the case is considered by a more narrow panel of decision makers whose professional status implies a more scrupulous attitude towards the respective information, which not only the accused but also the injured parties are predictably keen to not disseminate (e.g. in case of sexual crimes) (Decision of the Constitutional Court of the Russian Federation of 20 May 2014 No. 16-P).

Thus, Federal Law of 28 December 2013 No. 432-FZ "On the Amendment of Certain Legislative Acts of the Russian Federation for the Purposes of Improving the Rights of the Injured Parties in Criminal Proceedings" added criminal cases provided for in Parts Four and Five, Article 131, Parts Four and Five of Article 132 and Part Six, Article 134 of the Criminal Code of the Russian Federation to the list of criminal cases excluded from the jurisdiction of a judge of a federal court of general jurisdiction and a 12-juror panel (Clause 2, Part Two, Article 30 of the Criminal Procedural Code of the Russian Federation).

Therefore, Article 7 of the Federal Law "On Application of the Provisions of the Criminal Code of the Russian Federation and the Criminal Procedural Code of the Russian Federation on the Territory of the Republic of Crimea and the Federal City of Sevastopol" establishing the peculiarities of the effect of Clause 2, Part Two, Article 30 of the Criminal Procedural Code of the Russian Federation cannot be considered as a provision violating the claimant's right to a jury trial.

2.4. The legislative imposition of liability and punishment without taking into account the personality of the guilty person and other circumstances having objective and reasonable substantiation and contributing to the adequate legal assessment of the public danger of both the crime and of the person who committed it, as well as the imposition of penalties without taking into account the circumstances describing the personality of the accused, would violate the constitutional prohibition of discrimination and the principles of justice and humanity (Decision of the Constitutional Court of the Russian Federation of 19 March 2003 No. 3-P).

Having ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse of 25 October 2007, the Russian Federation undertook the obligation to take all necessary legislative or other measures ensuring the imposition of criminal liability, among other things, for performing sexual activities to a child who, under the respective provisions of the national law, has not reached the permissible age established by law with respect to such activity (Subclause a, Clause 1, Article 18), as well as to legally establish the age before which it is prohibited to have sexual intercourse with a child (Clause 2, Article 18).

Despite the claimant's reasoning, the provisions of the Federal Law "On Application of the Provisions

of the Criminal Code of the Russian Federation and the Criminal Procedural Code of the Russian Federation on the Territory of the Republic of Crimea and the Federal City of Sevastopol" appealed against do not rule out liability for the crimes against the sexual inviolability of a minor committed prior to 18 March 2014 and are therefore consistent both with the requirements of Articles 131 and 132 of the Criminal Code of the Russian Federation and with the international obligations of the Russian Federation.

Moreover, in the case of cumulative offences penalty is imposed on a person taking into account the nature and the level of public danger of the crimes committed, the circumstances of their commission and the personality of the guilty person, solely for the publicly dangerous acts (acts of omission) and the actual publicly dangerous consequences thereof of which the accused is found guilty; when imposing a penalty, mitigating and aggravating circumstances are taken into account, as well as the impact of the punishment on the correction of the convicted person and on the living conditions of their family (Part One, Article 5, Part One, Article 6 and Part Three, Article 60 of the Criminal Code of the Russian Federation).

The rule of partial or full consolidation of penalties contained in Part Three, Article 69 of the Criminal Code of the Russian Federation, which is applied if at least one of the cumulative crimes is grave and especially grave and which provides that in such case the final custodial sentence may not exceed the maximum sentence for the gravest of the crimes committed by more than a half, is aimed at the implementation of the principles of justice, humanity and at prevention of excessive punishments.

Therefore, the rules of imposing penalty for cumulative crimes do not go beyond the measures of criminal law that the federal legislator may take in order to achieve the constitutionally justified goals of differentiating criminal liability and punishment, enhancement of its correctional impact on the convicted person, prevention of further crimes and thus the protection of an individual, society and state from criminal infringements, and, given their interconnection with other provisions of criminal law, prevent the excessive restriction of rights and freedoms when implementing measures of criminal law enforcement (Decision of the Constitutional Court of the Russian Federation of 21 March 2013 No. 478-O, 24 December 2013 No. 2100-O, 17 February 2015 No. 397-O and of 16 July 2015 No. 1598-O).

2.5. According to the generally recognised non bis in idem principle, it is established in the Constitution of the Russian Federation that no person may be reconvicted of the same crime (Article 50, Part1); the International Covenant on Civil and Political Rights prohibits reconviction of any person of the crime of which such person has previously been finally convicted or of which they have been acquitted in accordance with the legislation and the criminal procedure law of each country (Clause 7, Article 14), while the Convention for the Protection of Human Rights and Fundamental Freedoms stipulates that no one shall be liable to be tried or punished again in criminal proceedings under the jurisdiction of the same state for an offence for which he has already been finally acquitted or convicted in accordance with the law and penal procedure of that state (Clause 1, Article 4, Minutes No. 7).

no person shall be reconvicted or repeatedly imposed criminal punishment on for having committed a crime of which such person have been finally acquitted or for which it has been convicted in accordance with the laws and the criminal procedure provisions of the respective country (Clause 1, Article 4, Minutes No. 7).

In Clause 4, Part One, Article 27 of the Criminal Procedural Code of the Russian Federation expressly establishes that the criminal prosecution of a person suspected or accused shall be terminated upon the entering into legal force of a conviction on the same charge or of a court or judge's ruling to terminate the case with regard to the same charge, and contains no exceptions from this rule due to the qualification of the act committed. Contrary to the claimant's allegation, the existence of a conviction that has been overturned by a court of appeal and thus has not entered into legal force may not be considered a condition for the application of Clause 4, Part One, Article 27 of the Criminal Procedural Code of the Russian Federation.

Therefore, the complaint of D.F. Papenko may not be accepted for consideration by the Constitutional Court of the Russian Federation, as it does not meet the admissibility criterion established in the Federal Constitutional Law "On the Constitutional Court of the Russian Federation".

Based on the above and pursuant to Clause 2, Article 43, Part One, Article 79, as well as Articles 96 and 97 of the Federal Constitutional Law of the Russian Federation "On the Constitutional Court of the Russian Federation", the Constitutional Court of the Russian Federation

has ruled as follows:

1. To deny acceptance for consideration of the complaint of the citizen of Ukraine Dmitry Fedorovich Papenko, as it does not meet the requirements of the Federal Constitutional Law “On the Constitutional Court of the Russian Federation” whereunder a complaint submitted to the Constitutional Court of the Russian Federation is recognized to be acceptable.

2. The Ruling of the Constitutional Court of the Russian Federation regarding the complaint above shall be final and not subject to appeal.

Chair
of the Constitutional Court
of the Russian Federation V.D. Zorkin

No. 1707-O

# Annex 288

Prosecutor's Office of the Republic of Crimea, Reply No. 27-259-2016/On3727-2016, 22 July 2016

Translation

To D.Ya. Selyametov
[address]

*/Handwritten: 22 July 2016*
27-259-2016/On3727-2016

*/Handwritten: to the supervisory proceeding on the application*
*(Signed)*

Your applications, particularly those received from the Directorate of the Federal Security Service of Russia for the Republic of Crimea and City of Sevastopol on the legality of the actions of law enforcement officers of the Republic of Crimea, have been considered.

It has been found that on 1 April 2016, in the premises of cafe "Bagdad" located in village Dobroe, the Simferopol district, the employees of the District Directorate of the Federal Service for Drug Control of Russia and Centre for Countering Extremism of the Ministry of Internal Affairs for the Republic of Crimea conducted a joint preventive operation to suppress illegal drug trafficking, identify individuals involved in trafficking thereof and active followers of extremist ideology in the Simferopol district.

The identified individuals that belong to this category, and also individuals who did not carry identity documents during the inspection, subject to Clauses 2, 13, 19 of Part 1 of Article 13 of Federal Law of 7 February 2011 No. 3-FZ "On the Police" were invited to the premises of the Centre for Countering Extremism of the Ministry of Internal Affairs for the Republic of Crimea located on 19 Dekabristov Str. in Simferopol, where their identification was carried out. Also, during the inspection, the individuals whose appearance resembled the wanted persons, were invited to the premises of the Centre for Countering Extremism of the Ministry of Internal Affairs for the Republic of Crimea. After identification, outreach and preventive discussions were conducted with them, which does not contradict the applicable legislation. No physical or psychological measures were applied.

Also, the performed inspection found that the above citizens were not forcibly brought or detained and, accordingly, no documents were drawn up pursuant to the Code of Administrative Offences of the Russian Federation for bringing or administratively detaining them.

No applications for voluntary registration (provision of biomaterial) were collected from citizens by the officers of the Ministry of Internal Affairs for the Republic of Crimea as there was no need for a written confirmation of such intentions expressed verbally.

Taking into account the above and also the fact that only those individuals were invited to the office premises of Centre for Countering Extremism of the Ministry of Internal Affairs for the Republic of Crimea who were unable to present identity documents during the performed actions, and, given that these individuals could have been wanted for committing a crime, the stated actions of the law enforcement officials were justified.

*/Stamp:*
*Prosecutor's Office of the Republic of Crimea*
*No. 27-259-2016/On3727-2016/*

Therefore, the inspection revealed no violations of the Constitution of the Russian Federation, Federal Law of 7 February 2011 No. 3-FZ "On the Police", Federal Law of 25 July 1998 No. 128-FZ "On the State Fingerprint Registration in the Russian Federation" and the Code on Administrative Offenses of the Russian Federation by the actions of the law enforcement officers of the Republic of Crimea.

Taking into account the above, there are currently no grounds for taking measures of the prosecutor's response.

The answer can be appealed against before a senior official of the prosecutor's office and (or) the court.

Head of the Prosecutor's Office Department
of the Republic (Signed) A.V. Alexeev

# Annex 289

Prosecutor's Office of the Republic of Crimea, Reply No. 27-257-2016/On3725-2016, 22 July 2016

Translation

To I.S. Mukhterem
[address]

*/Handwritten: to the supervisory proceeding*
*on the application*
*Signed/*

27-257-2016/On3725-2016 *Signed/*
*/Handwritten: 22 July 2016/*

Your applications, including those received from the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol on the legality of the actions of law enforcement officers of the Republic of Crimea, have been considered.

It has been found that on 1 April 2016, in the premises of cafe "Bagdad" located in village Dobroe, the Simferopol district, the employees of the District Directorate of the Federal Service for Drug Control of Russia and Centre for Countering Extremism of the Ministry of Internal Affairs for the Republic of Crimea conducted a joint preventive operation to suppress illegal drug trafficking, identify individuals involved in trafficking thereof and active followers of extremist ideology in the Simferopol district.

The identified individuals that belong to this category, and also individuals who did not carry identity documents during the inspection, according to Clauses 2, 13, 19 of Part 1 of Article 13 of Federal Law of 7 February 2011 No. 3-FZ "On the Police" were invited to the premises of the Centre for Countering Extremism of the Ministry of Internal Affairs for the Republic of Crimea located at 19 Dekabristov Str. in Simferopol, where their identification was carried out. Also, during the inspection, the individuals whose appearance resembled the wanted persons were invited to the premises of the Centre for Countering Extremism of the Ministry of Internal Affairs for the Republic of Crimea. After identification, outreach and preventive discussions were conducted with them, which does not contradict the applicable legislation. No physical or psychological measures were applied.

Also, the performed inspection found that the above citizens were not forcibly brought or detained and, accordingly, no documents were drawn up pursuant to the Code of Administrative Offences of the Russian Federation for bringing or administratively detaining them.

No applications for voluntary registration (provision of biomaterial) were collected from citizens by the officers of the Ministry of Internal Affairs for the Republic of Crimea as there was no need for a written confirmation of such intentions expressed verbally.

Taking into account the above and also the fact that only those individuals were invited to the office premises of the Centre for Countering Extremism of the Ministry of Internal Affairs for the Republic of Crimea who were unable to present identity documents during the performed actions, and, given that these individuals could have been wanted for committing a crime, the stated actions of the law enforcement officials were justified.

*/Stamp:*
*Prosecutor's Office of the Republic of Crimea*
*No. 27-257-2016/On3725-2016/*

Therefore, the inspection revealed no violations of the Constitution of the Russian Federation, Federal Law of 7 February 2011 No. 3-FZ "On the Police", Federal Law of 25 July 1998 No. 128-FZ "On the State Fingerprint Registration in the Russian Federation" and the Code on Administrative Offenses of the Russian Federation by the actions of the law enforcement officers of the Republic of Crimea.

Taking into account the above, there are currently no grounds for taking measures of the prosecutor's response.

The answer can be appealed against before a senior official of the prosecutor's office and (or) the court.

Head of the Department of the Prosecutor's Office of the Republic *(Signed)* A.V. Alekseev

# Annex 290

Prosecutor's Office of the Republic of Crimea, Reply to No. 27-258-2016/On3726-2016, 22 July 2016

Translation

To O.N. Seitmemetov
[address]

*/Handwritten: 22 July 2016*
27-258-2016/On3726-2016

*/Handwritten: to the supervisory proceeding on the application*
*/Signed/*

Your applications, including those received from the Directorate of the Federal Security Service of Russia for the Republic of Crimea and City of Sevastopol on the legality of the actions of law enforcement officers of the Republic of Crimea, have been considered.

It has been found that on 1 April 2016, in the premises of cafe "Bagdad" located in village Dobroe, the Simferopol district, the employees of the District Directorate of the Federal Service for Drug Control of Russia and Centre for Countering Extremism of the Ministry of Internal Affairs for the Republic of Crimea conducted a joint preventive operation to suppress illegal drug trafficking, identify individuals involved in trafficking thereof and active followers of extremist ideology in the Simferopol district.

The identified individuals that belong to this category, and also individuals who did not carry identity documents during the inspection, according to Clauses 2, 13, 19 of Part 1 of Article 13 of Federal Law of 7 February 2011 No. 3-FZ "On the Police" were invited to the premises of the Centre for Countering Extremism of the Ministry of Internal Affairs for the Republic of Crimea located at 19 Dekabristov Str. in Simferopol, where their identification was carried out. Also, during the inspection, the individuals whose appearance resembled the wanted persons were invited to the premises of the Centre for Countering Extremism of the Ministry of Internal Affairs for the Republic of Crimea. After identification, outreach and preventive discussions were conducted with them, which does not contradict the applicable legislation. No physical or psychological measures were applied.

Also, the performed inspection found that the above citizens were not forcibly brought or detained and, accordingly, no documents were drawn up pursuant to the Code of Administrative Offences of the Russian Federation for bringing or administratively detaining them.

No applications for voluntary registration (provision of biomaterial) were collected from citizens by the officers of the Ministry of Internal Affairs for the Republic of Crimea as there was no need for a written confirmation of such intentions expressed verbally.

Taking into account the above and also the fact that only those individuals were invited to the office premises of the Centre for Countering Extremism of the Ministry of Internal Affairs for the Republic of Crimea who were unable to present identity documents during the performed actions, and, given that these individuals could have been wanted for committing a crime, the stated actions of the law enforcement officials were justified.

*/Stamp:*
*Prosecutor's Office of the Republic of Crimea*
*No. 27-258-2016/On3726-2016/*

Therefore, the inspection revealed no violations of the Constitution of the Russian Federation, Federal Law of 7 February 2011 No. 3-FZ "On the Police", Federal Law of 25 July 1998 No. 128-FZ "On the State Fingerprint Registration in the Russian Federation" and the Code on Administrative Offences of the Russian Federation by the actions of the law enforcement officers of the Republic of Crimea.

Taking into account the above, there are currently no grounds for taking measures of the

prosecutor's response.

The answer can be appealed against before a senior official of the prosecutor's office and (or) the court.

Head of the Department of the Prosecutor's Office of the Republic *(Signed)* A.V. Alekseev

# Annex 291

Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, Case No. 2016427026, Record of interrogation of G.M. Kushnir as a specialist, 5 August 2016

Translation

**RECORD**
**of Interrogation of a Specialist**

Simferopol 5 August 2016

The interrogation began at *1:15 p.m.*
The interrogation ended at *2:00 p.m.*

Investigator of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol Senior Lieutenant of Justice [full name], in office No. 109 of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol in accordance with Article 58, Part 4 of Article 80, Articles 164, 168, 189, and 190 of the Criminal Procedural Code of the Russian Federation, has interrogated the following individual as a specialist in criminal case No. 2016427026:

| | | |
|---|---|---|
| **1.** | Last name, first name, patronymic | Grigory Matveevich Kushnir |
| **2.** | Date of birth | 7 July 1947 |
| **3.** | Place of birth | Uralsk of the North Kazakhstan Region |
| **4.** | Place of registration | registered at: [address] |
| **5.** | Telephone | […] |
| **6.** | Citizenship | Russian Federation |
| **7.** | Education | higher |
| **8.** | Specialty | Neurology |
| **9.** | Work experience in the speciality | since September 1975 |
| **10.** | Marital status, family members | married, no minor children |
| **11.** | Place of work | Georgievsky Medical Academy situated at: Republic of Crimea, Simferopol, 5/7 Lenin Boulevard |
| **12.** | Position | Professor of the Department of Neurology and Neurosurgery at Georgievsky Medical Academy |
| **13.** | Work experience in the position | He has held this position since September 2011 |
| **14.** | Military status | not liable for military service |
| **15.** | Criminal background | none according to him |
| **16.** | Passport (or other identity document of the specialist) | Russian passport [passport details] |
| **17.** | Other information about the specialist's identity | none |

*/Signature/*

**Specialist** */Signature/* (signature) *G.M. Kushnir* (initials, last name)

Other parties involved – none.

Parties involved in the interrogation were warned in advance that technical equipment (an office computer and a printer) were to be used during the investigative activity; no other technical equipment were used in the course of the interrogation.

**Specialist** */Signature/* *G.M. Kushnir*
(signature) (initials, last name)

Prior to the interrogation, the investigator acting under Part 1 of Article 189 of the Criminal Procedural Code of the Russian Federation complied with the requirements of Part 5 of Article 164 of the Criminal Procedural Code of the Russian Federation and explained to the parties involved their rights, obligations, liability, and the interrogation procedure.

**Specialist** */Signature/* *G.M. Kushnir*
(signature) (initials, last name)

*/Signature/*

Prior to the interrogation, the rights of a specialist under Part 3 of Article 58 of the Criminal Procedural Code of the Russian Federation were explained to me:

1) To refuse to take part in the criminal proceedings if he or she has no relevant special knowledge;
2) To address questions to the parties involved in the investigative activity with the consent of the inquirer, investigator, and court;
3) To read a record of the investigative activity in which he or she was involved and to make statements and comments to be entered into the record.
4) To make complaints against actions (omission) and decisions of the inquirer, investigator, prosecutor, and court that restrict his or her rights.

The provisions of Part 4 of Article 58 of the Criminal Procedural Code of the Russian Federation were also explained to me, under which

a specialist may not ignore the summons of the inquirer, investigator, or court and disclose preliminary investigation information that he became aware of in view of his or her involvement in the criminal proceedings as a specialist provided that he or she was warned of it in advance as provided for by Article 161 of the Criminal Procedural Code of the Russian Federation. A specialist is held liable for the disclosure of preliminary investigation information under Article 310 of the Criminal Code of the Russian Federation.

**I am warned of criminal liability for giving knowingly false testimony under Article 307 of the Criminal Code of the Russian Federation.**

**Specialist** */Signature/* *G.M. Kushnir*
(signature) (initials, last name)

Besides, it was explained to me that under Article 51 of the Constitution of the Russian Federation I am not obliged to incriminate myself, to testify against my spouse and other close relatives listed in para. 4 of Article 5 of the Criminal Procedural Code of the Russian Federation.

**Specialist** */Signature/* *G.M. Kushnir*
(signature) (initials, last name)

I can say the following in respect of the subject-matter of the criminal case:

*Investigator's question:* Ilmi Rustemovich Umerov, born on 3 August 1957, is accused in criminal case No. 2016427026 of public calls for actions violating the territorial integrity of the Russian Federation committed with the use of information and telecommunications networks (including Internet), i.e. in doing so I.R. Umerov committed a crime under Part 2 of Article 280.1 of the Criminal Code of the Russian Federation.

You are given a copy of an extract from I.R. Umerov's outpatient medical record of 23 May 2016 issued by the Ministry of Health of the Republic of Crimea, the State Public Healthcare Institution of the Republic of Crimea, Bakhchisaray Central District Hospital, according to which he is diagnosed with the following:

- Stage 3 of Parkinson's disease, a bilateral akinetic-rigid syndrome impairing static balance, gait, functions of the left hand, entailing tremor;
- Stage 2 of high blood pressure;
- a state after the excision of a left atrium myxoma (a heart surgery in 2011);
- Stage 2 of diabetes;
- cerebral atherosclerosis;

What do these diseases with the above diagnoses mean? Do the above diseases of Ilmi Rustemovich Umerov affect his mental state, and do these diseases affect his capacity to understand what actions he was taking in March 2016 and to regulate them in the relevant period of time?

*Specialist's reply:* Having carefully examined the copy of the extract from the outpatient medical record of 23 May 2016 of I.R. Umerov, born on 3 August 1957, issued by the Ministry of Health of the Republic of Crimea, the State Public Healthcare Institution of the Republic of Crimea, Bakhchisaray Central District Hospital, I can say the following.

I would like to explain that Parkinson's disease is a neurological disorder.

Besides, Parkinson's disease falls within the competence of a neurologist, and I would therefore like to explain that, according to the copy of the extract from the outpatient medical record of 23 May 2016 of I.R. Umerov, born on 3 August 1957, issued by the Ministry of Health of the Republic of Crimea, the State Public Healthcare Institution of the Republic of Crimea, Bakhchisaray Central District Hospital, he is diagnosed with Stage 3 of Parkinson's disease, a bilateral akinetic-rigid syndrome impairing static balance, gait, functions of the left hand, entailing tremor, meaning that this diagnosis – at end stages and under the influence of specific treatment – may cause psychotic changes falling within the competence of a psychiatrist.

*/Signature/*

In view of the above, given this diagnosis, I think it advisable to conduct a forensic psychiatric examination in respect of the accused person Ilmi Rustemovich Umerov in order to assess whether the patient has any mental deviation, whether the above disease affects his mental state, and whether the above disease affected his capacity to control and understand his (I.R. Umerov's) actions in March 2016 and to regulate his (I.R. Umerov's) actions in the relevant period of time.

However the diagnoses: Stage 2 of high blood pressure, a state after the excision of a left atrium myxoma (a heart surgery in 2011), and cerebral atherosclerosis fall within the competence of a general practitioner, meaning that I have nothing to say regarding these diseases for I have no special knowledge in general practice.

Moreover, the diagnosis: Stage 2 of diabetes falls within the competence of an endocrinologist, meaning that that I have nothing to say regarding this disease for I have no special knowledge in endocrinology.

**Specialist** *Signature* *G.M. Kushnir*
(signature) (initials, last name)

Question: Do you want to add something to your testimony?
Reply: No, I do not.

**Specialist** */Signature/* *G.M. Kushnir*
(signature) (initials, last name)

No photo, audio and (or) video was taken or made during the interrogation.

**Specialist** */Signature/* *G.M. Kushnir*
(signature) (initials, last name)

The following statements were made prior to, during or upon completion of the interrogation by the following participants: the specialist G.M. Kushnir: *none*

Content of the statements: *none*

**Specialist** */Signature/* *G.M. Kushnir*
(signature) (initials, last name)

Upon completion of the interrogation, the record was shown to the specialist G.M. Kushnir for examination. It was also explained to the above person that he was entitled to have his additional and clarifying comments – as agreed and signed by him – entered into the record. Having *personally read* the record in its entirety, he *gave no* additional and clarifying comments.

**Specialist** */Signature/* *G.M. Kushnir*
(signature) (initials, last name)

*/Signature/*

This record is drawn up in compliance with Articles 166 and 190 of the Criminal Procedural Code of the Russian Federation.

Investigator of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol
Senior Lieutenant of Justice */Signature/* [Name]

Stamp: TRUE COPY
Investigator of the Investigative Department
*/Signature/* *2016*

# Annex 292

Investigative Department of the Directorate of the Federal Security Service of Russia in the Republic of Crimea and City of Sevastopol, Case No. 2016427026, Resolution, 8 August 2016

Translation

AGREED
Head of the Investigative Body – Head of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol
Colonel of Justice
*/Signature/* [Full name]
8 August 2016
*(illegible seal)*

RESOLUTION
on filing of a motion to put an accused person (not in custody) in an inpatient psychiatric hospital for a forensic psychiatric examination

Simferopol 8 August 2016

Senior Lieutenant of Justice [full name], an investigator of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, having reviewed case files in criminal case No. 2016427026,

ESTABLISHED THAT:

This criminal case was initiated on 12 May 2016 by the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol against Ilmi Rustemovich Umerov, a Russian national, born on 3 August 1957, into a crime under Part 2 of Article 280.1 of the Criminal Code of the Russian Federation.

The preliminary investigation established that on 19 March 2016, while in the territory of Ukraine (Kiev), in furtherance of his intention to take action to violate the territorial integrity of the Russian Federation, under circumstances unknown to the investigation, when taking part in a live television programme named after Noman Çelebicihan on the Ukrainian television channel ATR, while giving an interview to a presenter of the above television channel, I.R. Umerov intentionally and publicly addressed an unlimited number of people calling them to take action to return the Republic of Crimea to the jurisdiction of Ukraine.

Afterwards, under circumstances unknown to the investigation, the video of that television address of I.R. Umerov was made public on the Internet, namely on YouTube at the address: https://www.youtube.com/watch?v=CyTuPNPkTUI titled “Ilmi Umerov Live, 19 March 2016” that may be accessed by an unlimited number of people.

According to Report of 21 April 2016 No. 77 prepared by a specialist of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, insofar as linguistics is concerned, the verbatim transcript of “Ilmi Umerov Live, 19 March 2016” contains a call for actions to violate the territorial integrity of the Russian Federation.

As it is evident from the criminal case files, I.R. Umerov is diagnosed with III grade of Parkinson’s disease, a bilateral akinetic-rigid syndrome impairing static balance, gait, functions of the left hand, entailing tremor.

The above circumstances made it necessary to assess the mental state of I.R. Umerov, which required special knowledge in psychiatry.

On 16 June 2016 a decision on an outpatient forensic psychiatric examination in respect of I.R. Umerov was issued in the present criminal case, and the accused person I.R. Umerov and his defence counsels D.M. Temishev and E.M. Kurbedinov read it.

The resolution instructed experts to address the questions below:

- was I.R. Umerov suffering from any mental disorder at the time of the acts imputed to him, if yes, what mental disorder exactly, and did that mental disorder prevent him from understanding what actions he was committing or controlling them at the time of such commission?

- was I.R. Umerov, at the time of the acts imputed to him, in a state of temporary mental impairment, if yes, did that state prevent him from understanding what actions he was committing or controlling them at the time of such commission?

- is I.R. Umerov currently suffering from any mental disorder, if yes, what mental disorder exactly, and does this mental disorder prevent him from understanding what actions he is committing and controlling them; is he mentally unsound?

- if I.R. Umerov is suffering from any mental disorder, does he require compulsory treatment, and are there any contraindications thereto?

On 17 June 2016, the above resolution on an outpatient forensic psychiatric examination was sent to be executed by the State Public Healthcare Institution of the Republic of Crimea, Crimean Republican Psychiatric Clinical Hospital No. 1 of Simferopol, and experts of the above institution were to conduct it involving the accused person I.R. Umerov on 12 July 2016.

The accused person I.R. Umerov, being notified of the date of his outpatient forensic psychiatric examination in advance, failed to appear in the State Public Healthcare Institution of the Republic of Crimea, Crimean Republican Psychiatric Clinical Hospital No. 1 of Simferopol at the appointed time (12 July 2016).

Besides, on 14 July 2016, the investigation department received a motion from the accused person I.R. Umerov seeking the cancellation of an outpatient forensic psychiatric examination since he does not wish to undergo it because he treats it as an attempt to discredit him and to damage his business reputation.

On 15 July 2016, the investigator issued a resolution on the dismissal of the motion in full.

During the interrogation of 5 August 2016, G.M. Kushnir, a specialist neurologist, testified that the accused person I.R. Umerov is diagnosed with III grade of Parkinson's disease, a bilateral akinetic-rigid syndrome impairing static balance, gait, functions of the left hand, entailing tremor, meaning that this diagnosis – at end stages and under the influence of specific treatment – may cause psychotic changes falling within the competence of a psychiatrist. In light of the above, it is advisable to conduct a forensic psychiatric examination in respect of the accused person I.R. Umerov in order to assess whether the patient has any mental deviation, whether the above disease affects his mental state, and whether the above disease affected his capacity to control and understand his actions in March 2016 and to regulate his actions in the relevant period of time.

In view of the above, relying upon para. 3 of Part 2 of Article 29, para. 3 of Part 2 of Article 38, Part 1 of Article 195 and Article 203 of the Criminal Procedural Code of the Russian Federation,

HAS RESOLVED:

to file a motion before the Kievskiy District Court of Simferopol to put the accused person Ilmi Rustemovich Umerov, born on 3 August 1957, in the village of Akhunbabaeva of the Tashlak District of the Fergana Region of the Uzbek Soviet Socialist Republic, a Russian national, a pensioner, registered at the address: […], actually residing at the address: […], no criminal background, not in custody, in an inpatient psychiatric hospital (Department No. 9 of the State Public Healthcare Institution of the Republic of Crimea, Crimean Republican Psychiatric Clinical Hospital No. 1 of Simferopol, situated at the address: Republic of Crimea, Simferopol, 27 Alexander Nevsky Street) for an inpatient forensic psychiatric examination.

Investigator of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol
Senior Lieutenant of Justice — */Signature/* — [Full name]

# Annex 293

Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, Case No. 2016427026, Record of interrogation of S.A. Krasnovskiy as a specialist, 10 August 2016

Translation

**RECORD**
**of Specialist Interrogation**

Simferopol 10 August 2016

The interrogation began at *2:30 p.m.*
The interrogation ended at *3:25 p.m.*

Senior Lieutenant of Justice [full name], an investigator of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, in office No. 109 of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol in accordance with Article 58, Part 4 of Article 80, Articles 164, 168, 189, and 190 of the Criminal Procedural Code of the Russian Federation, has interrogated the following individual as a specialist in criminal case No. 2016427026:

| | | |
|---|---|---|
| **1.** | Last name, first name, patronymic | Stanislav Alexandrovich Krasnovskiy |
| **2.** | Date of birth | 23 November 1970 |
| **3.** | Place of birth | Simferopol of the Crimean Region |
| **4.** | Place of registration | registered at the address: […] |
| **5.** | Telephone | […] |
| **6.** | Citizenship | Russian Federation |
| **7.** | Education | higher |
| **8.** | Specialty | Psychiatry, Forensic Psychiatric Examination |
| **9.** | Work experience in the speciality | since May 2007 |
| **10.** | Marital status, family members | single, no minor children |
| **11.** | Place of work | State Public Healthcare Institution of the Republic of Crimea, Crimean Republican Psychiatric Clinical Hospital No. 1 of Simferopol, situated at the address: Republic of Crimea, Simferopol, 27 Alexander Nevsky Street |
| **12.** | Position | physician, forensic psychiatric expert of the Department of Outpatient Forensic Psychiatric Examinations |
| **13.** | Work experience in the position | since November 2015 |
| **14.** | Military status | eligible for military duty, registered with the military enlistment office of Simferopol of the Republic of Crimea |
| **15.** | Criminal background | none according to him |
| **16.** | Passport (or other identity document of the specialist) | Russian passport [passport details] |
| **17.** | Other information about the specialist's identity | None |

*/Signature/*

**Specialist** */Signature/* *S.A. Krasnovskiy*
(signature) (initials, last name)

Other parties involved – none.

Parties involved in the interrogation were warned in advance that technical equipment (an office computer and a printer) was to be used during the investigative activity; no other technical equipment was used in the course of the interrogation.

**Specialist** */Signature/* (signature) *S.A. Krasnovskiy* (initials, last name)

Prior to the interrogation, the investigator acting under Part 1 of Article 189 of the Criminal Procedural Code of the Russian Federation complied with the requirements of Part 5 of Article 164 of the Criminal Procedural Code of the Russian Federation and explained to the parties involved their rights, obligations, liability, and the interrogation procedure.

**Specialist** */Signature/* (signature) *S.A. Krasnovskiy* (initials, last name)

Prior to the interrogation, the rights of a specialist under Part 3 of Article 58 of the Criminal Procedure Code of the Russian Federation were explained to me:

1) To refuse to take part in the criminal proceedings if he or she has no relevant special knowledge;
2) To address questions to the parties involved in the investigative activity with the consent of the inquirer, investigator, and court;
3) To read a record of the investigative activity in which he or she was involved and to make statements and comments to be entered into the record.
4) To make complaints against actions (omission) and decisions of the inquirer, investigator, prosecutor, and court that restrict his or her rights.

The provisions of Part 4 of Article 58 of the Criminal Procedural Code of the Russian Federation were also explained to me, under which

a specialist may not ignore the summons of the inquirer, investigator, or court and disclose preliminary investigation information that he became aware of in view of his or her involvement in the criminal proceedings as a specialist provided that he or she was warned of it in advance as provided for by Article 161 of the Criminal Procedural Code of the Russian Federation. A specialist is held liable for the disclosure of preliminary investigation information under Article 310 of the Criminal Code of the Russian Federation.

**I am warned of criminal liability for giving knowingly false testimony under Article 307 of the Criminal Code of the Russian Federation.**

**Specialist** */Signature/* (signature) *S.A. Krasnovskiy* (initials, last name)

Besides, it was explained to me that under Article 51 of the Constitution of the Russian Federation I am not obliged to incriminate myself, to testify against my spouse and other close relatives listed in para. 4 of Article 5 of the Criminal Procedure Code of the Russian Federation.

**Specialist** */Signature/* (signature) *S.A. Krasnovskiy* (initials, last name)

I can say the following in respect of the subject-matter of the criminal case:

*Investigator's question:* Ilmi Rustemovich Umerov, born on 3 August 1957, is accused under criminal case No. 2016427026 of public calls for actions violating the territorial integrity of the Russian Federation committed with the use of information and telecommunications networks (including the Internet), i.e. in doing so I.R. Umerov committed a crime under Part 2 of Article 280.1 of the Criminal Code of the Russian Federation.

You are given a copy of an extract from I.R. Umerov's outpatient medical record of 23 May 2016 issued by the Ministry of Health of the Republic of Crimea, the State Public Healthcare Institution of the Republic of Crimea, Bakhchisaray Central District Hospital, according to which he is diagnosed with the following:

- Stage 3 of Parkinson's disease, a bilateral akinetic-rigid syndrome impairing static balance, gait, functions of the left hand, entailing tremor;
- Stage 2 of high blood pressure;
- a state after the excision of a left atrium myxoma (a heart surgery in 2011);
- Stage 2 of diabetes;
- cerebral atherosclerosis;

What do these diseases with the above diagnoses mean? Do the above diseases of Ilmi Rustemovich Umerov affect his mental state, and do these diseases affect his capacity to understand what actions he was taking in March 2016 and to regulate them in the relevant period of time?

*Specialist's reply:* having carefully examined the copy of the extract from the outpatient medical record of 23 May 2016 of I.R. Umerov, born on 3 August 1957, issued by the Ministry of Health of the Republic of Crimea, the State Public Healthcare Institution of the Republic of Crimea, Bakhchisaray Central District Hospital, I can say the following.

Parkinson's disease is a neurological disorder.

However, when it comes to the diagnosis specified in the copy of the extract from the outpatient medical record of 23 May 2016 of I.R. Umerov, born on 3 August 1957, issued by the Ministry of Health of the Republic of Crimea, the State Public Healthcare Institution of the Republic of Crimea, Bakhchisaray Central District Hospital, he is diagnosed with Stage 3 of Parkinson's disease, a bilateral akinetic-rigid syndrome impairing static balance, gait, functions of the left hand, entailing tremor, I would like to explain that this diagnosis may cause mental disorders in the form of memory impairment, emotional-volitional disorders, thinking impairment. In severe cases, a patient may experience dementia (organic dementia). Besides, a patient with this disease may experience a psychotic disorder (psychosis) that requires psychiatric care in a psychiatric hospital as an inpatient.

*/Signature/*

In view of the above, given this diagnosis, I think it advisable to conduct a forensic psychiatric examination (as an inpatient in a psychiatric hospital) in respect of the accused person Ilmi Rustemovich Umerov in order to conduct a comprehensive examination, to address expert questions, and to assess whether the patient has any mental deviation, whether the above disease affects his mental state, and whether the above disease affected his capacity to control and understand his (I.R. Umerov's) actions in March 2016 and to regulate his (I.R. Umerov's) actions in the relevant period of time.

A neurologist may address the matter of Parkinson's disease in more detail since it directly falls within his or her competence.

However the diagnoses: Stage 2 of high blood pressure, a state after the excision of a left atrium myxoma (a heart surgery in 2011), and cerebral atherosclerosis fall within the competence of a general practitioner, meaning that I have nothing to say regarding these diseases for I have no special knowledge in general practice.

Moreover, the diagnosis: Stage 2 of diabetes falls within the competence of an endocrinologist, meaning that that I have nothing to say regarding this disease for I have no special knowledge in endocrinology.

| | | |
|---|---|---|
| **Specialist** | */Signature/*<br>(signature) | *S.A. Krasnovskiy*<br>(initials, last name) |

Question: Do you want to add something to your testimony?
Reply: No, I do not.

**Specialist** */Signature/* (signature) *S.A. Krasnovskiy* (initials, last name)

No photo, audio and (or) video was taken or made during the interrogation.

**Specialist** */Signature/* (signature) *S.A. Krasnovskiy* (initials, last name)

The following statements were made prior to, during or upon completion of the interrogation by the following participants: the specialist S.A. Krasnovskiy: *none*

Content of the statements: *none*

**Specialist** */Signature/* (signature) *S.A. Krasnovskiy* (initials, last name)

Upon completion of the interrogation, the record was shown to the specialist S.A. Krasnovskiy for examination. It was also explained to the above person that he was entitled to have his additional and clarifying comments – as agreed and signed by him – entered into the record. Having *personally read* the record in its entirety, he *gave no* additional and clarifying comments.

**Specialist** */Signature/* (signature) *S.A. Krasnovskiy* (initials, last name)

This record is drawn up in compliance with Articles 166 and 190 of the Criminal Procedural Code of the Russian Federation.

Investigator of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol
Senior Lieutenant of Justice */Signature/* [Full name]

TRUE COPY
Investigator of the
Investigative Department
*/Signature/ 2016*

# Annex 294

Kievskiy District Court of Simferopol, Case No. 3/5-4/2016, Ruling, 11 August 2016

Translation

Case No. 3/5-4/2016

RULING
To put a person in an inpatient psychiatric hospital
for a forensic psychiatric examination

11 August 2016 Simferopol

Kievskiy District Court of Simferopol of the Republic of Crimea composed of T.A. Ruba, the presiding judge,
G.R. Velilyaeva, the secretary of the court session,
E.A. Kovalev, a senior assistant to the prosecutor of the Kievskiy District of Simferopol,
[Full name], an investigator of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol,
I.R. Umerov, the accused person,
the defence counsel – N.N. Polozov, an attorney, who presented certificate No. […] and order No. 16-1092 of 11 August 2016, E.S. Semedlyaev, an attorney, who presented certificate No. […] and order No. AK-0014 of 22 July 2016, E.M. Kurbedinov, an attorney, who presented certificate No. […] and order No. AS-0099 of 12 May 2016,
having reviewed in public hearing a resolution of [full name], an investigator of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, concerning a motion filed before the court to put the following individual in an inpatient psychiatric hospital for a forensic psychiatric examination in respect of:

Ilmi Rustemovich Umerov, born on 3 August 1957, in the village of Akhunbabaeva of the Tashlak District of the Fergana Region of the Uzbek Soviet Socialist Republic, a Russian national and a Ukrainian national, a pensioner, registered at the address: […], actually residing at the address: […], no criminal background,

who is accused of committing a crime under Part 2 of Article 280.1 of the Criminal Code of the Russian Federation,

established that:

The preliminary investigative body accuses I.R. Umerov of the following: on 19 March 2016, while in the territory of Ukraine (Kiev), in furtherance of his intention to take action to violate the territorial integrity of the Russian Federation, under circumstances unknown to the investigation, when taking part in a live television programme named after Noman Çelebicihan on the Ukrainian television channel ATR, while giving an interview to a presenter of the above television channel, I.R. Umerov intentionally and publicly addressed an unlimited number of people calling them to take action to return the Republic of Crimea to the jurisdiction of Ukraine.

Afterwards, under circumstances unknown to the investigation, the video of that television address of I.R. Umerov was made public on the Internet, namely on YouTube at the address: https://www.youtube.com/watch?v=CyTuPNPkTUI titled “Ilmi Umerov Live, 19 March 2016” that may be accessed by an unlimited number of people.

According to Report of 21 April 2016 No. 77 prepared by a specialist of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, insofar as linguistics is concerned, the verbatim transcript of “Ilmi Umerov Live, 19 March 2016” contains a call for actions to violate the territorial integrity of the Russian Federation.

On 12 May 2016, I.R. Umerov was questioned as a suspect. That same day, a measure of restraint in the form of recognizance not to leave and proper conduct was adopted in respect of I.R. Umerov.

On 19 May 2016, I.R. Umerov was accused of committing a crime under Part 2 of Article 280.1 of the Criminal Code of the Russian Federation.

As it is evident from the criminal case files, I.R. Umerov is diagnosed with Stage 3 of Parkinson's disease, a bilateral akinetic-rigid syndrome impairing static balance, gait, functions of the left hand, entailing tremor.

The above circumstances made it necessary to assess the mental state of I.R. Umerov, which required special knowledge in psychiatry.

A ruling on an outpatient forensic psychiatric examination in respect of I.R. Umerov was issued on 16 June 2016, and the accused person I.R. Umerov and his defence counsel D.M. Temishev and E.M. Kurbedinov read it.

On 17 June 2016, the above ruling on an outpatient forensic psychiatric examination was sent to be executed by the State Public Healthcare Institution of the Republic of Crimea, Crimean Republican Psychiatric Clinical Hospital No. 1 of Simferopol, and experts of the above institution were to conduct it involving the accused person I.R. Umerov at 09:00 a.m. on 12 July 2016.

The accused person I.R. Umerov, being notified of the date of his outpatient forensic psychiatric examination in advance, failed to appear in the State Public Healthcare Institution of the Republic of Crimea, Crimean Republican Psychiatric Clinical Hospital No. 1 of Simferopol at the appointed time (12 July 2016).

On 9 July 2016, the investigation department received a motion from the accused person I.R. Umerov seeking the cancellation of an outpatient forensic psychiatric examination since he does not wish to undergo it because he treats it as an attempt to discredit him and to damage his business reputation.

On 15 July 2016, the investigator issued a resolution on the dismissal of the motion in full.

On 8 August 2016, [full name], the investigator of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol filed a motion before the court to put the accused person I.R. Umerov in an inpatient psychiatric hospital for a forensic psychiatric examination.

The reason behind this motion is that the accused person I.R. Umerov is diagnosed with Stage 3 of Parkinson's disease, a bilateral akinetic-rigid syndrome impairing static balance, gait, functions of the left hand, entailing tremor, meaning that this diagnosis – at end stages and under the influence of specific treatment – may cause psychotic changes falling within the competence of a psychiatrist. In light of the above, it is advisable to conduct a forensic psychiatric examination in respect of the accused person I.R. Umerov in order to assess whether I.R. Umerov's disease is linked to his diseased mental state and whether the above disease affected his capacity to control and understand his actions in March 2016 and to regulate his actions in the relevant period of time.

In the court session, the investigator and the prosecutor supported the motion and arguments therein and requested the court to grant it.

The accused person I.R. Umerov and his defence counsel objected to the motion, believing it to be premature. Materials available to the court do not include any documents serving as a basis for a psychiatric examination in respect of the accused person. They presume that the criminal case against I.R. Umerov was a politically motivated frame-up.

Having listened to the above parties, examined the available materials, the court finds the motion to be well-grounded and resolves to grant it for the reasons below.

According to Part 1 of Article 195 of the Criminal Procedure Code of the Russian Federation, after finding it necessary to conduct a forensic examination, an investigator issues a resolution to this effect, and, as provided for by para. 3 of Part 2 of Article 29 of this Code, files a motion before the court, specifying:

1) the basis for the forensic examination;

2) last name, first name, and patronymic of an expert or expert institution in which the forensic examination will be conducted;

3) questions for the expert to address;

4) materials provided to the expert.

According to Article 203 of the Criminal Procedure Code of the Russian Federation, when a forensic medical or forensic psychiatric examination is commissioned or conducted, if it is necessary to conduct an

inpatient study of a suspect or accused person, he or she may be put in a medical organisation providing inpatient medical care or a medical organisation providing inpatient psychiatric care.

A suspect or accused person, who is not in custody, is put in a medical organisation providing inpatient medical care or a medical organisation providing inpatient psychiatric care for a forensic medical or forensic psychiatric examination based on a court decision made under Article 165 of the Criminal Procedure Code of the Russian Federation.

As it follows from the available materials, I.R. Umerov is accused of committing a premeditated crime against the constitutional system and state security, which is punishable by up to five years in prison.

According to the record of specialist interrogation of 5 August 2016 involving G.M. Kushnir, a neurologist, who examined an extract from I.R. Umerov's outpatient medical record, the patient is diagnosed with Stage 3 of Parkinson's disease, a bilateral akinetic-rigid syndrome impairing static balance, gait, functions of the left hand, entailing tremor, meaning that this diagnosis – at end stages and under the influence of specific treatment – may cause psychotic changes falling within the competence of a psychiatrist.

After being interrogated as a specialist on 10 August 2016, S.A. Krasnovsky, a psychiatrist, who examined the extract from I.R. Umerov's outpatient medical record, the patient is diagnosed with Stage 3 of Parkinson's disease, a bilateral akinetic-rigid syndrome impairing static balance, gait, functions of the left hand, entailing tremor, meaning that this diagnosis may cause mental disorders in the form of memory impairment, emotional-volitional disorders, thinking impairment. In severe cases, a patient may experience dementia (organic dementia) and a psychotic disorder (psychosis). He thinks it advisable to conduct a forensic psychiatric examination (as an inpatient in a psychiatric hospital) in respect of the accused person I.R. Umerov.

The accused person I.R. Umerov refused to undergo voluntarily the outpatient examination commissioned by the investigator, filing an application to that effect on 9 July 2016. He failed to appear in the State Public Healthcare Institution of the Republic of Crimea, Crimean Republican Psychiatric Clinical Hospital No. 1 of Simferopol to undergo the examination at the appointed time.

Having assessed the available evidence, the court believes that there are sufficient grounds for putting the accused person I.R. Umerov in an inpatient psychiatric hospital of the State Public Healthcare Institution of the Republic of Crimea, Crimean Republican Psychiatric Clinical Hospital No. 1 for an inpatient survey and an inpatient forensic psychiatric examination.

In view of the above, relying upon Articles 195, 203 of the Criminal Procedure Code of the Russian Federation, the court

ruled:

to put Ilmi Rustemovich Umerov, born on 3 August 1957, accused of committing a crime under Part 2 of Article 280.1 of the Criminal Code of the Russian Federation, in an inpatient hospital of the State Public Healthcare Institution of the Republic of Crimea, Crimean Republican Psychiatric Clinical Hospital No. 1, situated at the address: Republic of Crimea, Simferopol, 27 Rozy Luxembourg (A. Nevsky) Street for an inpatient survey and an inpatient forensic psychiatric examination.

This ruling may be appealed before the Supreme Court of the Republic of Crimea within three days from its delivery.

Judge T.A. Rube

# Annex 295

Sovetskiy District Court of Ulan-Ude, Case No. 2-3635/16, Decision, 22 August 2016

Translation

***Civil case No. 2-3635/16***

**DECISION**
**In the name of the Russian Federation**

22 August 2016 Ulan-Ude

Sovetskiy District Court of Ulan-Ude composed of the Presiding Judge A.V. Naumova, Secretary of the Hearing S.V. Tsydenova,

having heard in open hearing a civil case on an application submitted by the First Deputy Prosecutor of the Republic of Buryatia on the recognition of a print book as extremist material,

**ESTABLISHED:**

The First Deputy Prosecutor of the Republic of Buryatia acting in the interests of an indefinite number of people and the Russian Federation filed with the Court an application to recognize the print material (book) "The Fortress of the Muslim. Prayers to Allah. Treatment with spells, found in the Quran and Sunnah" by Said Bin Ali Bin Wahf Al-Qahtani (translated from Arabic by A. Nirsh, reference by K. Kuznetsov, 3rd edition, stereotype, M. Ummah, 2011, 416 pages, Izdatel Ezhaev A.K. LLC) as extremist material.

In support of the application, the Prosecutor stated that on 6 February 2016, the convicted person Said-Khussein Zakaryaevich Evloyev, born on 2 August 1970, was brought to the Federal State Institution Pre-Trial Detention Facility No. 1 of the Directorate of the Federal Penitentiary Service of Russia in the Republic of Buryatia, and the personal search of the said person resulted in finding and seizure of the book "The Fortress of the Muslim. Prayers to Allah. Treatment with spells, found in the Quran and Sunnah" by Said Bin Ali Bin Wahf Al-Qahtani (translated from Arabic by A. Nirsh, reference by K. Kuznetsov, 3rd edition, stereotype, M. Ummah, 2011, 416 pages, Izdatel Ezhaev A.K. LLC), which contains information aimed at promoting the exclusiveness and supremacy of Islam over other religions and inciting religious hatred and strife towards people who do not profess Islam, including Christians, Jews, and a hidden urge to violent actions.

The print material contains excerpts from the "The Fortress of the Muslim. Prayers to Allah. Treatment with spells, found in the Quran and Sunnah" by Said Bin Ali Bin Wahf Al-Qahtani (2009, 2010), recognized by the decision of the Kurgan City Court of the Kurgan Region as extremist materials.

At the court hearing, the Prosecutor Yu.S. Badmatsyrenova maintained the claims on the arguments set out in the application.

The representative of the person concerned, the Office of the Ministry of Justice of the Russian Federation in the Republic of Buryatia, L.A. Safonova had no objections to the Prosecutor's application.

The representative of the party concerned, Izdatel Ezhaev A.K. LLC did not appear at the hearing, although he was duly notified of the date and time of the hearings in accordance with the rules provided for under Article 113 of the Civil Procedural Code of the Russian Federation.

Taking into account that there was no evidence of valid reasons for non-appearance of the party concerned and guided by provisions of Article 165.1 of the Civil Code of the Russian Federation, the hearing was conducted in the absence of a representative of Izdatel Edaev (*sic.*) A.K. LLC in accordance with Article 167 of the Civil Procedural Code of the Russian Federation.

Having heard the parties of the proceeding and having considered the case files, the Court came to the following conclusions.

The Constitution of the Russian Federation, while guaranteeing freedom of thought and speech to everyone, at the same time prohibits the abuse of freedom of speech if it violates the rights of other citizens.

In accordance with Article 29 of the Constitution of the Russian Federation, propaganda or agitation instigating social, racial, national or religious hatred and strife shall not be allowed. The propaganda of social, racial, national, religious or linguistic supremacy shall be prohibited.

In accordance with Clause 1 of Article 1 of the Federal Law "On Countering Extremist Activities", the extremist activity (extremism) shall be understood as propaganda of the exceptional nature, supremacy or deficiency of persons on the basis of their social, racial, ethnic, religious or linguistic affiliation or attitude to religion.

In accordance with Clause 3 of the same Article, extremist materials constitute documents intended for publication or information on other media calling for the extremist activity to be carried out or substantiating or justifying the necessity to carry out such activity, including works by leaders of the National Socialist Workers Party of Germany, the National Fascist Party of Italy, publications substantiating or justifying ethnic and/or racial supremacy or justifying the practice of committing war crimes or other crimes aimed at full or partial destruction of any ethnic, social, racial, national or religious group.

According to Article 13 of the said Federal Law, the distribution of extremist materials, their production or storage for the purpose of distribution is prohibited in the Russian Federation.

According to paragraph 2 of Article 13 of the Federal Law, information materials shall be recognized as extremist by the federal court at the place of their detection, distribution or location of the organization which manufactured such materials, pursuant to an application of the prosecutor or within the relevant proceedings in relation to an administrative offence, in a civil or criminal case.

According to the position of the Constitutional Court of the Russian Federation, expressed in its Ruling of 2 July 2013 No. 1053-O "On dismissal of the complaint of the citizen Vladislav Sergeevich Kochemarov on violation of his constitutional rights by provisions of Clauses 1 and 3 of Article 1 and Part 3 of Article 13 of the Federal Law "On Countering Extremist Activities" as inadmissible", applying the provisions of Clauses 1 and 3 of Article 1 of the Federal Law "On Countering Extremist Activities", contested by the applicant, the Courts are requried to proceed on the basis that an explicit or implied contradiction of existing actions (documents) to constitutional prohibitions on inciting hatred and strife, inciting hatred and promoting social, racial, national, religious or linguistic supremacy, the presence of which should be determined taking into account all the significant circumstances of each particular case (the form and content of activities and whether information, their addressees and focus, the social and political context, the presence of a real threat caused, among other things, by calls for unlawful encroachments upon constitutionally protected values, substantiation or justification of their commission, etc.) is an obligatory feature of the specified variety of extremism (extremist materials).

At the same time, restrictions on freedom of conscience and religion, freedom of speech and the right to disseminate information provided for under anti-extremist legislation should not take place in relation to any activity or information on the sole reason that they do not fit into generally accepted ideas, are inconsistent with the well-established traditional views and opinions, contradict moral and/or religious preferences. Otherwise, it would mean a departure from the constitutional requirement of necessity, proportionality and fairness of restrictions on the rights and freedoms of a person and a citizen, which, in the sense of the legal position expressed by the Constitutional Court of the Russian Federation in a variety of decisions that remain in force, is addressed, according to Part 1 of Articles 18, 19 and Part 3 of Article 55 of the Constitution of the Russian Federation, to both the legislator and law enforcement authorities, including the courts (Decision of 14 February 2013 No. 4-P; Decisions of 2 April 2009 No. 484-O-P, of 5 March 2013 No. 323-O etc.).

The European Court of Human Rights in its case-law adheres to similar views on the limits on freedom of expression, which, without excluding the existence of the state's ample opportunities – especially in the field of religious beliefs – establishes such requirements that are dictated by importance of protection of democratic values and, above all, the rights of others, nevertheless believes that this freedom, which is one of the supporting pillars of a democratic society, a fundamental condition for its progress and self-realization of each of its members, applies even to cases of unpopular, shocking and provocative statements (*Handyside v. United Kingdom,* Judgment, 7 December 1976 etc.)

Recognition of certain information materials as extremist means stating a fact that they violate the prohibitions established by anti-extremist laws, and by virtue of this already pose a real threat to the human

rights and freedoms, the foundations of the constitutional order, and ensuring the integrity and security of the Russian Federation.

It has been found, that by the decision of the Kurgan City Court of the Kurgan Region, which entered into force on 16 February 2015, the following print materials were recognized as extremist:

"The Fortress of the Muslim. Prayers to Allah. Treatment with spells, found in the Quran and Sunnah" by Said Bin Ali Bin Wahf Al-Qahtani /translated from Arabic by A. Nirsh, reference by K. Kuznetsov, 3rd edition, stereotype, M. Ummah, 2009, 416 pages;

"The Fortress of the Muslim. Prayers to Allah. Treatment with spells, found in the Quran and Sunnah" by Said Bin Ali Bin Wahf Al-Qahtani /translated from Arabic by A. Nirsh, reference by K. Kuznetsov, 3rd edition, stereotype, M. Ummah, 2010, 416 pages;

By the decision of the Kurgan City Court of the Kurgan Region of 6 April 2015, which entered into force, the book "The Fortress of the Muslim. Prayers to Allah. Treatment with spells, found in the Quran and Sunnah" by Said Bin Ali Bin Wahf Al-Qahtani (translated from Arabic by Vladimir Abdulla Nirsh, Nalchik, 2004, 241 pages) was recognized as extremist.

The Court established, that on 6 February 2016, in Federal State Institution Pre-Trial Detention Facility No. 1 of the Directorate of the Federal Penitentiary Service of Russia in the Republic of Buryatia the book "The Fortress of the Muslim. Prayers to Allah. Treatment with spells, found in the Quran and Sunnah" by Said Bin Ali Bin Wahf Al-Qahtani (translated from Arabic by A. Nirsh, reference by K. Kuznetsov, 3rd edition, stereotype, M. Ummah, 2011, 416 pages was discovered and seized from the convicted person S.-kh. Z. Evloyev.

According to expert analysis report of 15 April 2016 No. 601/10-6-26.1 conducted by the Federal Budgetary Institution "Trans-Baikal Forensic Science Laboratory" (Zabaykalskaya Laboratoria Sudebnoy Expertizy) the text extracts from the book "The Fortress of the Muslim. Prayers to Allah. Treatment with spells, found in the Quran and Sunnah" by Said Bin Ali Bin Wahf Al-Qahtani (translated from Arabic by A. Nirsh, reference by K. Kuznetsov, 3rd edition, stereotype, M. Ummah, 2010) are also contained in the book "The Fortress of the Muslim. Prayers to Allah. Treatment with spells, found in the Quran and Sunnah" by Said Bin Ali Bin Wahf Al-Qahtani (translated from Arabic by A. Nirsh, reference by K. Kuznetsov, 3rd edition, stereotype, M. Ummah, 2011, 416 pages) on pages with the same numbers (on pages 26, 42, 122–123, 41, 55, 118, 131, 135, 125, 38, 47–48, 104, 81, 203–204, 34).

According to expert analysis report of the Directorate of the Federal Security Service in the Sverdlovsk Region of 18 September 2014 No. 399, the book "The Fortress of the Muslim. Prayers to Allah. Treatment with spells, found in the Quran and Sunnah" by Said Bin Ali Bin Wahf Al-Qahtani (translated from Arabic by A. Nirsh, reference by K. Kuznetsov, 3rd edition, stereotype, M. Ummah, 2010) contains information aimed at promoting the religious exclusiveness and supremacy of Islam over other religions, and inciting religious hatred and strife towards people who do not profess Islam and a hidden incitement to violent actions against people who do not profess Islam.

Having considered the evidence presented in their totality and interrelation, the Court concludes that the claims are well-founded and shall be satisfied, since the content of the print publication is aimed at inciting hatred and strife towards people who do not profess Islam, which may lead to conflicts on religious grounds, violation of the rights and legitimate interests of an indefinite number of people, thus, shall be recognized as extremist.

According to Article 13 of Federal Law of 25 July 2002 No. 114-FZ "On Countering Extremist Activities", the Court shall serve a copy of the final and binding decision on the recognition of the information materials as extremist to a federal state registration authority within three days.

According to Clause 3 of the Procedure of 11 December 2015 No. 289 on Maintaining the Federal List of Extremist Materials approved by Order of the Ministry of Justice of Russia, the federal list is maintained by the Ministry of Justice of Russia.

Given the above and relying upon Articles 194–199 of the Civil Procedural Code of the Russian Federation, the Court

**DECIDED:**

To satisfy the claims of the Prosecutor.

To recognize the print material (book) “The Fortress of the Muslim. Prayers to Allah. Treatment with spells, found in the Quran and Sunnah” by Said Bin Ali Bin Wahf Al-Qahtani (Translated from Arabic by A. Nirsh, reference by K. Kuznetsov, 3rd edition, stereotype, M. Ummah, 2011, 416 pages, Izdatel Ezhaev A.K. LLC) as extremist materials.

A copy of the decision is to be sent to the Ministry of Justice of the Russian Federation for the inclusion of these books in the federal list of extremist materials.

The decision may be appealed to the Supreme Court of the Republic of Buryatia within one month from the date of the final decision through the Sovetskiy District Court of Ulan-Ude.

Final decision issued on 26 August 2016.

**Judge** *(Signed)* **A.V. Naumova**

*/Stamp: DECISION ENTERED INTO FORCE ON 27 SEPTEMBER 2016/*
*/Seal (two impressions): SOVETSKIY DISTRICT COURT OF ULAN-UDE/*
*/Stamp: TRUE COPY*
*Judge (Signed) illegible*
*Secretary (Signed) /*

*/Seal: SOVETSKIY DISTRICT COURT OF ULAN-UDE/*
/Stamp: Sovetskiy District Court of Ulan-Ude
Numbered, bound and sealed ___ sheets.
Signature/

# Annex 296

Supreme Court of the Republic of Crimea, Case No. 33a-5959/2016,
Appellate Decision, 5 September 2016

Translation

Judge O.V. Shevchenko Case No. 33a-5959/2016

APPELLATE DECISION

5 September 2016 Simferopol

The Judicial Chamber on Administrative Cases of the Supreme Court of the Republic of Crimea composed of:

Presiding Judge S.A. Vorobieva,

Judges S.V. Yakovlev, N.A. Terentieva,

With Secretary O.V. Voronova,

Heard in an open court hearing the appeal submitted by Saniye Isaevna Ametova against the Decision of the Krasnoperekopskiy District Court of the Republic of Crimea of 17 May 2016 on the administrative claim of Saniye Isaevna Ametova against Ekaterina Vasilievna Maximova, the head of the administration of the Voinskiy rural settlement, declaring the actions of the head of the administration as unlawful, to approve the activities.

Having heard the report of Judge N.A. Terentyeva, explanations from the parties to the proceedings, having examined the case files, the Judicial Chamber

found:

S.I. Ametova filed an administrative claim with the Krasnoperekopskiy District Court of the Republic of Crimea against the Administration of the Voinskiy rural settlement, head of the administration of the Voinskiy rural settlement Ekaterina Vasilievna Maximova, requesting to recognize the actions of the head of the administration of the Voinskiy rural settlement to be unlawful and, violating the fundamental rights and freedoms of citizens provided for in the Constitution of the Russian Federation.

By its Decision of 17 May 2016 the Krasnoperekopskiy District Court of the Republic of Crimea dismissed the administrative claim of Saniye Isaevna Ametova against head of the administration of the Voinskiy rural settlement Ekaterina Vasilievna Maximova, requesting to recognize the actions of the head of the administration to be unlawful.

Having disagreed with the Decision of the judge of the Krasnoperekopskiy District Court of the Republic of Crimea of 17 May 2016, Saniye Isaevna Ametova filed an appeal where she requests to reverse the Decision on the grounds that the court violated the rules of substantive law when adopting the Decision.

At the appeal hearing, S.I. Ametova and her representative M.M. Nebiev maintained the arguments of the appeal.

Head of the Administration of the Voinskiy Rural Settlement E.V. Maximova did not attend the court hearing, she was notified of the time and venue of the court hearing in due time and manner.

According to Paragraph 6 of Article 226 of the Code of Administrative Judicial Procedure of the Russian Federation, non-appearance of individuals participating in the proceedings, their representatives, which are duly notified of the time and place of the court hearing, fail to attend the court hearing, it is not an obstacle to the consideration and resolution of an administrative case, if the court does not consider their appearance mandatory.

Guided by the specified provisions of Article 226 of the Code of Administrative Judicial Procedure of the Russian Federation, the judicial panel considers it possible to hear the case in the absence of individuals who failed to appear.

Having reviewed the lawfulness and validity of the decision of the court of first instance (Part 1 of Article 308 of the Code of Administrative Judicial Procedure of the Russian Federation), the Judicial Chamber concluded as follows.

According to Clause 3 of Part 3 of Article 135 of the Code of Administrative Judicial Procedure of the

Russian Federation, when preparing the case for proceedings, the court resolves the issue of engaging other administrative claimants, administrative defendants and interested parties in the administrative case, and also the issue of replacing an improper administrative defendant.

According to Part 2 of Article 37 of the Code of Administrative Judicial Procedure of the Russian Federation, the individuals participating in the case are: the parties; individuals concerned; a prosecutor; bodies, organizations and individuals applying to the court in order to protect the interests of other individuals or the public.

According to Part 4 of Article 38 of the Code of Administrative Judicial Procedure of the Russian Federation, an administrative defendant is an individual, against whom a claim is brought in a dispute arising out of administrative or other public legal relations, or in relation to whom an administrative claimant exercising a supervisory or other public function, applies to the court.

According to Article 221 of the Code of Administrative Judicial Procedure of the Russian Federation, the composition of individuals participating in a case on challenging a resolution, action (inaction) of a body, organization, individual vested with state or other public powers shall be determined in accordance with the rules of Chapter 4 of this Code taking into account the specifics provided for in Part 2 of this Article. In an administrative case on challenging the resolution, action (inaction) of an official, state or municipal employee, the relevant body where the official, state or municipal employee performs their duties shall be involved as the second administrative defendant.

Therefore, when considering the case on the merits the court of first instance, is obliged to determine correctly the composition of individuals participating in the case, namely by defining those whose rights are affected by the decision in the case, or whose position is directly affected.

As can be seen from the case files, Saniye Isaevna Ametova applied to the Krasnoperekopskiy District Court of the Republic of Crimea with an administrative statement of claim against the Administration of Voinskiy rural settlement, head of the administration of the Voinskiy rural settlement Ekaterina Vasilievna Maximova.

The court took over the case based on S.I. Ametova's administrative statement of claim against head of the administration of the Voinskiy rural settlement Ekaterina Vasilievna Maximova.

In violation of Part 2 of Article 221 of the Code of Administrative Judicial Procedure of the Russian Federation, the administrative statement of claim submitted by Saniye Isaevna Ametova was considered in the absence of the Administration of the Voinskiy rural settlement, which was not involved in and notified of the hearing of the case.

According to Article 310 of the Code of Administrative Judicial Procedure of the Russian Federation, the grounds for unconditional reversal of the decision of the court of first instance are: 1) consideration of an administrative case by an illegally composed court; 2) consideration of an administrative case in the absence of any individual participating in the case and not notified properly of the time and venue of the court hearing; 3) a failure to ensure the right of individuals participating in the case and not speaking the language of the proceedings to give explanations, speak, file motions, complaints in their native language or in any freely chosen language of communication, and also to use the services of an interpreter; 4) adoption of the court decision regarding the rights and obligations of individuals not involved in the administrative case; 5) the court decision is not signed by the judge or any of the judges, or the court decision is signed by the wrong judge or by the judges who did not participate in the judicial panel that considered the administrative case; 6) absence of the minutes of the court session in the case; 7) violation of the rule of secrecy of deliberations during adoption of the decision.

According to Part 1 of Article 176 of the Code of Administrative Judicial Procedure of the Russian Federation, the decision of the court must be lawful and substantiated.

According to the explanations provided in Resolution of the Plenum of the Supreme Court of the Russian Federation of 19 December 2003 No. 23 (as amended by Resolution of 23 June 2015 No. 25) "On judicial decision", a decision is lawful when it is made in strict compliance with the rules of procedural law and in full conformity with the substantive law applicable to the legal relationship in question, or if it is based

on the application of the analogy of law or analogy of law where appropriate, and a decision is well-reasoned when the facts relevant to the case are corroborated by evidence examined by the court that meets the legal requirements of relevance and admissibility, or circumstances that do not need to be proved, and when it contains the court's exhaustive findings of fact.

At the same time, according to Clause 3 of Article 309 of the Code of Administrative Procedure of the Russian Federation, the administrative case shall be remanded to the court of first instance since the administrative case was considered by the court in the absence of the Administration of the Voinskiy rural settlement not involved in the case as an administrative defendant.

In such circumstances, the Decision of the Krasnoperekopskiy District Court of the Republic of Crimea of 17 May 2016 shall be reversed, and the case shall be remanded to the Krasnoperekopskiy District Court of the Republic of Crimea.

At the same time, the court of appeal does not review other arguments of the appeal since they shall be assessed when the case is reconsidered.

Relying on the above and being guided by Articles 309, 311 of Code of Administrative Judicial Procedure of the Russian Federation, the Judicial Chamber,

decided:

To reverse the Decision of the Krasnoperekopskiy District Court of the Republic of Crimea of 17 May 2016 on the administrative claim of Saniye Isaevna Ametova against head of the administration of the Voinskiy rural settlement Ekaterina Vasilievna Maximova recognizing the actions of the head of the administration unlawful and approving holding an event, to remand the case to the Krasnoperekopskiy District Court of the Republic of Crimea for reconsideration.

The Appellate Decision enters into force from the date of its adoption.

The Appellate Decision may be appealed against before the court of cassation within 6 months.

| | | |
|---|---|---|
| Presiding Judge: | (Signed) | S.A. Vorobieva |
| Judge: | (Signed) | N.A. Terentieva |
| Judge: | (Signed) | S.V. Yakovlev |

# Annex 297

Centre for Countering Extremism of the Ministry of Internal Affairs for the Republic of Crimea, Explanation of I.R. Umerov, 27 September 2016

Translation

**EXPLANATION**

Simferopol *27 September* 2016

Lieutenant Colonel of Police K.V. Urazov, Deputy Head of the Second Department of the Centre for Countering Extremism of the Ministry of Internal Affairs for the Republic of Crimea, received an explanation of the following individual:

1. Last name, first name, patronymic: *Ilmi Rustemovich Umerov*
2. Year and place of birth: *3 August 1957, Fergana Region, Uzbekistan*
3. Ethnicity: *Crimean Tatar*
4. Citizenship: *Russian Federation*
5. Education: *higher*
6. Place of work, occupation, position: *unemployed*
7. Passport or other identity documents: *passport* [passport details]
8. Criminal background *none*
9. Permanent place of residence [address]

Article 51 of the Constitution of the Russian Federation was explained to him.

*/Signature/*
(signature)

I agree to give an explanation
(agree, do not agree)

*/Signature/*
(signature)

**He explained the following in respect of questions addressed to him:**

*I have been a member of the Mejlis since 1991. I have been Deputy Chairman of the Mejlis from 2011 (I cannot name a more precise date) up to the present.*

*A meeting of members of the Mejlis was initiated by Refat Abdurakhmanovich Chubarov, Chairman of the Mejlis. It took place on 22 September 2016 at the place of my actual residence at the address: [...]. There was only one item on the agenda – suspension of powers of three members of the Mejlis – A. Adzhimambetov, Yakubov, and E.S. Ablaev. The meeting was attended by M.T. Maushev, D.Z. Aliev, L.U. Khashchin, E. Kurtaev, E. Avamilova, B. Mamutov, Sh. Kaybullayev, A. Egiz, S.U. Tabakh, Z.F. Yakubov and me, 11 people in total. Later on (illegible) joined us. Finally, when there were 12 people, we began our meeting on Skype with members of the Mejlis who are currently in Ukraine. These include N.E. Dzhelyalov, L. Yunusov who at that time were in Kiev and R.A. Chubarov, A. Suleymanov, G. Bekirova, G. Yuksel, E. Bariev, R. Shevkiev. Now there were 20 members of the Mejlis, which constitutes a quorum for decision-making. The following decisions were made at the meeting:*

*1) to remove A. Adzhimambetov from his office of Deputy Chairman of the Mejlis;*

*2) to suspend the powers of A. Adzhimambetov, R. Yakubov, and E. Ablaev as members of the Mejlis.*

*The meeting lasted for about two hours, from 6 p.m. until 8 p.m. on 22 September 2016, after which the attendees dispersed.*

*I would also like to add that the order of the Chairman of the Mejlis of 26 April 2016 is not currently in force and will become effective once the court decision on recognition of the Mejlis as an extremist organisation has entered into force.*

*The above is an accurate record of my statement. I have read it and have no comments or additions.*

*/Signature/ I.R. Umerov*

*27 September 2016*

# Annex 298

Krasnoperekopsk District Court of the Republic of Crimea, Case No. 2a-1578/16, Decision, 4 October 2016

Translation

Case No. 2-a-1578/16

DECISION

In the name of the Russian Federation

4 October 2016 Krasnoperekopsk

Krasnoperekopsk District Court of the Republic of Crimea composed of: the presiding judge - A.S. Savchenko, in the presence of secretary of the court hearing - N.V. Poshivai, with the participation of the administrative claimant - S.I. Ametova, the representative of the administrative claimant - M.M. Nebiev, the representative of the administrative defendant - the Head of the Administration of Voinskiy rural settlement and the Administration of Voinskiy rural settlement E.V. Maksimova, having considered in open court the case on an administrative claim of Sanir Isaeva Ametova against the Head of the Administration of Voinskiy rural settlement and the Administration of Voinskiy rural settlement of the Krasnoperekopsk District of the Republic of Crimea on recognition of the actions of the Head of the Administration to be unlawful,

FOUND:

S.I. Ametova filed an administrative claim with the court against E.V. Maksimova, the Head of the Administration of Voinskiy rural settlement of the Krasnoperekopsk District of the Republic of Crimea on recognition of the actions of the Head of the Administration in relation to the refusal to grant permission to hold the rally on 18 May 2016 from 3 p.m. till 5 p.m. in the center of Voinka village, Krasnoperekopsk District, the Republic of Crimea near the memorial complex, as unlawful.

By virtue of the Ruling of Krasnoperekopsk District Court of the Republic of Crimea of 19 September 2016, the Administration of Voinskiy rural settlement of Krasnoperekopsk District of the Republic of Crimea was joined as a co-defendant in this case.

The claimant's claims are based on the fact that the refusal to consider holding a rally dedicated to "commemorating the victims of the ethnocide of the Crimean Tatar people as a result of the deportation of 18 May 1944 from their historical homeland" on 18 May 2016 from 3 p.m. till 5 p.m., involving 110 persons, with the use of sound-amplifying technical equipment and Crimean Tatar national symbols, is discriminatory and was issued in violation of Article 31 of the Constitution of the Russian Federation, [Federal Law No.] 54-FZ "On assemblies, rallies, demonstrations, marches and picketing", [Law] of 2 August 2014 [No.] 56-ZRK, Resolution of 12 January 2015 No. 15 "On the approval of the Regulation 'On assemblies, rallies, demonstrations, marches and picketing on the territory of Voinskiy rural settlement of the Krasnoperekopsk District of the Republic of Crimea'". The response of the Head of the Administration on holding the flower-laying ceremony by the memorial sign on 18 May 2016 from 3 p.m. is considered by the claimant as unlawful, since the claimant as the organizer of this event does not want to lay flowers together with the Head of the Administration, and also because a prayer service was planned. On 12 May 2016, the claimant sent to the Administration of Voinskiy rural settlement of Krasnoperekopsk District the information on approval of the time of holding the rally, namely change of timing thereof from 3 p.m. till 4 p.m. to 11 a.m. till 12.30 p.m. On 12 May 2016, a response was given, however the claimant as the organizer does not agree with the response, since it violates the rights of the Tatar population.

At the hearing, the claimant S.I. Ametova and her representative M.M. Nebiev maintained the claims in full and asked to satisfy them on the grounds set forth in the claim.

Defendant E.V. Maksimova – the Head of the Administration of Voinskiy rural settlement of Krasnoperekopsk District of the Republic of Crimea – asked to dismiss the claims and believes that she acted in compliance with the law.

E.V. Maksimova, the representative of the defendant – Administration of Voinskiy rural settlement of Krasnoperekopsk District of the Republic of Crimea – asked to dismiss the claims.

Having heard the parties, having examined the written materials of the case, the court considers it necessary to dismiss the claim based on the following.

In accordance with Article 31 of the Constitution of the Russian Federation, citizens of the Russian Federation have the right to gather peacefully, without weapons, to hold assemblies, rallies, demonstrations, marches and picketing.

As indicated by the Constitutional Court of the Russian Federation in the Decision of 14 February 2013 No. 4-P, this right, guaranteed by the Constitution of the Russian Federation, is not absolute and may be limited by federal law in order to protect constitutionally significant values with the obligatory observance of the principles of necessity, proportionality and commensurability, so that the limitations imposed by it do not encroach on the very essence of this constitutional right and do not interfere with the open and free expression of citizens' views, opinions and demands through the organization and conduct of peaceful public actions.

According to this Federal Law, the executive bodies of the constituent entity of the Russian Federation determine unified specially designated or adapted places for collective discussion of socially significant issues and expression of public sentiments, as well as for the mass presence of citizens for open expression of public opinion on topical issues of predominantly social and political nature (Part 1.1 of Article 8), and after the executive body of the constituent entity of the Russian Federation determines such places, public events are held, as a rule, in such determined places (Part 2.1 of Article 8). At the same time, the Federal Law "On assemblies, rallies, demonstrations, marches and picketing" defines the list of places where it is prohibited to hold a public event (Part 2 of Article 8), and in order to protect the rights and freedoms of a person and citizen, to ensure the rule of law, order and public safety, the said Federal Law provides for establishment by the law of the constituent entity of the Russian Federation of additional places where it is prohibited to hold meetings, rallies, marches, demonstrations, including if the holding of public events in the determined places may result in disruption of the functioning of vital, transport or social infrastructure, communications, interfere with the movement of pedestrians and (or) vehicles or access of individuals to residential premises or facilities of transport or social infrastructure (Part 2.2 of Article 8). At the same time, as a basis for refusal to approve the holding of a public event, this Federal Law provides for indication in the notification as a place of holding a public event a place where, in accordance with this Federal Law or the law of a constituent entity of the Russian Federation, holding a public event is prohibited (Part 3 of Article 12).

In accordance with Clause 1 of Part 4 of Article 5 of the Federal Law of 19 June 2004 No. 54-FZ "On assemblies, rallies, demonstrations, marches and picketing", as subsequently amended, the organizer of a public event is obliged to submit a notice of holding a public event to the executive body of a constituent entity of the Russian Federation or to the local government body in the manner prescribed by Article 7 of this Federal Law.

According to Part 1 of Article 7 of the Federal Law No. 54-FZ, a notification of holding a public event (with the exception of holding an assembly and picketing held by one participant without using a prefabricated demountable structure) is submitted by its organizer in writing to the executive body of the constituent entity of the Russian Federation or to the local government body not earlier than 15 days and not later than 10 days before the day of holding a public event.

In accordance with the Constitution of the Russian Federation and the Federal Law "On assemblies, rallies, demonstrations, marches and picketing", a law was adopted - the Law of the Republic of Crimea of 21 August 2014 No. 56-ZRK "On providing conditions for the citizens of the Russian Federation to exercise their right to hold assemblies, rallies, demonstrations and picketing in the Republic of Crimea" and the Regulation was developed, according to which a public event is an open, peaceful action that is accessible to everyone and that is held in the form of an assembly, rally, demonstration, march or picketing, or in various combinations of these forms on the initiative of citizens of the Russian Federation, political parties, other public associations and religious associations, including with the use of vehicles. The purpose of a public event is free expression and formation of opinions, as well as making of demands on various issues of political and economic life.

The court established that the date of holding the mass event is 18 May 2016.

On 4 May 2016, the Administration of Voinskiy rural settlement of Krasnoperekopsk District of the Republic of Crimea received a notification from S.I. Ametova on holding of a public mass event in the form of a rally on 18 May 2016 from 3 p.m. till 5 p.m. in the center of Voinka village (memorial complex), without specifying the address, with the purpose to commemorate the victims of the ethnocide of the Crimean Tatar people as a result of the deportation of 18 May 1944 from their historical homeland, with the estimated number of participants being 110 persons (case record sheet 3).

In the notification of 4 May 2016 the organizer also indicated the date of holding the event (rally) on 18 May 2016 from 3 p.m. till 5 p.m. (case record sheet 3).

On 10 May 2016, the Administration of Voinskiy rural settlement of Krasnoperekopsk District, in accordance with the provisions of Article 12 of the Federal Law of 19 June 2004 No. 54-FZ "On assemblies, rallies, demonstrations, marches and picketing", taking into the account the weekend and public holidays, sent to the applicant a letter of 10 May 2016 No. 03-39/735, signed by the Head of the Administration of Voinskiy rural settlement of Krasnoperekopsk District, where the Administration documented the receipt of the notification on holding the public event, at the same time informing the organizer on the impossibility of holding the rally, proposing to hold a joint laying of flowers to the memorial sign on 18 May 2016 at 3 p.m. (case record sheet 4).

On 12 May 2016, the Administration of Voinskiy rural settlement of Krasnoperekopsk District of the Republic of Crimea received from S.I. Ametova the confirmation of the time of holding of the mass event, namely on rescheduling of the rally from 3 p.m. to 11 a.m. (case record sheet 5).

On 13 May 2016 the Administration of Voinskiy rural settlement of Krasnoperekopsk District, in accordance with the provisions of Article 12 of the Federal Law of 19 June 2004 No. 54-FZ "On assemblies, rallies, demonstrations, marches and picketing" sent to the applicant the letter of 13 May 2016 No. 03-39/754, signed by the Head of the Administration of Voinskiy rural settlement of Krasnoperekopsk District, where the Administration pointed out the impossibility of holding and moving forward the time of the rally, since according to the Resolution of the 29th Session of the 1st convocation of Voinskiy Rural Council of 28 April 2016 No. 361, improvement works were to be carried out on the territory of the park (installation of a fence, installation of a playground, mowing of grass, repair of the outdoor performance stage) and all events on this territory were prohibited: an exception was made for the period from 2 p.m. to 5 p.m. on 18 May 2016 for holding the flower-laying event at the memorial sign to those who died during the deportation (according to the Resolution of the Administration of Voinskiy rural settlement of Krasnoperekopsk District of the Republic of Crimea of 29 April 2016 No. 111) (case record sheet 6).

The court finds no reason to consider the contested responses unlawful, due to non-compliance of the notification on holding of the rally with the requirements of Article 7 of the Federal Law "On assemblies, rallies, demonstrations, marches and picketing", namely in relation to the purpose of the rally and the place of its holding. The notification was reviewed and responses, which were signed by an authorized official, were issued.

The claimant's arguments about the violation of Article 31 of the Constitution of the Russian Federation, the Federal Law No. 54-FZ "On assemblies, rallies, demonstrations, marches and picketing", the Law of the Republic of Crimea of 22 August 2014 No. 56-ZRK "On providing conditions for the citizens of the Russian Federation to exercise their right to hold assemblies, rallies, demonstrations and picketing in the Republic of Crimea", Resolution of 12 January 2015 No. 15 on the approval of the Regulations "On assemblies, rallies, demonstrations, marches and picketing on the territory of Voinskiy rural settlement of Krasnoperekopsk District of the Republic of Crimea" are not objectively confirmed and no violation of the rights of the organizer of a public event can be inferred from the evidence submitted.

Thus, the court considers it necessary to dismiss the stated demands of the claimant.

Based on the foregoing, pursuant to Articles 174-177, 219, 227 of the Code of Administrative Judicial Procedure of the Russian Federation, the court

DECIDED:

To dismiss the administrative claim of S.I. Ametova against the Head of the Administration of Voinskiy rural settlement and the Administration of Voinskiy rural settlement of the Krasnoperekopsk District of the Republic of Crimea on recognizing the actions of the Head of the Administration as unlawful.

Judicial costs are to be borne by the parties.

The Decision of the court may be appealed to the Supreme Court of the Republic of Crimea through Krasnoperekopsk District Court of the Republic of Crimea within one month from the date of adoption of the final Decision of the court.

The full text of the Decision was prepared on 7 October 2016.

Judge: */Signature/* A.S. Savchenko

# Annex 299

Constitutional Court of the Russian Federation, Case of the constitutional review of Part 1 of Article 4 of the Federal Constitutional Law “On the admission of the Republic of Crimea into the Russian Federation and the formation of new constituent entities within the Russian Federation - the Republic of Crimea and the federal city of Sevastopol” in connection with the appeal of A.G. Olenev, Decision No. 18-P, 4 October 2016 (excerpts)

Translation
Excerpts

**In the Name of the Russian Federation**
**DECISION**
**of the CONSTITUTIONAL COURT OF THE RUSSIAN FEDERATION**

in the case of the constitutional review of Part 1 of Article 4 of the Federal Constitutional Law "On the admission of the Republic of Crimea into the Russian Federation and the formation of new constituent entities within the Russian Federation – the Republic of Crimea and the federal city of Sevastopol" in connection with the appeal of A.G. OLENEV

Saint Petersburg 4 October 2016

[…]

Page 4

[…]

The statutory provision contested by A.G. Olenev duplicates the provisions of Article 5 of the Treaty between the Russian Federation and the Republic of Crimea on the Accession of the Republic of Crimea to the Russian Federation and the Formation of New Constituent Entities within the Russian Federation, which prior to its effective date was examined by the Constitutional Court of the Russian Federation as requested by the President of the Russian Federation. In its review of the constitutionality of the Treaty within the scope admissible for such type of acts pursuant to the Constitution of the Russian Federation and the Federal Constitutional Law "On the Constitutional Court of the Russian Federation", the Constitutional Court of the Russian Federation in its Decision of 19 March 2014 No. 6-P concluded that Article 5 thereof does not compel any person to renounce his/her citizenship held as at the date of admission of the Republic of Crimea to the Russian Federation and guarantees the acquisition of citizenship of the Russian Federation, if wished, without the need to take any steps for that and does not contradict with the Constitution of the Russian Federation as such.

[…]

Pages 12-14

[…]

Therefore, the person's permanent residence in the Russian Federation as a legal status and a prerequisite to the exercise of his constitutional rights and freedoms, including the right to acquire citizenship pursuant to federal law, is not necessarily conditional on the registration at the place of residence or that the place of registration and the actual place of permanent residence match, with the latter not always being a place that meets the statutory requirements of residential premises. As for relations regulated by Part 1 of Article 4 of the Federal Constitutional Law "On the admission of the Republic of Crimea into the Russian Federation and the formation of new constituent entities within the Russian Federation - the Republic of Crimea and the federal city of Sevastopol", due to the special aspects of its temporal, territorial and personal scope, permanent residence not confirmed by registration, including from the standpoint of distinguishing it from the place of actual stay, shall be established on the basis of the totality of evidence within the scope of housing, labour, interpersonal and other relations showing that as at the relevant date the person opted for the territory in which he/she actually permanently resides as the location of his/her priority interests in everyday life and through his/her actions expressed a clear intention to establish a real connection with it.

At the same time, by virtue of Article 2 of the Constitution of the Russian Federation, the state authorities, including courts, are encouraged to minimise the excessive formalities in their approach to the establishment of the existence of such connection of the person with the relevant territory, taking into account the situation in which shortly before 18 March 2014 the person could have opted for Crimea as the place of permanent residence. The fact that Law of Ukraine of 11 December 2003 No. 1382-IV "On the freedom of movement and free choice of the place of residence in Ukraine" (in force as at 18 March 2014) defines the place of stay of an individual as an administrative territorial unit in the territory of which the individual resides for less than six months in a year, thus distinguishing such categories as "place of stay" and "place of residence", does not provide any grounds for considering the confirmation of residence of a Ukrainian national in the Republic of Crimea or the federal city of Sevastopol for six calendar months or more as at 18 March 2014 as a prerequisite for the acquisition of citizenship of the Russian Federation.

3.2. Thus, Part 1 of Article 4 of the Federal Constitutional Law "On the admission of the Republic of Crimea into the Russian Federation and the formation of new constituent entities within the Russian Federation - the Republic of Crimea and the federal city of Sevastopol", within its constitutional and legal meaning in the system of the applicable statutory regulation, by virtue of the provisions of the Constitution of the Russian Federation, the legal positions of the Constitutional Court of the Russian Federation based thereon and set out herein, and with regard to international legal acts, implies that in order to address the issue of recognition as a citizen of the Russian Federation of a Ukrainian national who as at the date of admission of the Republic of Crimea to the Russian Federation and the formation of new constituent entities of the Russian Federation – the Republic of Crimea and the federal city of Sevastopol (that is, as at 18 March 2014) had no registration at the place of residence in the Republic of Crimea or the federal city of Sevastopol:

the permanent residence of a Ukrainian national in the Republic of Crimea or the federal city of Sevastopol as at 18 March 2014 is understood to mean his/her actual permanent residence in the said territory as at the mentioned date;

the permanent residence of a Ukrainian national in the Republic of Crimea or the federal city of Sevastopol as at 18 March 2014 shall be established on the basis of the totality of evidence within the scope of housing, labour, interpersonal and other relations showing that as at the relevant date the person opted for the territory in which he/she actually permanently resides as the location of his/her priority interests in everyday life or through his/her actions expressed a clear intention to establish a real connection with it.

[…]

Pages 19-20

[…] the Constitutional Court of the Russian Federation

decided:

1. To declare that Part 1 of Article 4 of the Federal Constitutional Law "On the admission of the Republic of Crimea into the Russian Federation and the formation of new constituent entities within the Russian Federation - the Republic of Crimea and the federal city of Sevastopol" is consistent with the Constitution of the Russian Federation since, within its constitutional and legal meaning in the system of the applicable statutory regulation, by virtue of provisions of the Constitution of the Russian Federation, the legal positions of the Constitutional Court of the Russian Federation based thereon and set out herein, implies that in order to address the issue of recognition as a citizen of the Russian Federation of a Ukrainian national who as at the date of admission of the Republic of Crimea to the Russian Federation and the formation of new constituent entities of the Russian Federation – the Republic of Crimea and the federal city of Sevastopol (that is, as at 18 March 2014) had no registration at the place of residence in the Republic of Crimea or the federal city of Sevastopol:

the permanent residence of a Ukrainian national in the Republic of Crimea or the federal city of Sevastopol as at 18 March 2014 is understood to mean his/her actual permanent residence in the said territory as at the mentioned date;

the permanent residence of a Ukrainian national in the Republic of Crimea or the federal city of Sevastopol as at 18 March 2014 shall be established on the basis of the totality of evidence within the scope of housing, labour, interpersonal and other relations showing that as at the relevant date the person opted for the territory in which he/she actually permanently resides as the location of his/her priority interests in everyday life or through his/her actions expressed a clear intention to establish a real connection with it.

an effective court decision establishing the permanent residence of a Ukrainian national in the Republic of Crimea or the federal city of Sevastopol as at 18 March 2014 constitutes a good and sufficient reason for the recognition of the latter as a citizen of the Russian Federation by a competent authority in accordance with the established procedure.

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[…]

Constitutional Court of the Russian Federation

No. 18-P */Seal: Constitutional Court of the Russian Federation/ Hearing Support Division /*

# Annex 300

Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, Resolution on the initiation of criminal case No. 2016427051, 11 October 2016

Translation

RESOLUTION
on the initiation of a criminal case and commencement of proceedings

Simferopol 11 October 2016
12:00 p.m.

Senior Investigator of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, Major of Justice [name], having examined a crime report — the report on the signs of crimes under Part 1, Article 205.5 of the Criminal Code of the Russian Federation and Part 2, Article 205.5 of the Criminal Code of the Russian Federation received from the Service for Combating Terrorism and Maintaining the Constitutional Order of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol and registered in Crime Records Registration Book No. 1 under No. 420 on 11 October 2016, with materials of operative search activities attached,

ESTABLISHED:

In 2015 (the exact date has not been determined), a citizen of the Russian Federation, Teymur Rza-ogly Abdullaev, as a member of the Islamic Liberation Party (Hizbut ut-Tahrir al-Islami), recognised as a terrorist organisation and banned in the Russian Federation by the effective decision of the Supreme Court of the Russian Federation of 14 February 2003, organised a local cell of this organisation in Simferopol, Republic of Crimea and manages its activities.

Since 2015 (the exact date has not been determined) citizens of the Russian Federation Uzeir Rza ogly Abdullaev, Rustem Yakubovich Ismailov, Emil Enverovich Dzhemadenov and Aider Dilyarevovich Saledinov have been engaged in the activities of the said local cell of the terrorist organisation Islamic Liberation Party (Hizbut ut-Tahrir al-Islami) operating in Simferopol, Republic of Crimea under the leadership of T.R.o. Abdullaev.

From 2015 (the exact date has not been determined) to date, T.R.o. Abdullaev, as head of the local cell of the terrorist organisation Islamic Liberation Party (Hizbut ut-Tahrir al-Islami), using the acquired special knowledge and agitation skills, has deliberately carried out covert anti-Russian, anti-constitutional activities in the form of propaganda activities among the population, inciting local residents to participate in the terrorist organisation by influencing their religious feelings. In addition, he has directed the activities of this cell, organised and held secret meetings of members of this terrorist organisation U.R.o. Abdullaev, R.Ya. Ismailov, E.E. Dzhemadenov and A.D. Saledinov, during which he has taught these persons the ideology of Hizbut ut-Tahrir al-Islami, organised the recruiting new members by them, developed and adjusted the plans, goals and objectives of the said cell in the region.

*/Seal: Directorate of the Federal Security Service of the Russian Federation for the Republic of Crimea and Sevastopol/*
*/Stamp: INVESTIGATIVE DEPARTMENT. TRUE COPY/*

As members of the said local cell of the terrorist organisation Islamic Liberation Party (Hizbut ut-Tahrir al-Islami), U.R.o. Abdullaev, R.Ya. Ismailov, E.E. Dzhemadenov and A.D. Saledinov, from 2015 (the exact date has not been determined) to date, have deliberately participated in secret meetings of members of this cell, during which they have studied the ideology of this terrorist organisation, developed and adjusted further plans, goals and objectives of the cell activity in the region and also carried out covert anti-Russian, anti-constitutional activities in the form of propaganda activities among the population, inciting local residents to participate in the terrorist organisation.

Thus, T.R.o. Abdullaev, in 2015 (the exact date has not been determined), in Simferopol, the Republic of Crimea, organised the activities of the local cell of Islamic Liberation Party (Hizbut ut-Tahrir al-Islami), recognised as a terrorist organisation by the effective decision of the Supreme Court of the Russian Federation of 14 February 2003, and U.R.o. Abdullaev, R.Ya. Ismailov, E.E. Dzhemadenov and A.D. Saledinov have participated in its activities from 2015 (the exact date has not been determined) to date.

Based on the above, taking into account the grounds provided for under Articles 140 and 143 of the Criminal Procedural Code of the Russian Federation for initiating a criminal case — a report on the signs of

crimes under Part 1, Article 205.5 and Part 2, Article 205.5 of the Criminal Code of the Russian Federation received from the Service for Combating Terrorism and Maintaining the Constitutional Order of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol and registered in Crime Records Registration Book No. 1 under No. 420 on 11 October 2016, with materials of operative search activities attached, as well as the grounds provided for under Part 2, Article 140 of the Criminal Procedural Code of the Russian Federation for initiating a criminal case, taking into account that there is sufficient data indicating that the actions of T.R.o. Abdullaev contain signs of a crime under Part 1, Article 205.5 of the Criminal Code of the Russian Federation and the actions of U.R.o. Abdullaev, R.Ya. Ismailov, E.E. Dzhemadenov and A.D. Saledinov contain signs of a crime under Part 2, Article 205.5 of the Criminal Code of the Russian Federation, guided by Articles 140, 145, 146 and Part 1 of Article 156 of the Criminal Procedural Code of the Russian Federation,

RESOLVED:

1. To initiate a criminal case into a crime under Part 1, Article 205.5 of the Criminal Code of the Russian Federation with respect to the citizen of the Russian Federation, Teymur Rza-ogly Abdullaev, born on 27 May 1975, suspected of organising the activities of the organisation that, in accordance with the legislation of the Russian Federation, is recognised as terrorist.

2. To initiate a criminal case into a crime under Part 2, Article 205.5 of the Criminal Code of the Russian Federation with respect to citizens of the Russian Federation Uzeir Rza ogly Abdullaev, born on 30 April, 1974; Rustem Yakubovich Ismailov, born on 3 September 1984; Emil Enverovich Dzhemadenov, born on 19 August 1980; Aider Dilyarevovich Saledinov, born on 21 July 1987, suspected of participating in the activities of the organisation that, in accordance with the legislation of the Russian Federation, is recognised as terrorist.

*/Seal: Directorate of the Federal Security Service of the Russian Federation for the Republic of Crimea and Sevastopol/*
*/Stamp: INVESTIGATIVE DEPARTMENT. TRUE COPY/*

3. To initiate proceedings and begin investigating the case, assign to it registration number 2016427051.

4. To send a copy of this resolution to the Prosecutor of the Republic of Crimea.

Senior Investigator of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, Major of Justice */Signature/* [name]

A copy of this resolution was sent to the Prosecutor of the Republic of Crimea on 11 October 2016 at 12:30 p.m.

The resolution made on 11 October 2016 was reported to the persons against whom a criminal case was initiated: T.R.o. Abdullaev, U.R.o. Abdullaev, R.Ya. Ismailov, E.E. Dzhemadenov and A.D. Saledinov.

Senior Investigator of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, Major of Justice */Signature/* [name]

*/Seal: Directorate of the Federal Security Service of the Russian Federation for the Republic of Crimea and Sevastopol/*
*/Stamp: INVESTIGATIVE DEPARTMENT. TRUE COPY/*

# Annex 301

Kievskiy District Court of Simferopol, Case No. 3/6-593/2016, Ruling authorizing the search, 11 November 2016

Translation

***Case No. 3/6-593/2016***

**RULING**

11 November 2016 Simferopol

Judge of the Kievskiy District Court of Simferopol of the Republic of Crimea A.S. Tsykurenko,
with E.E. Samborskaya as the secretary,
with the participation of the prosecutor S.V. Korneev,

having considered in an open court hearing a motion of the senior investigator of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, Major of Justice [name] on conducting a search in the dwelling,

***established:***

On 11 October 2016, the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol initiated a criminal case against T.R.o.Abdullaev, suspected of committing a crime under Part 1, Article 205.5 of the Criminal Code of the Russian Federation, as well as against U.R.o. Abdullaev, R.Ya. Ismailov, E.E. Dzhemadenov and A.D. Saledinov, suspected of committing a crime under Part 2, Article 205.5 of the Criminal Code of the Russian Federation.

The preliminary investigation established that in 2015 (the exact date has not been determined), a citizen of the Russian Federation, T.R.o. Abdullaev, as a member of the Islamic Liberation Party (Hizbut ut-Tahrir al-Islami), recognised as a terrorist organisation and banned in the Russian Federation by the effective decision of the Supreme Court of the Russian Federation dated 14 February 2003, organised a local cell of this organisation in Simferopol, Republic of Crimea and directs its activities.

Since 2015 (the exact date has not been determined) the citizens of the Russian Federation U.R.o. Abdullaev, R.Ya. Ismailov, E.E. Dzhemadenov and A.D. Saledinov have been engaged in the activities of the said local cell of the terrorist organisation Islamic Liberation Party (Hizbut ut-Tahrir al-Islami) operating in Simferopol, Republic of Crimea under the leadership of T.R.o. Abdullaev.

According to the criminal case files, T.R.o. Abdullaev resides at: 7 Dzhankoy Street, Stroganovka, Simferopolsky District, Republic of Crimea, where the instruments of crime, objects, documents, valuables that are important for this criminal case, as well as other items and substances removed from the stream of commerce in the Russian Federation, may be stored.

T.R.o. Abdullaev and the persons residing with him at the specified address do not belong to a separate category of persons listed in Chapter 52 of the Criminal Procedural Code of the Russian Federation.

Thus, there is sufficient evidence to believe that there may be items, documents, computer equipment that are important for establishing the truth under this criminal case, as well as items removed from the stream of commerce in the territory of the Russian Federation, in the dwelling at the place of residence of T.R.o. Abdullaev.

Based on the above, the senior investigator of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, Major of Justice [name] requested permission to conduct a search at the place of residence of T.R.o. Abdullaev at: 7 Dzhankoy Street, Stroganovka, Simferopolsky District, Republic of Crimea,

where the instruments of crime, objects, documents, valuables that are important for this criminal case and other items and substances removed from the stream of commerce in the territory of the Russian Federation, may be stored.

Having heard the prosecutor who supported the motion and having examined the submitted materials, the court considers the motion subject to satisfaction.

Parts 2, 3 of Article 182 of the Criminal Procedural Code of the Russian Federation provides that a search shall be carried out on the basis of the investigator's order. A search in a dwelling shall be carried out on the basis of a court decision made in the manner prescribed by Article 165 of this Code.

According to the case files, criminal case No. 2016427051 was initiated on 11 October 2016 on the basis of a crime under Part 1, Article 205.5 and Part 2 of Article 205.5 of the Criminal Code of the Russian Federation by the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol.

According to a certificate from the Administration of the rural settlement of Trudovskoe of the Simferopolsky District of the Republic of Crimea, T.R.o. Abdullaev has a land for individual residential construction at: 7 Dzhankoy Street, Stroganovka, Simferopolsky District, Republic of Crimea.

Thus, the court considers that at the place of residence of T.R.o. Abdullaev at: 7 Dzhankoy Street, Stroganovka, Simferopolsk District, Republic of Crimea, the instruments of crime, objects, documents, valuables that are important for this criminal case, as well as other items and substances removed from the stream of commerce in the Russian Federation, may be stored.

Therefore, the motion is justified and subject to satisfaction.

Based on the foregoing and guided by Part 2, Article 165 and Article 182 of the Criminal Procedural Code of the Russian Federation, the court

***ruled:***

to satisfy the motion of the senior investigator of the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, Major of Justice [name].

To allow the search of the dwelling located at: 7 Dzhankoy Street, Stroganovka, Simferopol District, Republic of Crimea.

The ruling may be appealed against to the Supreme Court of the Republic of Crimea through the Kievskiy District Court of Simferopol within ten days from the date of its adoption.

Judge /*Signature/* A.S. Tsykurenko

*Read by /illegible/*
*/Signature/ 12 October, 2016*

*/Seal: /illegible/, Kievskiy District Court of Simferopol of the Republic of Crimea/*

*/Stamp: INVESTIGATIVE DEPARTMENT TRUE COPY/*
*/Signature/*

*/Seal: Federal Security Service of the Russian Federation, Directorate for the Republic of Crimea and Sevastopol / For certificates and documents/*

# Annex 302

Court of Appeal of Sevastopol, Case No. 12-401/2016, Appellate Decision, 17 November 2016

Translation

**Decision No. 12-401/2016 of 17 November 2016 in Case No. 12-401/2016**
Court of Appeal of Sevastopol (The City of Sevastopol) – Administrative

Judge A.N. Vasilenko, Case No. 12-401/2016

**DECISION**

in an administrative offence case

Sevastopol, 17 November 2016

Judge of the Sevastopol City Court Tatyana Aleksandrovna Artamonova, having examined in an open court session in the premises of the court (20 Suvorova Street, Sevastopol) the appeal of S.P. against the decision of the judge of the Leninskiy District Court of Sevastopol of 1 November 2016, rendered on the administrative offence case provided for in paragraph 1.1 of Article 18.8 of the Code on Administrative Offences of the Russian Federation (hereinafter – the Code),

**ESTABLISHED:**

that, by the decision of the judge of the Leninskiy District Court of the city Sevastopol of 1 November 2016, S.P. was found guilty of committing an administrative offence provided for in paragraph 1.1 of Article 18.8 of the Code, and was subjected an administrative penalty in the form of administrative fine in the amount of 2,000 Rubles with an administrative expulsion from the Russian Federation by way of a supervised independent departure from the Russian Federation.

On 10 November 2016, S.P. filed an appeal with the Sevastopol City Court, in which he, without contesting his guilt, expressed disagreement with the additional penalty (imposed on him) in the form of administrative expulsion from the Russian Federation by way of a supervised independent departure from the Russian Federation. In support of the arguments of the appeal, he refers to the fact that he has been permanently residing in the territory of the city since 2008 with his common-law wife Yu.S. and her mother E.M. and has by now taken measures to legalise his status by filing with the Nakhimovskiy District Court an application for the establishment of the legal fact of his permanent residence in the territory of Sevastopol as at 18 March 2014 in order to subsequently acquire the citizenship of the Russian Federation. He also requests to take into account the fact that he is an active participant of the defence of Sevastopol, for which reason, in the event of his administrative expulsion to the territory of Ukraine, he may be subjected to criminal prosecution.

The appeal was filed within the term set out in paragraph 1 of Article 30.3 of the Code, and therefore it is subject to the consideration on the merits.

During the court hearing, S.P. supported the arguments of the appeal, on the grounds set out therein, and additionally explained that for 6 years he has been living in Crimea in a civil marriage with Yu.S., who is a citizen of the Russian Federation, and that he has a young child with her, however, due to financial difficulties, after birth, the child was registered only with the mother. He makes a living in the area of construction. His own aunt, a citizen of the Russian Federation, resides in the town of Dzhankoy. There are also relatives in Moscow, Tyumen. His father lives in the Donetsk region, however, there are constant hostilities in the area of Mirnoe, since the village is located in the buffer zone. Moreover, he cannot return to Donetsk for he is a participant of the “Anti-Maidan”, and because of that he even was in Ukrainian captivity for some time.

Having heard the explanations of the applicant, having studied the materials of the administrative offence case in full, having verified the arguments of the appeal, I come to the following conclusions.

In accordance with paragraph 1.1 of Article 18.8 of the Code, a violation by a foreign citizen or a stateless person of the regime of stay (residence) in the Russian Federation, which manifested itself in the absence of documents confirming the right to stay (reside) in the Russian Federation, ... if these actions do not contain signs of a criminally punishable act, entails the imposition of an administrative fine in the amount of two thousand to five thousand rubles with an administrative expulsion from the Russian Federation.

The judge of the district court, when considering the case, established that, on DD.MM.YYYY at 11:20, in Sevastopol near <address>, police officers identified a citizen of Ukraine S.P., who was present in the territory of the Russian Federation in violation of the regime of stay without documents confirming the right to such stay, by which he violated Article 25.10 of Federal Law No. 114-FZ of 15 August 1996 “On the Procedure for Leaving the Russian Federation and Entering the Russian Federation” (hereinafter – Law No. 114-FZ).

The said circumstances and the guilt of S.P. in the commission of the administrative offence, provided for in paragraph 1.1 of Article 18.8 of the Code, are not contested by the applicant and are confirmed by the aggregate evidence, the reliability and admissibility of which is beyond doubt.

In accordance with the requirements of Articles 24.1 and 26.11 of the Code, when considering the administrative offence case, the district court, based on the provisions of Article 25.10 of Law No. 114-FZ as well as a complete, comprehensive and objective analysis of the evidence, collected in the case, established all legally significant circumstances of the committed administrative offence, provided for in Article 26.1 of the Code, the fact of the occurrence of the administrative offence.

In this regard, the judge of the district court came to a well-grounded conclusion about the proof of S.P.’s guilt in committing the administrative offence and correctly qualified his actions under paragraph 1.1 of Article 18.8 of the Code.

However, in light of the specific circumstances of the present case, there are grounds for amending the contested judicial act in terms of the penalty imposed.

In accordance with the general rules for the imposition of an administrative penalty, an administrative penalty for the commission of an administrative offence is imposed within the limits, provided for by the law that establishes the responsibility for a particular administrative offence, and in accordance with the Code. When imposing an administrative penalty upon an individual, the nature of the administrative offence committed by him, the offender’s personality, his property status, the circumstances mitigating the administrative responsibility and the circumstances aggravating the administrative responsibility, shall be taken into account (paragraphs 1 and 2 of Article 4.1 of the Code).

The imposition of an additional penalty in the form of administrative expulsion from the Russian Federation shall be based on data confirming the genuine need to impose upon the person, in respect of whom the proceedings on the administrative offence case are underway, such a measure of responsibility, as well as its proportionality as being the only possible way to achieve the balance of public and private interests within the framework of the administrative proceedings.

According to paragraph 2 of Article 1.1 of the Code, the Code is based on the Constitution of the Russian Federation, generally recognised principles and international law and international agreements of the Russian Federation.

By virtue of the provisions of Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms (Rome, 4 November 1950) everyone has the right to respect for his private and family life. There shall be no interference by the public authority with the exercise of this right except when such interference is necessary in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

According to the legal position of the Constitutional Court of the Russian Federation, formulated in its Resolution No. 11-P of 15 July 1999, the constitutional requirements of fairness and proportionality imply the differentiation of public responsibility on the basis of the gravity of the offence, the extent and nature of damage, the degree of the offender's guilt and other circumstances significant for the individualisation of certain measures of state coercion. Elaborating this legal position further in its Resolution No. 8-P of 27 May 2008, the Constitutional Court of the Russian Federation indicated that the criminal law measures, aimed at protecting the constitutional values, shall be established in view of the fact that the consequences generated by such measures (particularly for the person concerned) are required to be adequately related to the damage caused by the crime in order to ensure proportionality of the criminal sanction and the offence and to ensure the balance of fundamental rights of the individual and common interest in protecting the individual, society and the state against criminal acts.

The cited legal positions of the Constitutional Court of the Russian Federation may be extended to administrative responsibility.

In its Resolution No. 4-P of 14 February 2013, the Constitutional Court of the Russian Federation also acknowledged that the rules for the application of measures of administrative responsibility, provided for in the legislation on administrative offences, shall not only take into account the nature of the offence, its danger to the legally protected values, but also ensure due consideration of the reasons for and the circumstances of its commission, as well as of the offender's personality and the degree of his guilt, thereby guaranteeing the adequacy of the consequences generated (including for the person being held responsible) to the damage caused as a result of the administrative offence, preventing extensive state coercion and ensuring the balance of the fundamental rights of the individual (legal entity) and common interest in protecting the individual, society and the state against administrative offences; otherwise – by virtue of the constitutional prohibition of discrimination and the ideas of justice and humanism enshrined in the Constitution of the Russian Federation – would be incompatible with the principle of the individualisation of responsibility for administrative offences (Resolutions of the Constitutional Court of the Russian Federation No. 3-P of 19 March 2003, No. 5-P of 13 March 2008, No. 8-P of 27 May 2008, No. 15-P of 13 July 2010, No. 1-P of 17 January 2013 and others).

The sanction of paragraph 1.1 of Article 18.8 of the Code provides for the mandatory imposition of such an additional penalty, and the Code itself does not stipulate the possibility to impose for the commission of such an offence a penalty that falls below the lower limit, prescribed by the sanction of the specific provision. In this regard, such a penalty may not be imposed upon the person, who committed such an offence, only in cases provided for by international law (paragraph 2 of Article 1.1 of the Code) provided there are exceptional circumstances stipulated by them, which shall be proven.

When filing the appeal and in the course of its consideration, S.P. referred to the fact that he has had by now taken measures to legalise his presence in the territory of the Russian Federation and, to confirm this, attached a copy of his application for the establishment of the fact of his permanent residence, with an incoming stamp of the Nakhimovskiy District Court of Sevastopol dated 9 November 2016, that, on 14 November.2016, was accepted by the said district court for proceedings.

In addition, in the course of the proceedings, the foreign citizen S.P. Sobol stated that he is afraid to leave the territory of the Russian Federation in light of the threat to his life and health due to his active participation in the events of the Russian Spring in Sevastopol, the hostilities conducted on the territory of Ukraine and the unstable political situation that has developed there; a letter to this effect of the ataman of the Country Cossack Society "Nakhimovskaya Terskaya Sotnya of Sevastopol", of which S.P. has been a member since February 2014, is attached to the appeal.

In accordance with Article 7 of the International Covenant on Civil and Political Rights, as interpreted by the UN Human Rights Committee, Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984, a person shall not be expelled if there are

substantial grounds for believing that in the requesting state he would be in danger of being subjected to not only torture, but also to inhuman or degrading treatment or punishment.

An equivalent legal position is contained in Resolution of the Plenum of the Supreme Court of the Russian Federation No. 11 of 14 June 2012 "On the Practice of the Courts' Consideration of Matters Relating to the Extradition of Persons for Prosecution Purposes or the Performance of a Sentence as well as to the Transfer of Persons to Serve a Sentence"

In this regard, given that the information about the present hostilities in the southeast of Ukraine is generally known, this circumstance also deserves attention.

The above-mentioned specific circumstances of the case allow us to conclude that the expulsion of S.P. from the Russian Federation does not exclude serious interference by the state in the exercise of his right to respect for his private and family life, and the imposition of this type of penalty contradicts the requirements of Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

By virtue of subparagraph 2 of paragraph 1 of Article 30.7 of the Code, following the consideration of the appeal against the decision on the administrative offence case, a decision to amend the ruling shall be passed, if it does not aggravate the administrative penalty and does not deteriorate in some other way the position of the person, in respect of whom such a decision was issued;

With the legal position expressed in the above-mentioned resolutions of the Constitutional Court of the Russian Federation taken into consideration, the decision of the judge of the Leninskiy District Court of Sevastopol of 1 November 2016, issued against S.P. on the administrative offence case provided for in paragraph 1.1 of Article 18.8 of the Code, is subject to be amended by the exclusion therefrom of the reference to the imposition upon S.P. of an administrative penalty in the form of administrative expulsion from the Russian Federation.

Based on the above, guided by Articles 30.6-30.8 of the Code on Administrative Offences of the Russian Federation, the judge

**DECIDED:**

To satisfy the appeal of S.P. in part.

To amend the decision of the judge of the Leninskiy District Court of Sevastopol of 1 November 2016, issued against S.P. on the administrative offence case provided for in paragraph 1.1 of Article 18.8 of the Code on Administrative Offences of the Russian Federation.

To exclude from the decision concerned the reference to the imposition upon S.P. of an administrative penalty in the form of administrative expulsion from the Russian Federation by way of a supervised independent departure.

The court decision concerned shall be upheld in other respects.

The decision comes into force after it is rendered.

Judge T.A. Artamonova

**Defendants:**

S.P. Sobol

# Annex 303

Supreme Court of the Russian Federation, Case No. 5-APG16-81S,
Appellate Decision, 14 December 2016

Translation

**SUPREME COURT**
**OF THE RUSSIAN FEDERATION**

Case No. 5-APG16-81S

**APPELLATE DECISION**

Moscow 14 December 2016

The Judicial Chamber on Administrative Cases of the Supreme Court of the Russian Federation composed of

| | |
|---|---|
| the presiding judges | V.B. Khamenkov,<br>O.V. Nikolaeva and E.V. Gorchakova |
| the secretary | M.V. Daryina |

having reviewed in closed session an administrative case under an appeal brought by Mustafa Dzhemilev against the decision of the Moscow City Court of 20 May 2016 that dismissed his administrative claim brought by him in order to contest the actions and decision of the Federal Security Service of the Russian Federation denying him entry into the territory of the Russian Federation,

having listened to a report presented by V.B. Khamenkov, a judge of the Supreme Court of the Russian Federation, explanations of M.Z. Feygin, a representative of Mustafa Dzhemilev who maintained the arguments presented in the appeal, objections against the appeal filed by [Name], a representative of the Federal Security Service of the Russian Federation, the Judicial Chamber on Administrative Cases of the Supreme Court of the Russian Federation

**established:**

Mustafa Dzhemilev brought an administrative claim before the court in order to contest the actions and decision of the Federal Security Service of the Russian Federation denying him entry into the territory of the Russian Federation. He believes that the above actions and decision are unlawful. In this administrative claim, he argues that as at 18 March 2014 he permanently resided in the territory of the Republic of Crimea. As the administrative defendant did not possess any information that M. Dzhemilev intended to retain his Ukrainian citizenship, the administrative defendant could not make the contested decision in respect of the administrative claimant as a foreign citizen on 19 April 2014. In view of the above, the administrative claimant presumed that the administrative defendant's actions consisting in denying him entry into the territory of the Russian Federation and failing to notify him of the reasons behind such a decision are unlawful.

According to the decision of the Moscow City Court of 20 May 2016, Mustafa Dzhemilev's administrative claim was dismissed.

M.Z. Feygin, the administrative claimant's representative, brought an appeal wherein he petitions the court to overturn the decision and to adopt a new one satisfying the stated claims.

Having examined the case files, discussed the arguments presented in the appeal, the Judicial Chamber on Administrative Cases of the Supreme Court of the Russian Federation finds the court's decision to be correct and sees no grounds for overturning it.

In dismissing the administrative claim, the court analysed the provisions of Article 218, Parts 1, 5–8 of Article 219 of the Code of Administrative Judicial Procedure of the Russian Federation and concluded that the administrative claimant had missed the deadline for applying to court and that the said deadline could not be reinstated. Besides, the court decided that the administrative claimant became aware of the decision denying him entry on 22 April 2014 when he was served with a notice of denial of entry into the Russian Federation.

The Judicial Chamber finds this conclusion of the court to be justified on the following basis.

According to Article 256 of the Civil Procedural Code of the Russian Federation in effect as at the date the contested decision and actions were made and taken, the citizen may bring a claim before the court within three months since he became aware of the fact that his rights and freedoms were violated.

Part 1 of Article 219 of the Code of Administrative Judicial Procedure of the Russian Federation also establishes a three-month deadline for bringing an administrative claim before the court, with this period starting on the day the citizen became aware of the fact that his rights, freedoms, and legitimate interests were violated.

As it follows from the case files, the Basmanniy District Court of Moscow adopted an effective decision on 12 August 2015, thereby dismissing Mustafa Dzhemilev's claim brought in order to challenge the omission and to overturn the decision of the Federal Migration Service of the Russian Federation denying him entry into the territory of the Russian Federation.

In light of this, in the course of this case, the administrative claimant became aware of the decision made by the Federal Security Service of the Russian Federation denying him entry into the Russian Federation. However, Mustafa Dzhemilev brought this administrative claim before the court only on 17 February 2016, meaning that he had missed the three-month deadline established by law.

Foreign citizens and citizens of the Russian Federation have equal procedural rights and duties, and they are particularly entitled to seek legal redress for violations of their rights within the deadline established by procedural law.

In this context, given that failure to meet the deadline for applying to court and non-reinstatement of the said deadline for the absence of valid reasons under Part 8 of Article 219 of the Code of Administrative Judicial Procedure of the Russian Federation constitute grounds for dismissing the administrative claim, the court arrived at a correct decision.

Despite the fact that failure to meet the deadline for bringing an administrative claim before the court is *per se* a reason to dismiss it, the court verified the correctness of that decision and examined it on the merits, and having analysed the provisions of Federal Laws of 28 December 2010 No. 390-FZ "On Security", of 3 April 1995 No. 40-FZ "On the Federal Security Service", the Instruction on the organisation of work associated with preventing foreign citizens and stateless persons, who are denied entry into the Russian Federation, from entering the Russian Federation, and exercising control over foreign citizens and stateless persons entering the Russian Federation, the court correctly concluded that the decision to deny Mustafa Dzhemilev entry into the Russian Federation was made by officials of the Federal Security Service of the Russian Federation within their authority to protect national security and in compliance with procedural guarantees provided for by law in respect of the administrative claimant.

The provisions of Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms, as interpreted by the European Court of Human Rights, do not preclude the state from controlling foreign citizens entering its territory in accordance with international law and its contractual obligations.

By virtue of para. 3 of Article 12 of the International Covenant on Civil and Political Rights of 16 December 1966 and para. 3 of Article 2 of Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms (Strasbourg, 16 September 1963), the right to reside in the territory of a sovereign state may be restricted by the latter when so provided by law and necessary to protect state (national) security, public order, public health or morals or the rights and freedoms of others.

According to Article 55 of the Constitution of the Russian Federation, the rights and freedoms of a person and citizen may be restricted by federal law only to the extent necessary to protect the fundamental principles of the constitutional system, morals, health, the rights and legitimate interests of other people, to ensure defence of the country and security of the state.

By virtue of para. 1 of Part 1 of Article 27 of Federal Law No. 114-FZ of 15 August 1996 "On the procedure for exit from the Russian Federation and entry into the Russian Federation", a foreign citizen or stateless person is denied entry into the Russian Federation when it is necessary to ensure defence or security of the state, or public order, or public health protection.

The Government of the Russian Federation establishes a procedure for making decisions to restrict one's entry into the Russian Federation and prepares a list of federal executive bodies authorised to make such decisions.

Officials of the security bodies have authority to decide on whether the activity of a certain citizen of a foreign state, whose residence (living) in the Russian Federation is ruled to be undesirable, constitutes a threat to the security of the state or not.

According to Article 1 of Federal Law of 3 April 1995 No. 40-FZ "On the Federal Security Service", the federal security service is a uniform centralised system of security bodies engaged in ensuring the national security of the Russian Federation within its authority.

The Federal Security Service of the Russian Federation issued an order, thereby approving the Instruction on the organisation of work associated with preventing foreign citizens and stateless persons, who are denied entry into the Russian Federation, from entering the Russian Federation, and exercising control over foreign citizens and stateless persons entering the Russian Federation.

The Instruction sets forth that, should there be identified any circumstances that fall within the authority of the security bodies under Articles 26 and 27 of Federal Law of 15 August 1996 No. 114-FZ "On the procedure for exit from the Russian Federation and entry into the Russian Federation", on the basis of which a foreign citizen may be denied entry into the Russian Federation, the security bodies' operational units prepare materials that serve as documented proof of the above circumstances.

When applying the Convention for the Protection of Human Rights and Fundamental Freedoms, the European Court of Human Rights repeatedly noted that even when national security is at stake, the concepts of lawfulness and the rule of law in a democratic society require that measures affecting fundamental human rights must be subject to some form of adversarial proceedings before an independent body competent to review the reasons for the decision and relevant evidence, if need be with appropriate procedural limitations on the use of classified information. The individual must be able to challenge the executive's assertion that national security is at stake. Besides, the independent authority (court) must be able to react in cases where invoking that concept has no reasonable basis in the facts or reveals an interpretation of "national security" that is unlawful or contrary to common sense and arbitrary (Judgments of the European Court of Human Rights in *Al-Nashif v. Bulgaria, Lupsa v. Romania, Liu and Liu v. the Russian Federation*).

Here and elsewhere, the European Court of Human Right recognised that when national security is at stake, confidential information is invariably involved. Nevertheless, this does not imply that national authorities cannot do away with effective control by the domestic courts whenever they choose to assert that national security and terrorism are involved.

The Constitutional Court of the Russian Federation is of the same opinion in this respect. For example, in its Ruling No. 902-O of 4 June 2013, the Constitutional Court of the Russian Federation, following its previous legal reasoning (Judgment No. 6-P of 17 February 1998, Ruling No. 155-O of 12 May 2006, and others), concluded that courts, without confining themselves to establishing only the formal basis for the application of the law, should examine and assess actual circumstances in order to declare the relevant decisions in respect of a foreign citizen or stateless person to be necessary and proportionate.

As the court established, Mustafa Dzhemilev, a citizen of Ukraine, was denied entry into the Russian Federation in order to ensure defence and security of the state.

Contrary to the arguments presented in the appeal, the evidence showing that it is necessary to restrict the foreign citizen's entry into the Russian Federation for the above reasons was submitted before the court and verified in the court session.

With that said, the court correctly concluded that the decision to restrict the administrative claimant's entry into the Russian Federation was made by officials of the Federal Security Service of the Russian Federation within their authority and in accordance with law.

The appeal's argument that the case files present no evidence of the fact that Mustafa Dzhemilev was conducting an activity threatening to the national security of the Russian Federation is refuted by a proposal to deny Mustafa Dzhemilev entry into the territory of the Russian Federation that the court reviewed. The

content of that document allowed the court to conclude that the state's restriction of a foreign citizen's right to enter its territory is not arbitrary and is based on the interests of national security.

The appeal's invocation of the fact that the absence of information concerning Mustafa Dzhemilev's citizenship deprived the administrative defendant of its right to make the contested decision is without merit since the administrative claimant was a Ukrainian citizen at the time the contested decision was made and still is.

The court's decision may not be overturned based on the appeal's arguments because the latter are based on an incorrect interpretation of substantive law and aimed at a different assessment of evidence concerning the circumstances that the court established and examined in full compliance with procedural law.

In view of the aforesaid and relying upon Articles 307–311 of the Code of Administrative Judicial Procedure of the Russian Federation, the Judicial Chamber on Administrative Cases of the Supreme Court of the Russian Federation

**decided:**

To uphold the decision of the Moscow City Court of 20 May 2016 and to dismiss the appeal brought by Mikhail Zakharovich Feygin, an attorney and representative of Mustafa Dzhemilev.

Presiding judge */Signature/*
Judges */Signature/*
*/Signature/*

TRUE COPY
Judge */Signature/*
Secretary */Signature/*
*20 March 2020*

*/Seal: MOSCOW CITY COURT, Primary State Registration Number 1037718041261, Russian National Classifier of Businesses and Organisations 02860586, Taxpayer Identification Number 7718123097/*

# Annex 304

Police Station No. 1 “Zheleznodorozhny” of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, Report on the results of operative search activities, 2017

Translation

To the Acting Head of Police Station No. 1 "Zheleznodorozhny" of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, Police Lieutenant Colonel
A.A. Smolin

Report

I hereby report to you that, during the operative search activities conducted at the request of the Senior Investigator of the Investigative Department for the Zheleznodorozhny District of Simferopol, it was not possible to identify the witnesses of the alleged abduction of M.V. Vdovchenko.

Should any new information be received, it will be immediately provided to the Investigative Department.

Operative Investigator of the
Criminal Investigative Department
of Police Station No. 1
"Zheleznodorozhny" of the
Directorate of the Ministry of
Internal Affairs of Russia for
Simferopol,
Police Senior Lieutenant *(signed)* K.N. Kazakov

# Annex 305

Centre for Countering Extremism of the Ministry of Internal Affairs for the Republic of Crimea, Report, 9 January 2017

Translation

*/Handwritten: Permitted/*
*/Signature: O.B. Utkin/*
*9 January 2017*

To the Head of the Centre for Countering Extremism of the Ministry of Internal Affairs for the Republic of Crimea
Police Colonel
O.B. Utkin

Report

I report, following the monitoring of the online social media, I found a user on vk.com registered under the pseudonym "Marlen Mustafayev" (URL: https://vk.com/id193426780).
The account of the specified user at https://vk.com/idl93426780 has a list of videos including 3 files,
Friends: 1,640 persons;
The inspection of the account revealed propaganda in the form of published symbols of the terrorist organisation Hizb ut-Tahrir and Nazi symbols.
It is worth noting that the account and materials are open and anyone can view, listen and, if necessary, copy the published extremist materials.
Therefore, I ask permission to inspect this account and to seize the images of symbols of the extremist organisation Hizb ut-Tahrir in order to document the violation of Russian law by this citizen.

Chief Operative Investigator of the Centre for Countering Extremism of the Ministry of Internal Affairs for the Republic of Crimea — */Signature/* — N.N. Belashov

Major of Police

9 January 2017

# Annex 306

Centre for Countering Extremism of the Ministry of Internal Affairs for the Republic of Crimea, Certificate of inspection of the Internet resource, 9 January 2017

Translation

CERTIFICATE
of Inspection of the Internet Resource

Simferopol 9 January 2017

Start: 1:30 p.m.
End: 3:00 p.m.

I, Chief Operative Investigator of the Centre for Countering Extremism of the Ministry of Internal Affairs for the Republic of Crimea, Major of Police N.N. Belashov, being guided by Article 13 of the Federal Law "On the Police," Articles 6, 15 of the Federal Law "On Operative Search Activities," at: 19 Dekabristov Street, office 68, Simferopol, Republic of Crimea, under artificial lightning, using a personal computer HP Compaq Elite 8300 Microtower, a laser printer HP LaserJet P1102 and the Mozilla Firefox browser performed an inspection of the Internet pages of the "Vkontakte" social network belonging to the user "Marlen Mustafaev": https://vk.com/id193426780.

The inspection was carried out in the presence of the following persons invited as public representatives:

1. *Yury Viktorovich Ponomarev, [date of birth.], [address]*

2. *Svetlana Viktorovna Samsonova, [date of birth.], [address]*

who were informed, prior to the start of the inspection, of their rights to be present at all actions performed with their participation, to ask questions and make comments in the course of the actions performed, which are to be registered in a record, as well as their obligation to certify the fact of the nature and the result of the inspection.

1. */Signature/ (Ponomarev)* 2. */Signature/ (Samsonova)*

1. */Signature/ (Ponomarev)* */Signature/* 2. */Signature/ (Samsonova)*

Annex 306

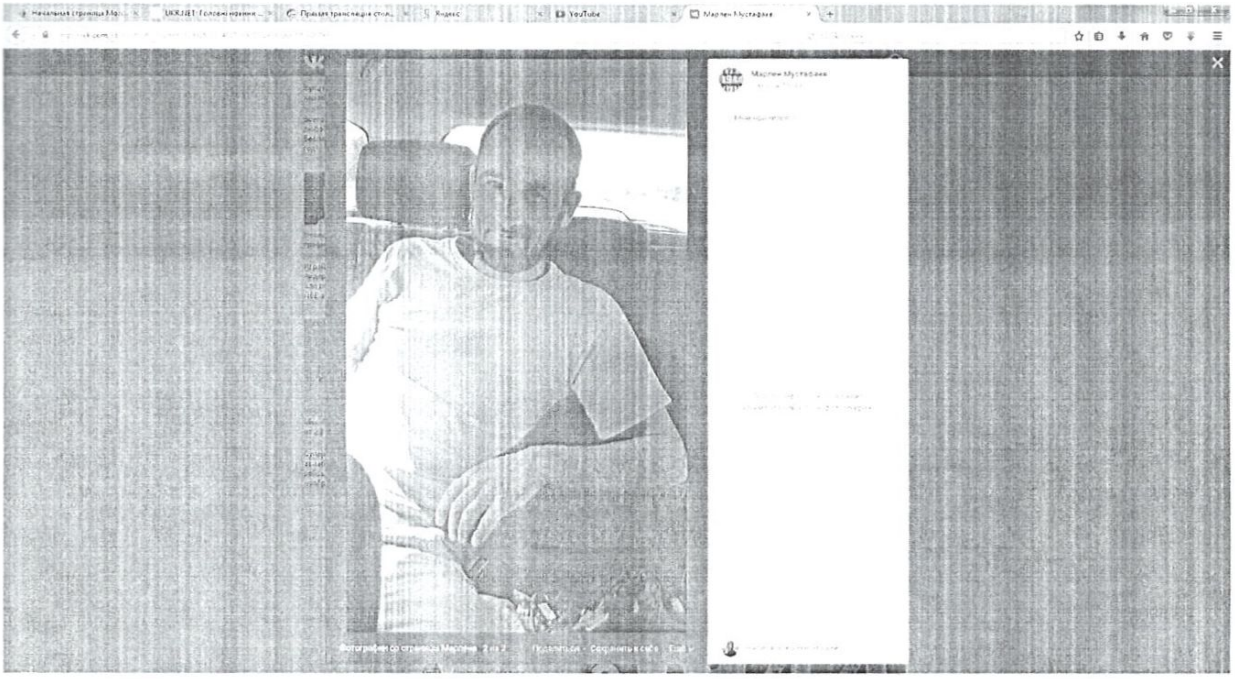
The inspection revealed that at the Internet address: https://vk.com/id193426780, there is a vk.com page under the name “Marlen Mustafaev”, date of birth: 19 September 1983; city: Simferopol; married.

There is the following information on the page:
Followers: 254 persons;
Friends: 1,640 persons;
Pages of interest: 99 pages;
Photos: 2;
Videos: 3 files.

**Screenshot No. 1** Page of Marlen Mustafaev


1. */Signature/ (Ponomarev)* */Signature/* 2. */Signature/ (Samsonova)*

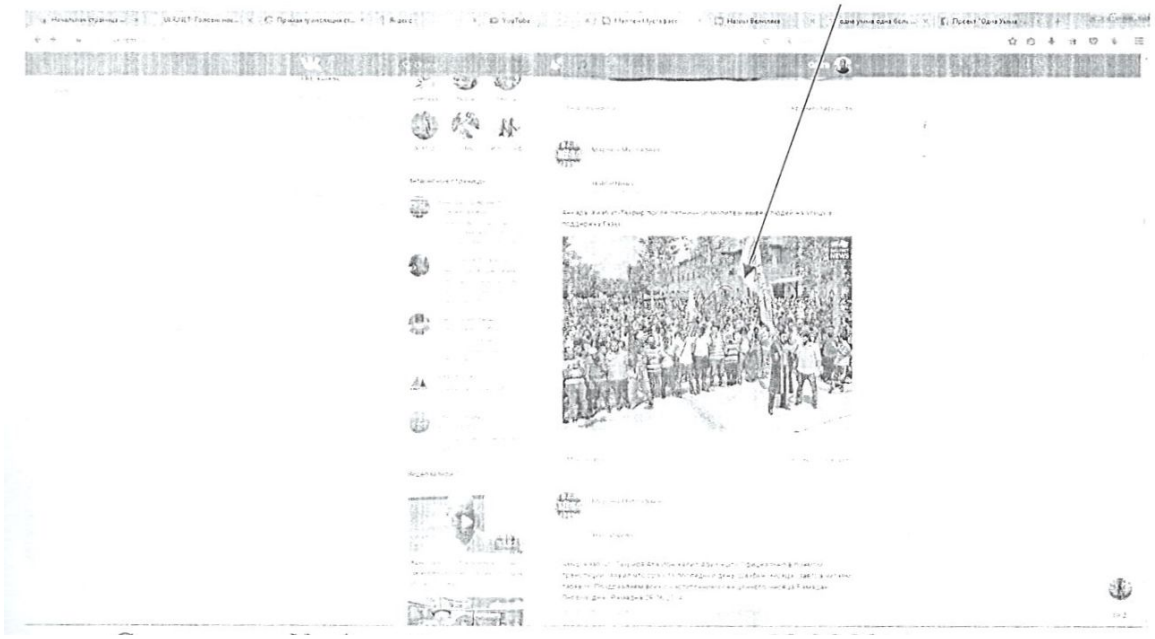
**Screenshot No. 2** Photos of Marlen Mustafaev



In the "Records" section of the above page at: http://vk.com/id193426780?z=photo-32509315_335285399%2Fwall193426780_716, a propaganda photo of a rally of the terrorist organisation Hizb ut-Tahrir, as well as the symbols of this organisation, were found:

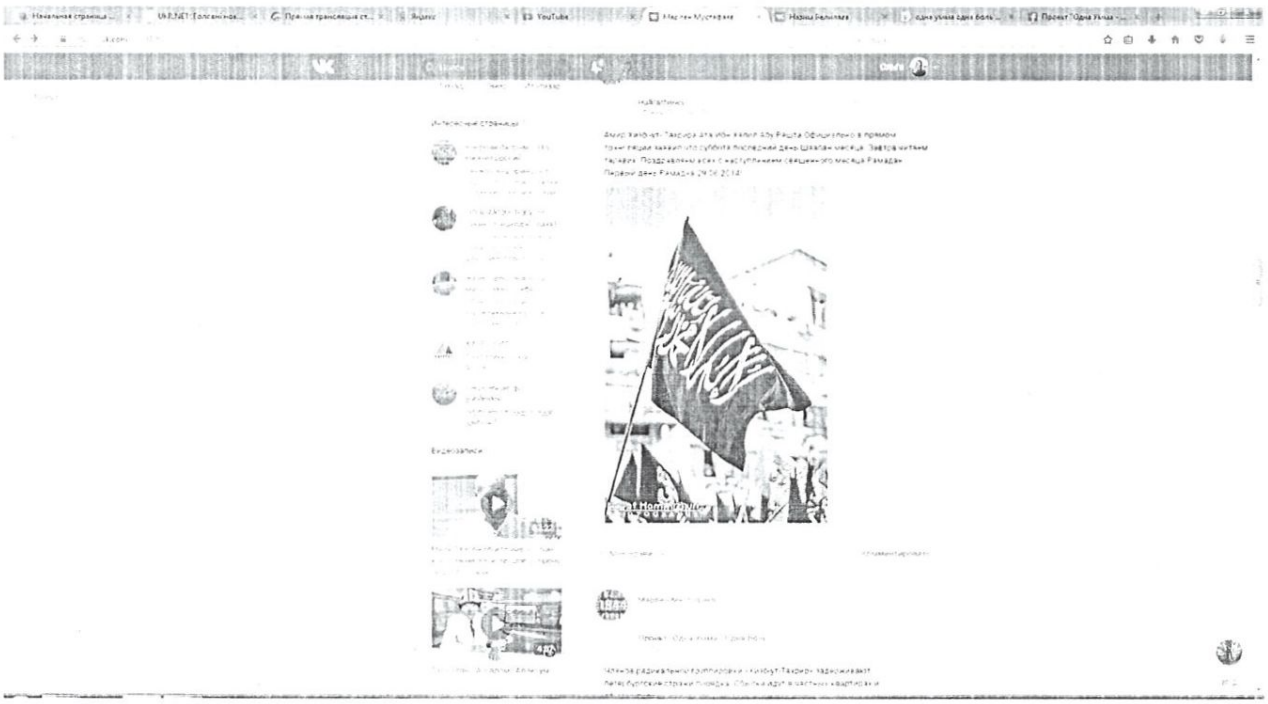
**Screenshot No. 3** of 21 July 2014

Symbols of Hizb ut-Tahrir



**Screenshot No. 4** in the "Records" section, there is a free-access photo of 29 June 2014 under the name "Amir of *Hizb ut*-Tahrir Ata ibn Khalil Abu Rashta officially declared in live broadcast that Saturday was the last day of the month of Shaʿban. Tomorrow we will read Tarawih. Congratulations to all on the arrival of the holy month of Ramadan. The first day of Ramadan is 29 June 2014!" in which symbols of the Hizb ut-Tahrir terrorist organisation are shown.
https://vk.com/id193426780?z=photo204207665_332062236%2Fwall193426780_694

1. */Signature/ (Ponomarev)* */Signature/* 2. */Signature/ (Samsonova)*



**Screenshot No. 5** in the "Records" section, there is a photo of 21 March 2014 with Nazi symbols https://vk.com/id 193426780?z=photo-6649204_326118305%2Fwall193426780_535


In the course of the inspection, electronic copies of the web page "https://vk.com/id193426780" and the "desktop and time" submenu were made on 6 pages, which were printed with an HP LaserJet P1102 printer on 6 pages and certified by signatures of those present.

1. */Signature/ (Ponomarev)* */Signature/* 2. */Signature/ (Samsonova)*

These desktop copies were recorded along with the saved audio records on a CD "VS CD-R 700 MB 52 x 80 min," which was placed in a paper envelop sealed with strips of white paper with imprints of the seal "For packages No. 33."

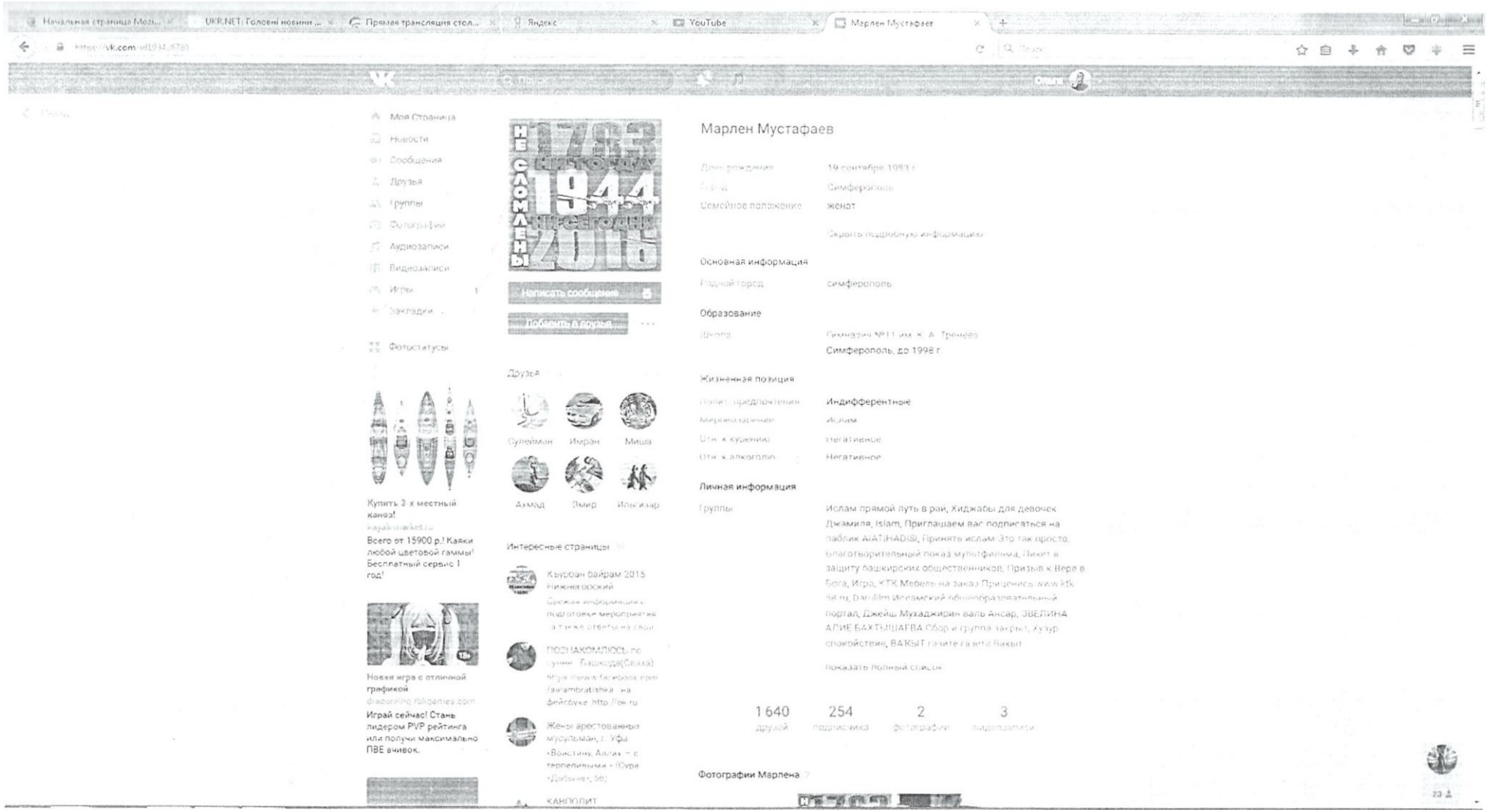
The certificate of inspection of Internet resource at "https://vk.com/id193426780" was made in one copy on five (5) sheets, read aloud, correctly drawn up. No comments were made.

Appendix: 1. Electronic copy of the Internet page on 5 sheets in 1 counterpart;
2. Verbatim DVD-R 4.7 GB 16 x 120 min in an envelope.

Present:

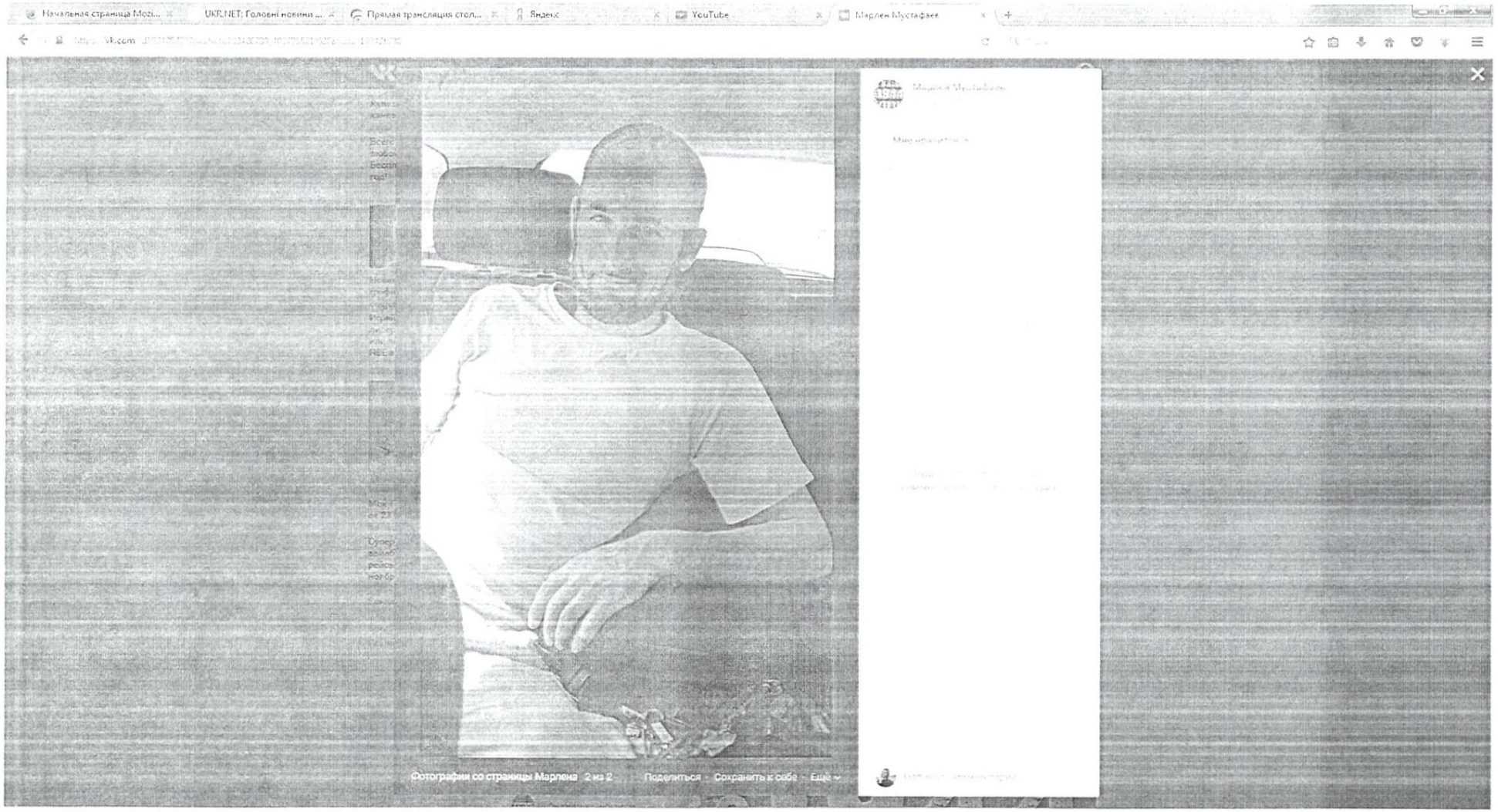
1. */Signature/ (Ponomarev)* */Signature/ (Belashov)* 2. */Signature/ (Samsonova)*

1. */Signature/ (Ponomarev)* */Signature/* 2. */Signature/ (Samsonova)*




/Signature/ /Signature/ /Signature/

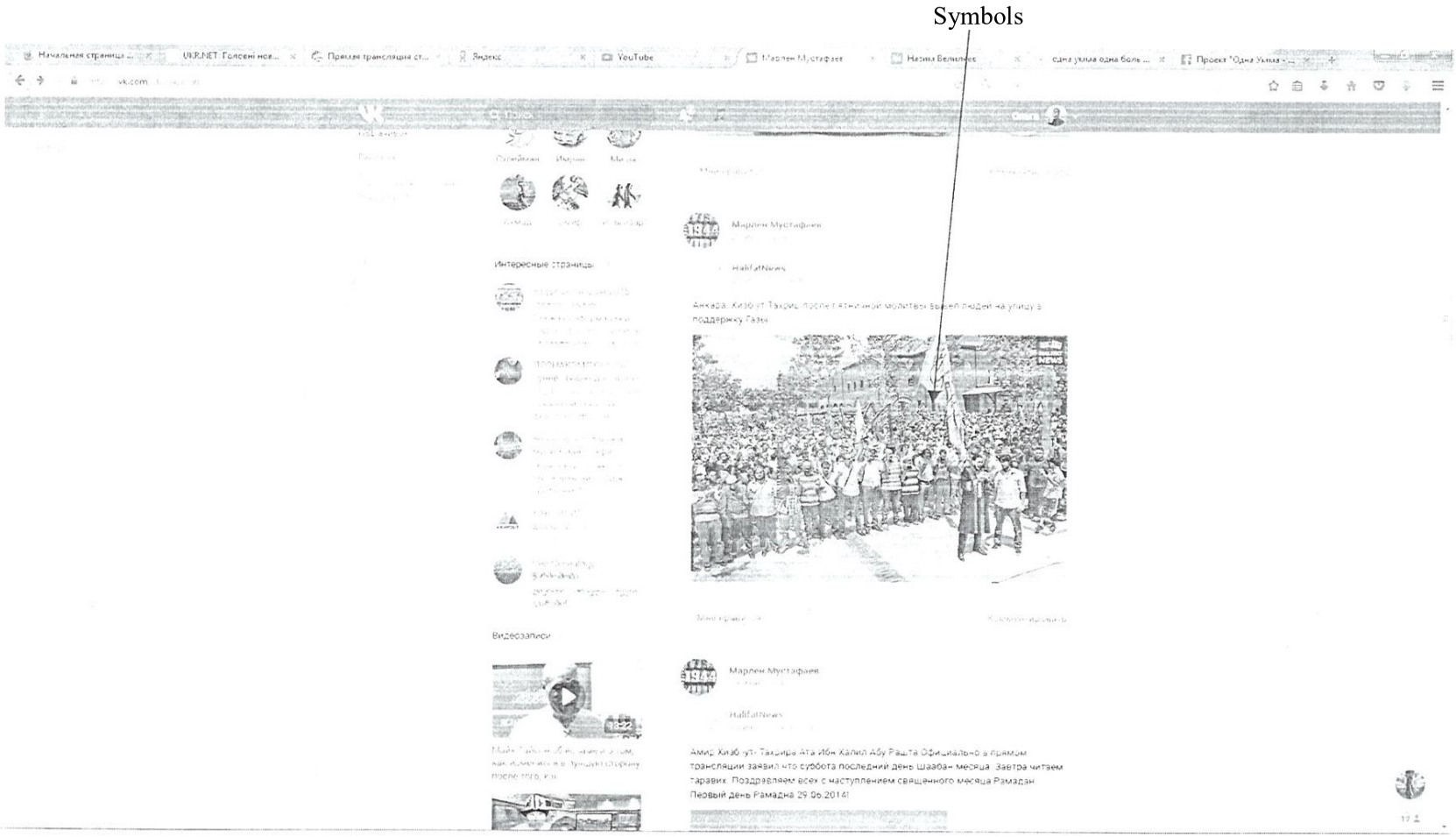
**Screenshot No. 2** Photos of Marlen Mustafaev



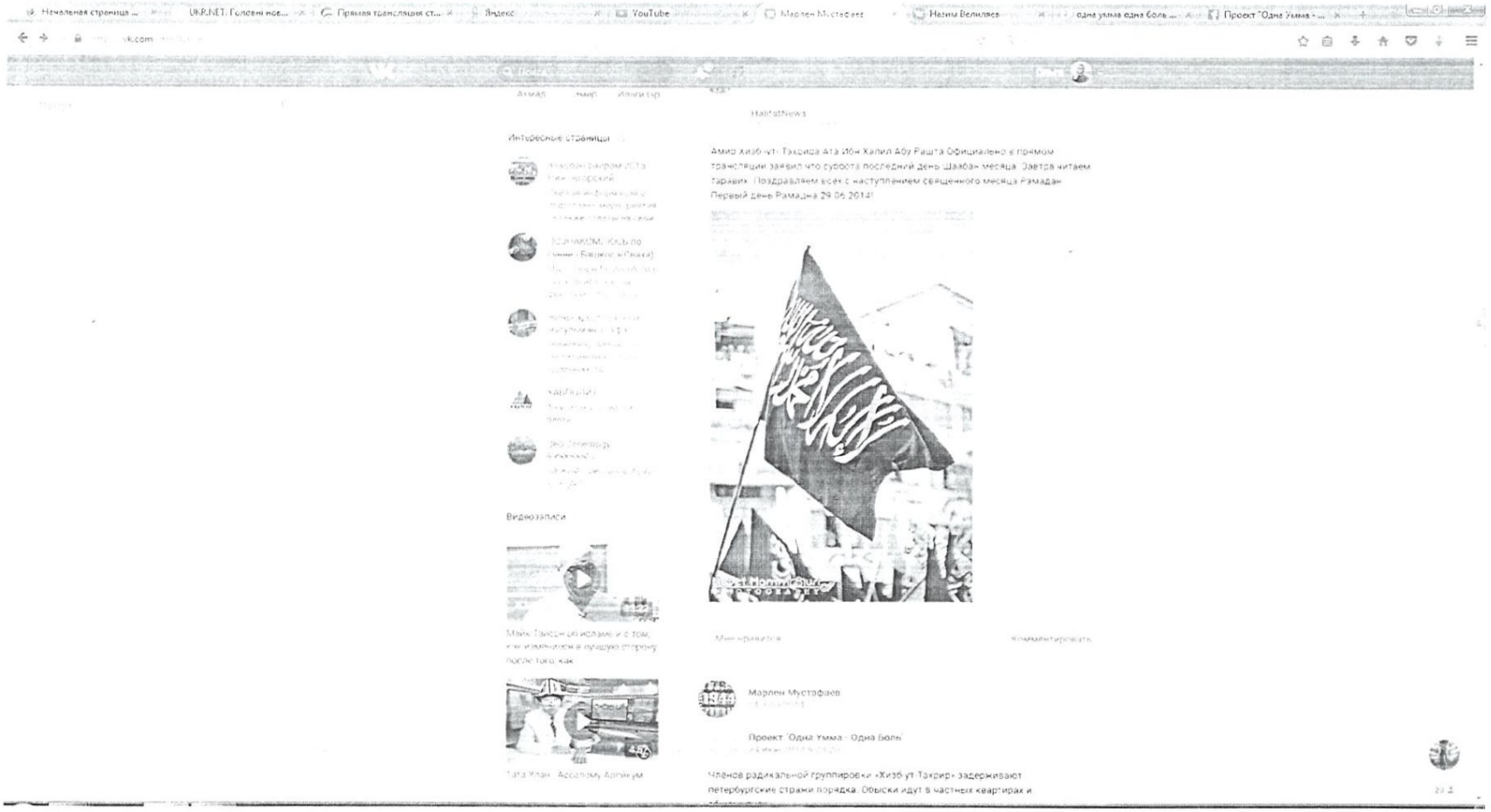

*/Signature/* */Signature/* */Signature/*

In the "Records" section of the above page at: http://vk.com/id193426780?z=photo-32509315_335285399%2Fwall193426780_716, a propaganda photo of a rally of the terrorist organisation Hizb ut-Tahrir, as well as the symbols of this organisation, were found:

**Screenshot No. 3** of 21 July 2014

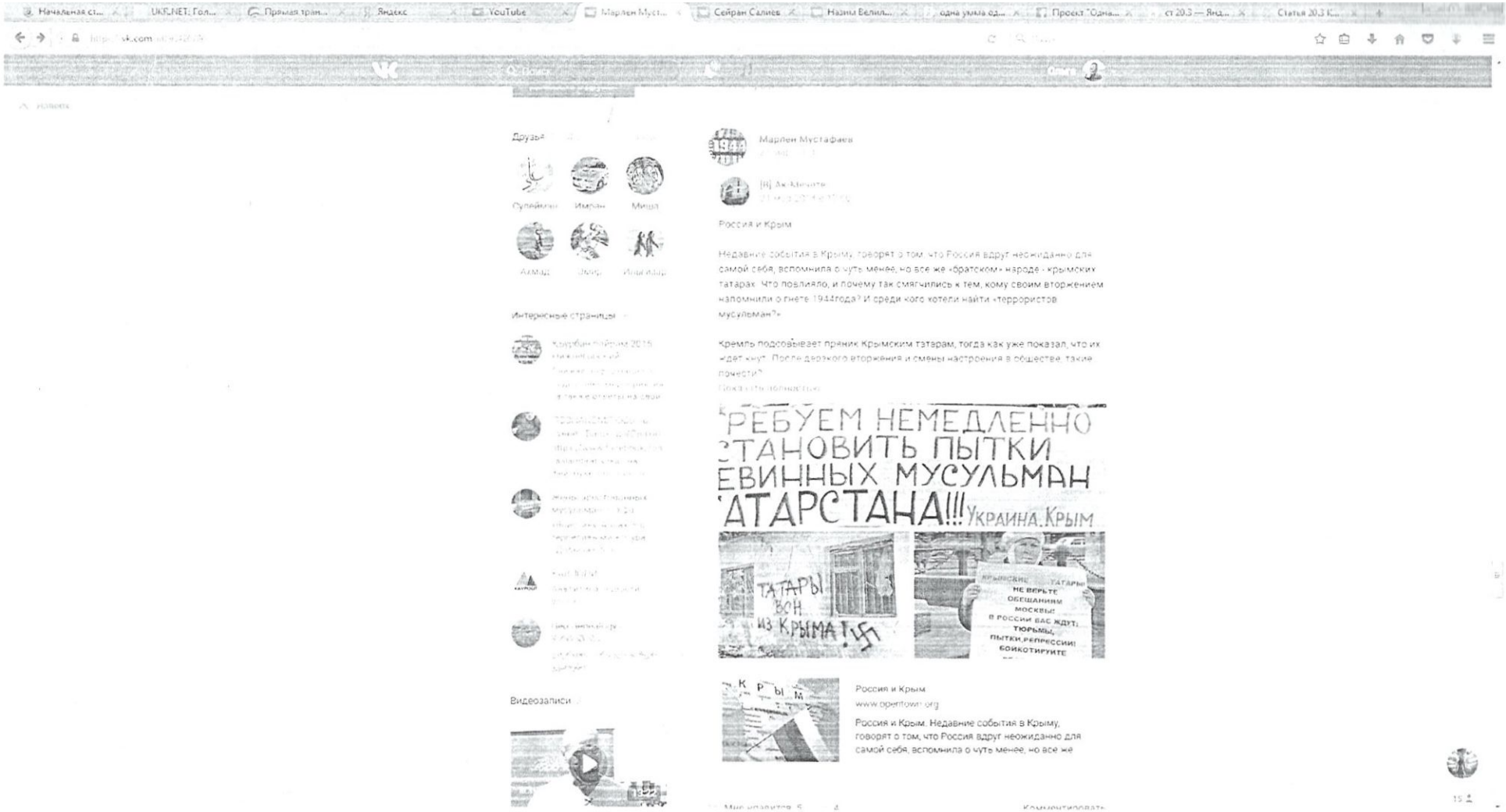



*/Signature/* */Signature/* */Signature/*




/Signature/ /Signature/ /Signature/

**Screenshot No. 5** in the "Records" section, there is a photo of 21 March 2014 with Nazi symbols
https://vk.com/id 193426780?z=photo-6649204_326118305%2Fwall193426780_535




*/Signature/* */Signature/* */Signature/*

# Annex 307

Supreme Court of the Republic of Crimea, case No. 33a-267/2017,
Appellate Decision, 11 January 2017

Translation

Case No. 33a-267/2017
(33a-10083/2016)

Judge A.S. Savchenko

**APPELLATE DECISION**

11 January 2017 Simferopol

The Judicial Chamber on Administrative Cases of the Supreme Court of the Republic of Crimea, comprised of:

| | |
|---|---|
| presiding judge | O.V. Khozhainova |
| judges: | L.A.-V. Yusupova |
| | V.V. Agin |
| secretary | O.A. Kochetkova |

considered in open court session an administrative case on the appeal of Sanie Isaevna Ametova against the decision of the Krasnoperekopsk District Court of the Republic of Crimea of 4 October 2016 in administrative case No. 2a-1578/2016 on the administrative claim of Sanie Isaevna Ametova against the Head of the Administration of the Voinka Rural Settlement of the Krasnoperekopsk District of the Republic of Crimea Ekaterina Vasilyevna Maksimova, the Administration of the Voinka Rural Settlement of the Krasnoperekopsk District of the Republic of Crimea on recognising the actions as unlawful.

Having heard the report of the judge O.V. Khozhainova on the circumstances of the case and the arguments of the appeal, the explanations of the persons who appeared, the judicial chamber

**established:**

S.I. Ametova filed in the Krasnoperekopsk District Court of the Republic of Crimea an administrative claim against the Head of the Administration of the Voinka Rural Settlement of the Krasnoperekopsk District of the Republic of Crimea E.V. Maksimova, the Administration of the Voinka Rural Settlement of the Krasnoperekopsk District of the Republic of Crimea, where she asked to recognise as unlawful the actions of the Head of the Administration related to the refusal to grant permission to hold a rally on 18 May 2016 from 3 p.m. to 5 p.m. in the centre of Village of Voinka near the memorial complex, to resolve the issue of holding the planned event in accordance with the law.

The claims are based on the fact that on 4 May 2016, S.I. Ametova, as the organiser of the mass event, sent to the Head of the Administration of the Voinka Rural Settlement of the Krasnoperekopsk District of the Republic of Crimea E.V. Maksimova a notification on holding the rally on 18 May 2016 from 3 p.m. to 5 p.m. in the centre of Village of Voinka of the Krasnoperekopsk District of the Republic of Crimea, organised with the purpose to commemorate the victims of the ethnocide of the Crimean Tatar people as a result of the deportation from their historical homeland on 18 May 1944. On 10 May 2016, she was invited to a meeting with the Head of the Administration E.V. Maksimova, where the administrative claimant was offered to hold a joint event at the designated time or to reschedule the rally. On 12 May 2016, she submitted to the Administration a written document for approval of a different time, namely from 11 a.m. to 12:30 p.m. On 13 May 2016, a response was received from the administrative defendant containing contradictory arguments and explanations, the response was sent in violation of the time limit established by Paragraph 2 of Part 1 of Article 12 of Federal Law of 19 June 2004 No. 54-FZ “On assemblies, rallies, demonstrations, marches and picketing”. In view of the above, S.I. Ametova believes that the actions of the Head of the Administration of the Voinka Rural Settlement of the Krasnoperekopsk District of the Republic of Crimea E.V. Maksimova are unlawful, violating the rights of the administrative claimant as the organiser of the public event, as well as creating obstacles to the exercise of the rights, freedoms and legitimate interests of citizens provided by the Constitution of the Russian Federation. The stated circumstances served as a basis for filing this claim.

By the decision of the Krasnoperekopsk District Court of the Republic of Crimea of 4 October 2016, the claims of the administrative claim of S.I. Ametova were dismissed.

Disagreeing with the adopted decision, S.I. Ametova filed an appeal, where she asked to reverse the decision as unlawful, adopted with the conclusions of the court of first instance being inconsistent with the facts of the administrative case. She asked for a new decision in the case to satisfy the administrative claim in full. The appeal is based on the fact that, in resolving the stated claims on the merits, the court of first instance did not take into account that the administrative defendant violated the time limit established by Paragraph 2 of Part 1 of Article 12 of the Federal Law of 19 June 2004 No. 54-FZ "On assemblies, rallies, demonstrations, marches and picketing" on giving a reasoned proposal to change the time of the public event.

At the hearing, S.I. Ametova, her representative M.M. Nebiev, maintained the arguments of the appeal in full.

At the hearing of the court of appeal, the Head of the Administration of the Voinka Rural Settlement of the Krasnoperekopsk District of the Republic of Crimea E.V. Maksimova, a representative of the Administration of the Voinka Rural Settlement of the Krasnoperekopsk District of the Republic of Crimea did not appear; they were duly notified of the time and place of the hearing. The administrative defendants filed a motion to consider the case without the participation of their representatives.

The Judicial Chamber, taking into account the provisions of Part 6 of Article 226 of the Code of Administrative Judicial Procedure of the Russian Federation, considers it possible to conduct a hearing in the absence of the duly informed persons who did not appear, on the basis of the available written documents included in the case files.

Having examined the case files, having checked the legal assessment of the circumstances of the case and the completeness of their establishment, the correctness of the application by the court of first instance of substantive and procedural law, the Judicial Chamber finds as follows.

In accordance with Part 1 of Article 308 of the Code of Administrative Judicial Procedure of the Russian Federation, the court of appeal considers the administrative case in full and is not bound by the grounds and arguments set out in the appeal, prosecutor's appeal and objections against the appeal, prosecutor's appeal.

Under Article 46 of the Constitution of the Russian Federation, everyone is guaranteed judicial protection of his rights and freedoms. Decisions and actions (or omission) of government bodies, local government bodies, public organisations and officials may be appealed against in court.

According to Part 1 of Article 218 of the Code of Administrative Judicial Procedure of the Russian Federation, a citizen, organisation, other persons may apply to court with claims to challenge decisions, actions (omission) of a body, organisation, person vested with state or other public powers if they think that their rights, freedoms and legitimate interests are violated or challenged, that there are obstacles to the exercise of their rights, freedoms and legitimate interests, or that obligations are imposed upon them unlawfully.

A court decision in an administrative case on challenging a decision, action (omission) of a body, organisation, person vested with state or other public powers is adopted in accordance with the rules stipulated in Chapter 15 of this Code (Part 1 of Article 227 of the Code of Administrative Judicial Procedure of the Russian Federation).

As it follows from the case files, it was found by the court of first instance that on 4 May 2016, S.I. Ametova sent to the Head of the Administration of the Voinka Rural Settlement of the Krasnoperekopsk District of the Republic of Crimea E.V. Maksimova a notification on holding a public event in the form of rally on 18 May 2016 from 3 p.m. to 5 p.m. in the centre of the Village of Voinka of the Krasnoperekopsk District of the Republic of Crimea (memorial complex), organised with the purpose to commemorate the

victims of the ethnocide of the Crimean Tatar people as a result of the deportation from their historical homeland on 18 May 1944, the estimated number of participants in the event – 110 persons (case sheet 3).

On 10 May 2016, letter No. 03-39/735 signed by the Head of the Administration of the Voinka Rural Settlement of the Krasnoperekopsk District of the Republic of Crimea E.V. Maksimova, was sent to the administrative claimant, which reads that at the time specified in the notification, the Administration of the Voinka Rural Settlement of the Krasnoperekopsk District of the Republic of Crimea planned an event – the laying of flowers at a memorial sign in the territory of the Voinka Rural Settlement. In this regard, it was proposed to hold a joint laying of flowers to the memorial sign on 18 May 2016 at 3 p.m.

On 12 May 2016, S.I. Ametova sent to the administrative defendant a written proposal to change the time of the mass event on 18 May 2016 to 11 a.m. (beginning) to 12:30 p.m. (end) (case sheet 5).

On 13 May 2016, the Head of the Administration of the Voinka Rural Settlement of the Krasnoperekopsk District of the Republic of Crimea E.V. Maksimova sent to S.I. Ametova letter ref. No. 03-39 754 informing her on the impossibility to approve the holding of the rally on 18 May 2016 from 3 p.m. to 4 p.m. or from 11 p.m. to 12:30 p.m. This letter indicates that on the territory of the park, in accordance with Decision of the 29th Session of the 1st Convocation of the Voinka Rural Settlement of 28 April 2016 No. 361, work is underway to improve the park territory (installation of a fence, installation of a playground, mowing of grass, repair of the outdoor performance stage) and all events on this territory were prohibited, an exception was made for the event on 18 May 2016 from 2 p.m. to 5 p.m. – the laying of flowers to the memorial sign to those who had died during the deportation (according to Decree of the Voinka Rural Settlement of the Krasnoperekopsk District of the Republic of Crimea of 29 April 2016 No. 111 - case sheet 6).

Refusing to satisfy the claims of the administrative claim of S.I. Ametova, the court of first instance, guided by the provisions of Federal Law of 19 June 2004 No. 54-FZ “On assemblies, rallies, demonstrations, marches and picketing”, proceeded from the fact that the notification of S.I. Ametova was considered, responses signed by an authorised official were given, the claimant’s arguments about the violation by the Head of the Administration E.V. Maksimova of the provisions of the legislation of the Russian Federation on rallies, demonstrations, marches and picketing were not objectively confirmed, and no evidence of any violation of the rights of the organiser of the public event was revealed from the submitted evidence.

The Judicial Chamber finds the stated conclusions of the court of first instance to be correct, well-reasoned, supported by the evidence available in the case, which was assessed according to the rules of Article 84 of the Code of Administrative Judicial Procedure of the Russian Federation, based on the following.

Federal Law of 19 June 2004 No. 54-FZ “On assemblies, rallies, demonstrations, marches and picketing” (hereinafter – Federal Law No. 54-FZ) is aimed at ensuring the exercise of the right of citizens of the Russian Federation established by the Constitution of the Russian Federation to peaceful gatherings without weapons, holding assemblies, rallies, demonstrations, marches and picketing.

Notification requirements regarding public events and the procedure for the submission of notifications are established by Article 7 of Federal Law No. 54-FZ.

Article 12 of Federal Law No. 54-FZ provides for the obligations of the executive body of a constituent entity of the Russian Federation or local government body.

Paragraph 2 of Part 1 of this Article stipulates that the executive body of a constituent entity of the Russian Federation or local government body, after receiving a notification on holding a public event, shall inform the organiser of the public event, within three days of receipt of the notification on holding the event (or, if the notification on holding a picket by a group of individuals is submitted within less than five days before its intended date – on the day of its receipt), of a reasoned proposal to change the venue and/or time of the public event, as well as of any proposal for the organiser of the event to bring the objectives, form or

other conditions for holding the event as indicated in the notification into line with the requirements of this Federal Law.

According to the legal stance of the Constitutional Court of the Russian Federation, expressed in Resolution of 2 April 2009 No. 484-O-P, within the meaning of Part 5 of Article 5 of Federal Law No. 54-FZ, a public body cannot prohibit (not permit) the holding of a public event, it may only propose to change the place and (or) time of its holding, and such proposal shall necessarily be well-reasoned and caused either by the need to maintain the normal and uninterrupted functioning of vital communal or transport infrastructure, or by the need to maintain public order, ensure the safety of citizens (both participants in public events and persons who may be at the place of its holding at a certain time), or for other similar reasons.

It follows from the case files that on 10 May 2016, the Head of the Administration of the Voinka Rural Settlement of the Krasnoperekopsk District of the Republic of Crimea E.V. Maksimova, after considering the notification of 4 May 2016, proposed to I.S. Ametova, as the organiser of the public event, to hold a joint event on 18 May 2016 without changing the time of the public event (case sheet 4).

The specified proposal, set out in letter ref. No. 03-39/735, is considered by the judicial chamber as reasonable since it indicates the explanation for such proposal, namely, at the time indicated in the notification (18 May 2016 at 3 p.m.), the Administration of the Voinka Rural Settlement of the Krasnoperekopsk District of the Republic of Crimea planned an event – the laying of flowers to the memorial sign on the territory of the Voinka Rural Settlement. Thus it was proposed to S.I. Ametova to hold a joint laying of flowers to the memorial sign on 18 May 2016 at 3 p.m.

The case materials do not contain evidence that the circumstances cited by the Administration of Voinka Rural Settlement of the Krasnoperekopsk District of the Republic of Crimea did not exist.

Responding to the letter of 12 May 2016 on the approval of a different time for holding the rally at 11 a.m., the Head of the Administration of the Voinka Rural Settlement of the Krasnoperekopsk District of the Republic of Crimea E.V. Maksimova, in the letter of 13 May 2016, indicated the impossibility to approve the specified time due to that on the territory of the park, in accordance with Decision of the 29th Session of the 1st Convocation of the Voinka Rural Settlement of 28 April 2016 No. 361, work is underway to improve the park territory (installation of a fence, installation of a playground, mowing of grass, repair of the outdoor performance stage) and all events on this territory were prohibited, an exception was made for the event on 18 May 2016 from 2 p.m. to 5 p.m. – the laying of flowers to the memorial sign to those who had died during the deportation (according to Decree of the Voinka Rural Settlement of the Krasnoperekopsk District of the Republic of Crimea of 29 April 2016 No. 111).

At the same time, the Judicial Chamber considers it necessary to draw attention to the fact that only one notification of 4 May 2016 was submitted by the administrative claimant that met the requirements of Article 7 of Federal Law No. 54-FZ. The response of the administrative defendant to the said notification in its content does not constitute refusal to approve the holding of the public event since in the response the administrative claimant was offered to hold a public event jointly, without changing the time and place of holding the public event, and therefore, the applicant was not deprived of the opportunity to exercise the constitutional right guaranteed by Article 31 of the Constitution of the Russian Federation.

The approval letter of 12 May 2016 sent by the administrative claimant to the Head of the Administration of the Voinka Rural Settlement of the Krasnoperekopsk District of the Republic of Crimea E.V. Maksimova does not meet the requirements of Article 7 of the Law “On assemblies, rallies, demonstrations, marches and picketing.”

Based on the foregoing, the Judicial Chamber concludes that the actions of the administrative defendant when sending the proposal to hold the public event jointly, without changing the time and place of holding the public event, do not contradict the provisions of Article 12 of Federal Law No. 54-FZ.

In the appeal, the administrative claimant indicates the administrative defendant's failure to comply with the provisions of Paragraph 2 of Part 1 of Article 12 of Federal Law No. 54-FZ regarding the period for providing the organiser of the public event with a proposal to change the place and (or) time of the public event. At the same time, the Judicial Chamber disagrees with such arguments since the proposal set out in the letter of 10 May 2016 under ref. No. 03-39/735, in its content, did not imply any change of the place and time of the public event. At the same time, the Judicial Chamber takes into account the fact that that 7 and 8 May 2016 were weekends, and 9 May 2016 was a public holiday.

Under these circumstances, the Judicial Chamber agrees with the conclusion of the court of first instance that there are no legal grounds to satisfy the stated demands of the administrative claim filed by S.I. Ametova.

Thus, resolving the stated demands, the court correctly identified the legally relevant facts. The circumstances established by the court were confirmed by the case files and evidence examined and proper assessed by the court. The conclusions of the court correspond to the established circumstances. There was no violation of procedural and substantive law committed by the court which would entail the revocation of the decision.

The appeal does not contain reasoned arguments based on the evidence, refuting the conclusions of the court of first instance set out in the decision, and allowing to reverse the challenged judicial act. Other arguments of the appeal, including those related to a different assessment of the evidence and a different interpretation of the provisions of law than that of the court of first instance, do not refute the conclusions of the court and do not indicate that there are grounds for the revocation of the judicial act adopted in the case.

The appeal does not contain any references to any new facts that were ignored by the court of first instance. The Judicial Chamber does not have any grounds for the reassessment of the evidence presented and for other application of the provisions of law, since the conclusions of the court of first instance completely comply with the circumstances of this case.

Guided by Articles 309-311 of the Code of Administrative Judicial Procedure of the Russian Federation, the Judicial Chamber

**decided:**

To uphold the decision of the Krasnoperekopsk District Court of the Republic of Crimea of 4 October 2016 in case No. 2a-1578/2016 and to dismiss the appeal filed by Sanie Isaevna Ametova.

The appellate decision enters into force from the date of its adoption.

The appellate decision may be challenged to the court of cassation within 6 months.

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|---|---|---|
| Presiding judge: | */signed/* | O.V. Khozhainova |
| Judges: | */signed/* | L.A.-V. Yusupova |
| | */signed/* | V.V. Agin |

# Annex 308

Kirovskiy District Court of Ufa of the Republic of Bashkortostan, Case No. 2-900/2017, Decision, 1 February 2017

Translation

2-900/2017

DECISION
In the Name of the Russian Federation

1 February 2017 Ufa

Kirovskiy District Court of Ufa of the Republic of Bashkortostan
comprising of the presiding judge A.Sh. Dobryanskaya,
with the secretary [FULL NAME 5],
with the participation of the Assistant Prosecutor of the Republic of Bashkortostan [FULL NAME 6], acting on the basis of power of attorney No. a-2017 of DD.MM.YYYY,
the concerned party, the Directorate of the Federal Service for Supervision of Communications, Information Technology and Mass Media for the Republic of Bashkortostan – [FULL NAME 7], acting on the basis of powers of attorney No. D of 31 January 2017, No. D of 5 May 2016,
having considered in open court a civil case following an application of the Prosecutor of the Republic of Bashkortostan in defence of the interests of the state and society, the general public, on the recognition of the printed material, the book "Selected Hadiths," as extremist,

ESTABLISHED:

The Prosecutor of the Republic of Bashkortostan appealed to the court in defence of the interests of the state and society, the general public, with an application on the recognition of the printed material, the book "Muhammad Zakariya Kandehlavi. Piety and Fear of God" as extremist.

In support of the application, it is indicated that the Prosecutor's Office of the Republic of Bashkortostan, when studying the materials of criminal case No. 5000047, initiated by the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Bashkortostan on the grounds of a crime under Part 2 of Article 282.2 of the Criminal Code of the Russian Federation, found materials that contain information that promotes incitement of hatred and enmity, as well as degrading the human dignity of a group of persons on the basis of ethnic and religious affiliation, namely the printed book "Selected Hadiths" / Sheikh Muhammad Yusuf Kandehlavi, Sheikh Muhammad Sa d Kandehlavi/ translation from Arabic. Kazan Centre for Innovative Technologies, 2003 - 640 p.

According to conclusion of a comprehensive psychological, linguistic and religious examination No. 42 of 25 July 2016, carried out by specialists of the Centre for Linguistic Expert Examination and Editing of the Bashkir State Pedagogical University named after M. Akmulla, the materials presented contain statements aimed at involving Muslims in the activities of the international religious association Tablighi Jamaat (Tabligh Jamaat). Having changed their beliefs, gaining "knowledge of religion", Muslims should "stick with the jamaat", educate the callers, change the beliefs of other people, spreading Islam in the journey on the path of Allah" (including in Hijra – resettlement), calling them to Islam, fighting infidels (leading an armed jihad) "to introduce the orders of Allah in the image of His Messenger into all spheres of life..." Contextually, this means the ubiquity of Islam (as the only religion) and Sharia law in a single Islamic state, the Caliphate. There are statements expressing a hostile attitude towards people united on a confessional basis – towards those who do not profess Islam, towards infidel "kafirs", including polytheists and Christians, as well as statements containing calls for an armed struggle against people on a confessional basis – for an armed jihad against infidels (non-Muslims). The book uses the techniques of open manipulation associated with "indoctrination" and "persuasion", reveals multiple signs of manipulative influence, the use of manipulative techniques and emotionally loaded appeal in the form of statements, which has a direct psychological effect in one form or another on the sphere of feelings, emotions and the consciousness of a person perceiving information, thereby lulling his/her critical attitude to the perceived information. The author uses the technique of "substitution of concepts", that is, the word "believer" has a meaning beneficial to the author of the text. With the help of the "indoctrination" technique, the author creates an attitude towards the need for jihad and the significance of the

reward for it: “Whoever meets Allah without any trace of jihad will appear before Allah with a hole in his body” (p. 566); in excerpt 73: “You must wage jihad on the path of Allah, as this is one of the doors of the Jannat. Because of it, Allah removes sorrow and grief” (p. 569); in excerpt 75: “... Of all the actions, the best way to approach Allah is jihad on the path of Allah. And nothing brings it closer than jihad” (p. 570); in excerpt 83: “... There is another thing, because of which the slave is raised one hundred steps in the Jannat. And the distance between every two steps is like between heaven and earth.” He asked: “Oh, Rasulullah (sallallahu alayhi wa sallam), what is it?” – “This is jihad on the path of Allah, jihad on the path of Allah” (p. 572).

From the conclusion of the religious studies scholar, it follows that the material indicates that it belongs to the international religious association Tablighi Jamaat, recognised as extremist by the Decision of the Supreme Court of the Russian Federation of 7 September 2009 (No. GKPI 09-525). By this decision, the activities of the organisation on the territory of the Russian Federation are prohibited.

Based on the above, the applicant asks the court to recognise the book “Selected Hadiths” / Sheikh Muhammad Yusuf Kandehlavi, Sheikh Muhammad Sa d Kandehlavi/ translation from Arabic. Kazan Centre for Innovative Technologies, 2003 - 640 p. as extremist.

At the hearing, applicant’s representative [FULL NAME 6] maintained the claims, and asked to satisfy them in full.

The representative of the concerned party, the Directorate of the Federal Service for Supervision of Communications, Information Technology and Mass Media for the Republic of Bashkortostan – [FULL NAME 7] left the application on the recognition of the book “[FULL NAME 1]. *Piety and Fear of God”* as extremist to the discretion of the court.

The concerned party, the Department of the Ministry of Justice of Russia for the Republic of Bashkortostan did not ensure the attendance of its representative at the court hearing, whereas it was duly notified of the time and place of the hearing. The court was not informed about the reasons for the failure to attend the hearing.

Guided by Article 167 of the Civil Procedural Code of the Russian Federation, the court deems it possible to consider the case in the absence of the person who failed to appear.

Having heard the applicant’s representative, having studied and evaluated the materials of the case, having heard the applicant’s representative, the court concludes the following.

It was established that the Prosecutor’s Office of the Republic of Bashkortostan, when studying the materials of criminal case No. 5000047, initiated by the Investigative Department of the Directorate of the Federal Security Service of Russia for the Republic of Bashkortostan on the grounds of a crime under Part 2 of Article 282.2 of the Criminal Code of the Russian Federation, found materials that contain information that promotes incitement of hatred and enmity, as well as degrading the human dignity of a group of persons on the basis of ethnic and religious affiliation, namely the printed book “Selected Hadiths” / Sheikh Muhammad Yusuf Kandehlavi, Sheikh Muhammad Sa d Kandehlavi/ translation from Arabic. Kazan Centre for Innovative Technologies, 2003 - 640 p.

According to conclusion of a comprehensive psychological, linguistic and religious examination No. 42 of 25 July 2016, carried out by specialists of the Centre for Linguistic Expert Examination and Editing of the Bashkir State Pedagogical University named after M. Akmulla, the materials presented contain statements aimed at involving Muslims in the activities of the international religious association Tablighi Jamaat (Tabligh Jamaat). Having changed their beliefs, gaining “knowledge of religion”, Muslims should “stick with the jamaat”, educate the callers, change the beliefs of other people, spreading Islam in the journey on the path of Allah” (including in Hijra – resettlement), calling them to Islam, fighting infidels (leading an armed jihad) “to introduce the orders of Allah in the image of His Messenger into all spheres of life...” Contextually, this means the ubiquity of Islam (as the only religion) and Sharia law in a single Islamic state, the Caliphate. There are statements expressing a hostile attitude towards people united on a confessional basis – towards those who do not profess Islam, towards infidel “kafirs”, including polytheists and Christians, as well as statements containing calls for an armed struggle against people on a confessional basis – for an armed jihad against infidels (non-Muslims). The book uses the techniques of open manipulation associated with “indoctrination” and “persuasion”, reveals multiple signs of manipulative influence, the use of manipulative techniques and

emotionally loaded appeal in the form of statements, which has a direct psychological effect in one form or another on the sphere of feelings, emotions and the consciousness of a person perceiving information, thereby lulling his/her critical attitude to the perceived information. The author uses the technique of "substitution of concepts", that is, the word "believer" has a meaning beneficial to the author of the text. With the help of the "indoctrination" technique, the author creates an attitude towards the need for jihad and the significance of the reward for it: "Whoever meets Allah without any trace of jihad will appear before Allah with a hole in his body" (p. 566); in excerpt 73: "You must wage jihad on the path of Allah, as this is one of the doors of the Jannat. Because of it, Allah removes sorrow and grief" (p. 569); in excerpt 75: "... Of all the actions, the best way to approach Allah is jihad on the path of Allah. And nothing brings it closer than jihad" (p. 570); in excerpt 83: "... There is another thing, because of which the slave is raised one hundred steps in the Jannat. And the distance between every two steps is like between heaven and earth." He asked: "Oh, Rasulullah (sallallahu alayhi wa sallam), what is it?" – "This is jihad on the path of Allah, jihad on the path of Allah" (p. 572).

From the conclusion of the religious studies scholar, it follows that the material indicates that it belongs to the international religious association Tablighi Jamaat, recognised as extremist by the Decision of the Supreme Court of the Russian Federation of 7 September 2009 (No. GKPI 09-525). By this decision, the activities of the organisation on the territory of the Russian Federation are prohibited.

In accordance with Part 2 of Article 29 of the Constitution of the Russian Federation, propaganda or agitation inciting social, racial, national or religious hatred and enmity are prohibited. Propaganda of social, racial, national, religious or linguistic superiority is prohibited.

In accordance with Article 1 of the Federal Law "On Countering Extremist Activities", the following activities are recognised as extremist activities (extremism):

Forcible change of the foundations of the constitutional order and violation of the integrity of the Russian Federation;

Public justification of terrorism and other terrorist activities;

Incitement of social, racial, ethnic or religious hatred;

Propaganda of the exclusivity, superiority or inferiority of a person on the basis of his/her social, racial, ethnic, religious or linguistic affiliation or attitude to religion;

Violation of the rights, freedoms and legitimate interests of man and citizen, depending on his/her social, racial, ethnic, religious or linguistic affiliation or attitude to religion;

Obstruction of the exercise by citizens of their electoral rights and the right to participate in a referendum or violation of the secrecy of voting, combined with violence or the threat of its use;

Obstruction of the lawful activities of state bodies, local self-government bodies, election commissions, public and religious associations or other organisations, combined with violence or the threat of its use;

Commission of crimes based on the reasons specified in paragraph "e" of the Part 1 of Article 63 of the Criminal Code of the Russian Federation;

Propaganda and public display of Nazi attributes or symbols, or attributes or symbols similar to Nazi attributes or symbols to the point of confusion;

Public calls for the implementation of these activities or the mass distribution of knowingly extremist materials, as well as their production or keeping for the purpose of mass distribution;

Public knowingly false accusation of a person holding a public office in the Russian Federation or a public office in a constituent entity of the Russian Federation of committing the activities specified in this article and constituting a crime during the performance of his/her official duties;

Organisation and preparation of these activities, as well as incitement to their implementation;

Financing of these activities or other assistance in their organisation, preparation and implementation, including through the provision of educational, printing, material and technical resources, telephone and other types of communication or the provision of information services;

Extremist materials are documents intended for publication or information on other media that call for the implementation of extremist activities or substantiate or justify the need for such activities, including the works of the leaders of the National Socialist German Workers' Party, the Fascist Party of Italy, publications

substantiating or justifying ethnic and (or) racial superiority, or justifying the practice of committing war or other crimes aimed at the complete or partial destruction of any ethnic, social, racial, national or religious group.

Analysing the above, the court decides to recognise the book “Selected Hadiths” / Sheikh Muhammad Yusuf Kandehlavi, Sheikh Muhammad Sa d Kandehlavi/ translation from Arabic. Kazan Centre for Innovative Technologies, 2003 - 640 p. as extremist.

Based on Articles 194-198 of the Civil Procedural Code of the Russian Federation, the court

DECIDED:

To satisfy the application of the Prosecutor of the Republic of Bashkortostan in defence of the interests of the state and society, the general public, on the recognition of the printed material, the book “Selected Hadiths” / Sheikh Muhammad Yusuf Kandehlavi, Sheikh Muhammad Sa d Kandehlavi/ translation from Arabic. Kazan Centre for Innovative Technologies, 2003 - 640 p. as extremist.

To recognise the book “Selected Hadiths” / Sheikh Muhammad Yusuf Kandehlavi, Sheikh Muhammad Sa d Kandehlavi/ translation from Arabic. Kazan Centre for Innovative Technologies, 2003 - 640 p. as extremist.

The decision may be appealed against to the Supreme Court of the Republic of Bashkortostan through the Kirovskiy District Court of Ufa within a month from the date when the final decision of the court was adopted.

Judge A.Sh. Dobryanskaya

# Annex 309

Supreme Court of the Republic of Crimea, Case No. 33-1258/2017,
Appellate Decision, 15 February 2017

Translation

**SUPREME COURT OF THE REPUBLIC OF CRIMEA**

**APPELLATE DECISION**

Case No. 33-1258/2017

Judge of the first instance: E.Yu. Blagodatnaya

On 15 February 2017, the Judicial Chamber on Civil Cases of the Supreme Court of the Republic of Crimea composed of:

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|---|---|
| Presiding Judge | R.V. Bondarev |
| Judges | M.V. Roshka, A.V. Ponomarenko |
| Secretary | A.O. Evdokimova |

During a public court hearing, considered a civil case on an application, submitted by the Prosecutor's Office of the Republic of Crimea, with the purpose to protect the interests of the general public against the charity organisation "Crimea Foundation" to enforce the elimination of violations of the provisions of the federal legislation, and on an individual claim submitted by a representative of the charity organisation "Crimea Foundation" against the Ruling of 1 December 2016, issued by the Simferopol Central District Court of the Republic of Crimea.

Having heard a report from Judge R.V. Bondarev,

ESTABLISHED:

The Decision of 29 September 2014, rendered by the Simferopol Central District Court of the Republic of Crimea, granted the claims of the Prosecutor's Office of the Republic of Crimea against the charity organisation "Crimea Foundation" with the purpose to protect the interests of the general public. The charity organisation "Crimea Foundation" was obliged to eliminate the violations of Part 1 of Article 15 of the Law of the Russian Federation "On Non-Profit Organisations" by removing M.A. Dzhemilev from its founders.

According to the Ruling of the court of first instance of 15 September 2014, interim measures were introduced in relation to the application by suspending the financial and business activity of the charity organisation "Crimea Foundation" to the extent of operation and use of the property and bank settlement accounts thereof until the elimination of violations of Part 1 of Article 15 of the Law of the Russian Federation "On Non-Profit Organisations" by removing M.A. Dzhemilev from its founders.

According to the Ruling of 1 December 2016, issued by the Simferopol Central District Court of the Republic of Crimea, the claim to cancel the interim measures was dismissed.

Having disagreed with the said Ruling of the Court, the representative of the charity organisation "Crimea Foundation" filed an individual claim, requesting to set it aside referring to the fact that the Court had issued the Ruling unlawfully, without valid reasons. Particularly, they point out that the interim measures were not needed then since the Ruling of the Court was enforced as supported by the resolutions to terminate enforcement proceedings.

According to Clause 3 of Article 333 of the Civil Procedural Code of the Russian Federation, the Judicial Chamber considers this individual claim without notifying the parties to the proceedings.

Having reviewed the materials of the case, discussed the arguments from the individual claim, the Judicial Chamber finds no reason to reverse the disputed court ruling.

According to Article 139 of the Civil Procedural Code of the Russian Federation, the judge or the court could impose interim measures claimed by the participating parties. Interim measures are allowed at any stage of the proceedings, where failure to introduce interim measures could impede the enforcement of the

court ruling or make it impossible.

According to Part 1 of Article 140 of the Civil Procedural Code of the Russian Federation, interim measures could include: freezing the property owned by the defendant and possessed by it or other parties, prohibiting the defendant to act in a certain way; prohibiting other individuals to act in a certain way relating to the disputed issue, particularly transferring the property to the defendant or discharging other obligations associated therewith.

If necessary, the judge or the court could introduce other interim measures that facilitate the pursuit of the objectives stated in Article 139 of this Code. The judge or the court could allow several interim measures.

According to Part 3 of Article 140 of the Civil Procedural Code of the Russian Federation, the interim measures must be proportionate to the alleged claim.

According to Part 3 of Article 144 of the Civil Procedural Code of the Russian Federation, if the claim is granted, the interim measures introduced for the purposes thereof shall remain valid until the court ruling is enforced.

According to Part 1 of Article 144 of the Civil Procedural Code of the Russian Federation, the interim measures could be cancelled by the same judge or the court as claimed by the parties to the proceedings or as the judge or the court sees fit.

Thus, the cancellation of the interim measures shall be grounded on a change in the circumstances that served as the grounds for the introduction of such measures.

By dismissing the claim to cancel the interim measures, the court of first instance relied on the fact that there is no reason leading to the lawful cancellation of the interim measures since no data from the State Registration Service of Ukraine was submitted to the Court in relation to the results of the review of the record of removal of M.A. Dzhemilev, therefore there is no valid information to support the enforcement of the Decision of 29 September 2014, rendered by the Simferopol Central District Court of the Republic of Crimea.

The Judicial Chamber agrees with the said conclusions of the Court.

As found by the Court, the Prosecutor's Office of the Republic of Crimea applied to the Court in September 2014 and submitted the claim under Article 45 of the Civil Procedural Code of the Russian Federation with the purpose to protect the interests of the general public against the charity organisation "Crimea Foundation" demanding that the charity organisation "Crimea Foundation" eliminate the violations of Part 1, Article 15 of the Law of the Russian Federation "On Non-Profit Organisations" by removing M.A. Dzhemilev from its founders.

The Ruling entered into force and was not appealed against.

On 15 September 2014, the Prosecutor's Office of the Republic of Crimea sought the introduction of the interim measures by suspending the financial and business activity of the charity organisation "Crimea Foundation" to the extent of operation and use of the property and bank settlement accounts thereof until the elimination of violations of Part 1 of Article 15 of the Law of the Russian Federation "On Non-Profit Organisations" by removing M.A. Dzhemilev from its founders.

According to the Ruling of 15 September 2014, rendered by the Simferopol Central District Court of the Republic of Crimea, the application from the Prosecutor's Office of the Republic of Crimea was granted, the interim measures were introduced by suspending the financial and business activity of the charity organisation "Crimea Foundation" to the extent of operation and use of the property and bank settlement accounts thereof until the elimination of violations of Part 1 of Article 15 of the Law of the Russian Federation "On Non-Profit Organisations" by removing M.A. Dzhemilev from its founders.

As stated by the representative of the charity organisation "Crimea Foundation" in the individual claim, M.A. Dzhemilev was removed from the founders of the charity organisation, therefore there is no reasonable basis to maintain the interim measures under the application filed by the Prosecutor's Office of the Republic of Crimea.

Particularly, the enforcement of the ruling is supported by Record No. 19 of 8 October 2014, of the extraordinary conference of the charity organisation "Crimea Foundation" on the removal of M.A. Dzhemilev from the list of founders. Also, according to the Resolution of 29 June 2016 of a bailiff of the Interdistrict Bailiffs Office for Special Enforcement Proceedings of the Directorate of the Federal Bailiffs Service in the

Republic of Crimea, enforcement proceedings No. 12861/15/82001-I were finished.

In the meantime, these documents could not be considered the evidence of the enforcement of the ruling since the charity organisation "Crimea Foundation" was not re-registered in the Russian Federation, and therefore it remains a foreign legal entity. There is no evidence delivered to the Court to support the removal of M.A. Dzhemilev from the list of founders of the Foundation on the territory of Ukraine, which must be confirmed by the details from the State Register of Legal Entities of Ukraine.

Therefore, there is no reason to find that the Decision of 29 September 2014 rendered by the Simferopol Central District Court of the Republic of Crimea and entered into force has been enforced.

As regards the arguments of the application on the enforcement of the Decision of the Court, the Judicial Chamber believes these arguments to be untenable since the activity of a legal entity, the founders of which include a person subjected to a decision of the competent authority on the inappropriateness of their stay on the territory of the Russian Federation, is not allowed according to the applicable provisions of the Russian legislation.

Relying on the above and pursuant to Article 334 of the Civil Procedural Code of the Russian Federation, the Judicial Chamber on Civil Cases of the Supreme Court of the Republic of Crimea,

DECIDED:

To uphold the Ruling of 1 December 2016 of the Simferopol Central District Court of the Republic of Crimea and to dismiss the individual claim of the representative of the charity organisation "Crimea Foundation".

Presiding judge:*(Signed)*

Judge: *(Signed) (Signed)*

# Annex 310

Kievskiy District Court of Simferopol, Case No. 5-483/2017, Decision, 21 February 2017

Translation

Case No. 5-483/2017

**DECISION**

21 February 2017 Simferopol, 16 Vorovskogo Street

Kievskiy District Court of Simferopol of the Republic of Crimea, comprising of the Presiding Judge I.V. Kagitina, with the participation of the secretary, A.A. Sobakin, interpreter, G. Sh. Tantalova, having considered in the open court hearing the administrative offence case against:

Medzhit Anafievich Abdurakhmanov, born on 2 February 1975, a native of the village Novaya Zhizn, Nizhne-Cherkassky District, Tashkent Region, Uzbek Soviet Socialist Republic, a citizen of the Russian Federation, officially unemployed, registered at 11 Ramireva Street, village Zhuravleva, Simferopol Region, Republic of Crimea, married, having children,

regarding the administrative offence provided for by Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation (administrative offence record No. 170802),

**ESTABLISHED:**

According to the administrative offence record No. 170802, on 21 February 2017, at Simferopol, Kamenka, 4th stop, citizen M.A. Abdurakhmanov was identified, who took part in a mass simultaneous gathering in a public place that entailed violation of public order and interfered with the pedestrian traffic.

At the court hearing, M.A. Abdurakhmanov did not admit his guilt in committing the administrative offence. He was coming back from work and saw a gathering of people near the 4th stop, public order was not disturbed, the police allowed themselves to use unlawful methods. The police didn't allow time to disperse voluntarily.

U.Z. Avamilev, Senior Inspector of the Public Order Maintenance Department of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, who was interrogated as a witness at the court hearing, testified that in order to fix possible violations by citizens he was by the order of the head on 21 February 2017 at Simferopol, Kamenka, 4th stop, at 10:20 a.m., where about 15 people gathered near the cordon chain. They expressed their dissatisfaction, refused to go away from the venue of operative preventive activities, thereby violating the public order. They were asked to leave the venue, as there were obstacles for pedestrians. The citizens did not obey the lawful request of the police officer and were taken to the police department for the records to be drawn. All actions were video recorded. M.A. Abdurakhmanov took part in the unauthorised event, expressed his dissatisfaction and disturbed pedestrians in the general mass.

V. A. Zadorozhnaya, Inquiry officer of the Department of Inquiry of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, interrogated as a witness testified that she was present during the activities near Kamenka, the 4th stop. At about 10 a.m. there was a crowd of about 15 people, they did not react to words of the policemen or did not react adequately and interfered with the passage of other citizens and vehicles. Those circumstances were recorded by a video camera. M.A. Abdurakhmanov was present there, she saw him. He was among the people who did not disperse. By their actions, they prevented citizens from passing.

V.E. Romanovsky, interrogated as a witness during the court hearing testified that on 21 February 2017, a police officer approached him and offered to sign papers. He did not see any mass riots or crowds of people.

Having heard the person brought to administrative responsibility, the witnesses, having examined the case materials, the court comes to the following conclusion.

According to Article 31 of the Constitution of the Russian Federation, citizens of the Russian Federation have the right to gather peacefully, without weapons, to hold assemblies, meetings, demonstrations, marches and picketing.

Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation establishes administrative liability for arranging citizens' mass simultaneous gathering and (or) movement in public places that is not a public event, public calls to citizens' mass simultaneous gathering and (or) movement in public places, or to participation in citizens' mass simultaneous gathering and (or) movement in public places, if citizens' mass simultaneous gathering and (or) movement in public places has entailed public order disturbance or violation of sanitary norms and rules, violation of the functioning and safety of critical infrastructure or communication facilities, or has caused damage to greenery, or hindrance to the movement of pedestrians or vehicles, or prevented citizens' access to residential premises or transportation infrastructure facilities, or to social infrastructure facilities, except for the situations provided for in Parts 2 and 3 of this Article

The object of the respective administrative offence is public relations in the area of public order and public safety. Under this Article, the subjects of administrative offences may be citizens, officials and legal entities. This act should be described as wrongful and committed with specific intent.

According to Article 26.2 of the Code on Administrative Offences of the Russian Federation, evidence in the administrative offence case is any factual data on the basis whereof the judge, body, official that handles the case establishes whether or not there is an administrative offence event, the guilt of the person brought to administrative liability and any other circumstances that are relevant for the correct solution of the case.

The set of all elements of the administrative offence is a set of objective and subjective attributes provided for by the Code on Administrative Offences that describes a socially dangerous act as the offence; the administrative offence event is the fact of a person taking an action provided for by the Code on Administrative Offences for which administrative liability is established.

The fact of committing the administrative offence by and the guilt of M.A. Abdurakhmanov are confirmed by the administrative offence record of 21 February 2017; the testimony of witnesses, U.Z. Avamilev, Senior Police Lieutenant, Senior Inspector of the Public Order Maintenance Department of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, V. A. Zadorozhnaya, Inquiry officer of the Department of Inquiry of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, and by the video recording.

According to Paragraph 1 of Part 2 of Article 28.3 of the Code on Administrative Offences of the Russian Federation, officials of the internal affairs bodies (the police) are authorised to draw up administrative offence records as provided for, among other things, by Article 20.2.2 of the Code.

The administrative offence record and other case materials were drawn up in compliance with the requirements of law, by a proper official, there is no reason not to trust the information specified therein.

This evidence clearly shows that the actions of M.A. Abdurakhmanov include events and elements of the administrative offence provided for by Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

The procedure and the limitation period for bringing M.A. Abdurakhmanov to administrative liability are not violated.

His actions are correctly qualified under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, as he took part in mass simultaneous gathering in the public place that entailed a violation of the public order and interfered with the traffic of pedestrians.

When imposing an administrative punishment on M.A. Abdurakhmanov, the court takes into account the requirements of Article 4.1 of the Code on Administrative Offences of the Russian Federation, the nature of the offence that was committed deliberately, the degree of public danger of the action committed, the attitude of M.A. Abdurakhmanov to the action committed, the offender's personality, the effect of the punishment on the purpose of preventing new offences, both by the offender himself and by any other persons.

Together, the above enables the court to impose the administrative punishment in the form of an administrative arrest. The court believes that the punishment in the form of a fine, compulsory community service will not be fully in line to the action committed.

In view of the above, the court believes it necessary to impose on M.A. Abdurakhmanov the administrative punishment in the form of arrest for a period of 5 days.

M.A. Abdurakhmanov is not a person in respect of whom the administrative arrest may not be applied in accordance with the Code on Administrative Offences of the Russian Federation.

In accordance with Part 4 of Article 27.5 of the Code on Administrative Offences of the Russian Federation, the period of administrative detention of a person is calculated from the time of delivery in accordance with Article 27.2 of this Code.

In accordance with the provisions of Article 27.2 of the Code on Administrative Offences of the Russian Federation, the delivery is coerced trasnsportation of an individual in order to draw up the administrative offence record if it is impossible to draw them up at the venue of the administrative offence, if drawing up the record is compulsory.

Having regard to the above, the term of serving the administrative punishment should be calculated from 21 February 2017, 11:30 a.m.

Based on the foregoing, being guided by Part 1 of Article 20.2.2, Articles 3.9, 4.2, 4.3, 26.2, 29.7.—29.11 of the Code on Administrative Offences of the Russian Federation,

DECIDED:

To find Medzhit Anafievich Abdurakhmanov guilty of committing the administrative offence under Part 1 of Article. 20.2.2 of the Code on Administrative Offences of the Russian Federation and impose on him the administrative punishment in the form of administrative arrest for a period of five (5) days.

To calculate the term of serving the punishment from 21 February 2017, 11:30 a.m.

The decision is to be fulfilled by the internal affairs bodies immediately after the issue of such decision.

The decision may be appealed within ten days from the date of delivery or the receipt of a copy of the decision to the Supreme Court of the Republic of Crimea through Kievskiy District Court of Simferopol.

Judge /Signature/ I.V. Kagitina

# Annex 311

Kievskiy District Court of Simferopol, Case No. 5-484/2017, Decision, 21 February 2017

Translation

Case No. 5-484/2017

**DECISION**

21 February 2017 Simferopol, 16 Vorovskogo Street

Kievskiy District Court of Simferopol of the Republic of Crimea, comprising of the Presiding Judge I.V. Kagitina, with the participation of the secretary, A.A. Sobakin, interpreter, G. Sh. Tantalova, having considered in the open court hearing the administrative offence case against:

Ablyakim Anafievich Abdurakhmanov, born 14 January 1977, a native of Tashkent, Uzbek Soviet Socialist Republic, a citizen of the Russian Federation, officially unemployed, married, having 2 children, registered at: 4 Rechnoy Lane, urban-type settlement Gvardeyskoye, Simferopol Region, Republic of Crimea, residing at: 33 Armut Street, Stroganovks village, Simferopol Region, Republic of Crimea,

regarding the administrative offence provided for by Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation (administrative offence record No. 170703),

**ESTABLISHED:**

According to the administrative offence record No. 170703, on 21 February 2017, at Simferopol, Kamenka, 4th stop, citizen A.A. Abdurakhmanov was identified, who took part in a mass simultaneous gathering in a public place that entailed a violation of the public order and interfered with the pedestrian traffic.

At the court hearing, A.A. Abdurakhmanov did not admit his guilt in committing the administrative offence. He explained that on 21 February 2017 he was at: Simferopol, Kamenka, 4th stop, where about 15 people gathered, but he did not violate the public order and did not create any obstacles to pedestrians. Having announced that they should disperse, the police officers did not give them time for this and detained them.

U.Z. Avamilev, Senior Inspector of the Public Order Maintenance Department of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, who was interrogated as a witness at the court hearing, testified that in order to fix possible violations by citizens he was by the order of the head on 21 February 2017 at Simferopol, Kamenka, 4th stop, at 10:20 a.m., where about 15 people gathered near the cordon chain. They expressed their dissatisfaction, refused to go away from the venue of investigative activities, thereby violating the public order. They were asked to leave the venue, as there were obstacles for pedestrians. The citizens did not obey the lawful request of the police officer and were taken to the police department for the record to be drawn up. All actions were video recorded. A.A. Abdurakhmanov took part in the unauthorised event, expressed his dissatisfaction and disturbed pedestrians in the general mass.

V. A. Zadorozhnaya, Inquiry Officer of the Department of Inquiry of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, interrogated as a witness testified that she was present during the activities near Kamenka, the 4th stop. At about 10 a.m. there was a crowd of about 15 people, they did not react to words of the policemen or did not react adequately and interfered with the passage of other citizens. Those circumstances were recorded by a video camera. A.A. Abdurakhmanov was present there, she saw him. He was in the row on the foreground. He was among the people who did not disperse. By their actions, they prevented citizens from passing.

V.E. Romanovsky, interrogated as a witness during the court hearing testified that on 21 February 2017, a police officer approached him and offered to sign papers. He did not see any mass riots or crowds of people.

Having heard the person brought to administrative responsibility, the witnesses, having examined the case materials, the court comes to the following conclusion.

According to Article 31 of the Constitution of the Russian Federation, citizens of the Russian Federation have the right to gather peacefully, without weapons, to hold assemblies, meetings, demonstrations,

marches and picketing.

Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation establishes administrative liability for arranging citizens' mass simultaneous gathering and (or) movement in public places that is not a public event, public calls to citizens' mass simultaneous gathering and (or) movement in public places, or to participation in citizens' mass simultaneous gathering and (or) movement in public places, if citizens' mass simultaneous gathering and (or) movement in public places has entailed public order disturbance or violation of sanitary norms and rules, violation of the functioning and safety of critical infrastructure or communication facilities, or has caused damage to greenery, or hindrance to the movement of pedestrians or vehicles, or prevented citizens' access to residential premises or transportation infrastructure facilities, or to social infrastructure facilities, except for the situations provided for in Parts 2 and 3 of this Article

The object of the respective administrative offence is public relations in the area of public order and public safety. Under this Article, the subjects of administrative offences may be citizens, officials and legal entities. This act should be described as wrongful and committed with specific intent.

According to Article 26.2 of the Code on Administrative Offences of the Russian Federation, evidence in the administrative offence case is any factual data on the basis whereof the judge, body, official that handles the case establishes whether or not there is an administrative offence event, the guilt of the person brought to administrative liability and any other circumstances that are relevant for the correct solution of the case.

The set of all elements of the administrative offence is a set of objective and subjective attributes provided for by the Code on Administrative Offences that describes a socially dangerous act as the offence; the administrative offence event is the fact of a person taking an action provided for by the Code on Administrative Offences for which administrative liability is established.

The fact of committing the administrative offence by and the guilt of A.A. Abdurakhmanov are confirmed by the administrative offence record of 21 February 2017; the testimony of witnesses, U.Z. Avamilev, Senior Police Lieutenant, Senior Inspector of the Public Order Maintenance Department of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, V. A. Zadorozhnaya, Inquiry Officer of the Department of Inquiry of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, and by the video recording.

According to Paragraph 1 of Part 2 of Article 28.3 of the Code on Administrative Offences of the Russian Federation, officials of the internal affairs bodies (the police) are authorised to draw up administrative offence records as provided for, among other things, by Article 20.2.2 of the Code.

The administrative offence record and other case materials were drawn up in compliance with the requirements of law, by a proper official, there is no reason not to trust the information specified therein.

This evidence clearly shows that the actions of A.A. Abdurakhmanov include events and elements of the administrative offence provided for by Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

The procedure and the limitation period for bringing A.A. Abdurakhmanov to administrative liability are not violated.

His actions are correctly qualified under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, as he took part in mass simultaneous gathering in the public place that entailed a violation of the public order and interfered with the traffic of pedestrians.

When imposing an administrative punishment on A.A. Abdurakhmanov, the court takes into account the requirements of Article 4.1 of the Code on Administrative Offences of the Russian Federation, the nature of the offence that was committed deliberately, the degree of public danger of the action committed, the attitude of A.A. Abdurakhmanov to the action committed, the offender's personality, the effect of the punishment on the purpose of preventing new offences, both by the offender himself and by any other persons.

Together, the above enables the court to impose the administrative punishment in the form of an administrative arrest. The court believes that the punishment in the form of a fine, compulsory community

service will not be fully in line to what was done.

In view of the above, the court believes it necessary to impose on A.A. Abdurakhmanov the administrative punishment in the form of arrest for a period of 5 days.

A.A. Abdurakhmanov is not a person in respect of whom the administrative arrest may not be applied in accordance with the Code on Administrative Offences of the Russian Federation.

In accordance with Part 4 of Article 27.5 of the Code on Administrative Offences of the Russian Federation, the period of administrative detention of a person is calculated from the time of delivery in accordance with Article 27.2 of this Code.

In accordance with the provisions of Article 27.2 of the Code on Administrative Offences of the Russian Federation, the delivery is coerced transportation of an individual in order to draw up the administrative offence record if it is impossible to draw them up at the venue of the administrative offence, if drawing up the record is compulsory.

Having regard to the above, the term of serving the administrative punishment should be calculated from 21 February 2017, 11:30 a.m.

Based on the foregoing, being guided by Part 1 of Article 20.2.2, Articles 3.9, 4.2, 4.3, 26.2, 29.7.—29.11 of the Code on Administrative Offences of the Russian Federation,

DECIDED:

To find A.A. Abdurakhmanov guilty of committing the administrative offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation and impose on him the administrative punishment in the form of administrative arrest for a period of five (5) days.

To calculate the term of serving the punishment from 21 February 2017, 11:30 a.m.

The decision is to be fulfilled by the internal affairs bodies immediately after the issue of such decision.

The decision may be appealed within ten days from the date of delivery or the receipt of a copy of the decision to the Supreme Court of the Republic of Crimea through Kievskiy District Court of Simferopol.

Judge /Signature/ I.V. Kagitina

# Annex 312

Kievskiy District Court of Simferopol, Case No. 5-489/2017, Decision, 21 February 2017

Translation

Case No. 5-489/2017

**DECISION**

21 February 2017 Simferopol

Judge V.A. Mozhelianskiy of the Kievskiy District Court of Simferopol, with the participation of the secretary Z.I. Ragulskaya, the individual subjected to the administrative offence proceeding O.F. Arifmemetov, the defence counsel - attorney E.S. Semidlyaev, who submitted the warrant of attorney No. KR-15 of 21 February 2017 and the attorney's certificate No. […] of […], the defense counsel - L.I. Gemedzhi, interpreter G.Sh. Chantalova, having considered in an open court hearing the case against:

Osman Feratovich Arifmemetov, born on 28 August 1985, a native of town Frunze, Tashkent Region, Uzbek Soviet Socialist Republic, unemployed, registered at 14 Mamutova Street, village Dolinnoe, Bakhchisaray Region, Republic of Crimea,

regarding the administrative offence provided for by Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation,

**ESTABLISHED:**

On 21 February 2017, at 10:20 a.m., O.F. Arifmemetov took part in a mass simultaneous gathering in a public place located near the public transport stop No. 4 at Kamenka, Simferopol, Republic of Crimea, which entailed a violation of the public order and interfered with the pedestrian traffic.

During the court hearing, O.F. Arifmemetov did not plead guilty of an administrative offence and explained that he had not participated in illegal mass assemblies.

Although O.F. Arifmemetov refused to plead guilty, his guilt in committing an administrative offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation is fully supported by the evidence included in the case materials and examined during the court hearing.

Namely, subject to the administrative offence record of 21 February 2017, O.F. Arifmemetov took part in a mass simultaneous gathering in a public place located near the public transport stop No. 4 at Kamenka, Simferopol, Republic of Crimea, which entailed a violation of the public order and interfered with the pedestrian traffic (case record sheet 1).

According to the explanations provided by A.A. Kruglov, V.E. Romanovsky, I.A. Chumakova, A.A. Efimenko, on 21 February 2017, approximately at 10 a.m., they witnessed 15 individuals in a public place located near the public transport stop No. 4 at Kamenka, Simferopol, who during an hour were obstructing free movement of pedestrians, causing public disturbance, shouting, gesticulating, not responding to warnings of the police officers, behaving aggressively (case record sheets 5, 6, 7, 8).

Subject to the reports of 21 February 2017, submitted by U.Z. Avamilev, Senior Inspector of the Public Order Maintenance Department of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, and V. A. Zadorozhnaya, Inquiry officer of the Department of Inquiry of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, on 21 February 2017, from 9 a.m. to 12 a.m., during the protection of public order near the public transport stop No. 4 at Kamenka, Simferopol, i.e. in a public place, it was detected that 15 individuals participated in a mass simultaneous gathering, caused public disturbance, shouted, did not respond to warnings of the police officers, obstructed free movement of pedestrians, i.e. caused public disturbance (case record sheets 9, 10).

As can be seen from the provided materials, a mass simultaneous gathering of a significant number of individuals as an organised group resulted in obstructing of movement of pedestrians and caused public disturbance.

Having evaluated the evidence, it is believed that the actions of O.F. Arifmemetov contain the elements of the administrative offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, i.e. participation in a mass simultaneous gathering and movement of citizens in public places, where mass simultaneous gathering and movement of citizens in public places causes public disorder and obstructing the movement of pedestrians.

Subject to Articles 4.2, 4.3 of the Code on Administrative Offences of the Russian Federation, no circumstance to mitigate the administrative liability of O.F. Arifmemetov was found.

Considering the above circumstances, the nature of the administrative offence, the personality of the defendant, considering the circumstances mitigating administrative responsibility, the absence of circumstances aggravating administrative responsibility, and also considering the fact that O.F. Arifmemetov does not fall into the category of persons to whom, in view of Part 2 of Article 3.9 of the Code on Administrative Offences of the Russian Federation, administrative arrest is not applied, in order to achieve the goal of administrative punishment, it is necessary to impose on O.F. Arifmemetov an administrative punishment in the form of administrative arrest for a period of 5 (five) days

Based on the foregoing, being guided by Part 1 of Article 20.2.2, Articles 4.2, 4.3, 26.2, 29.7-29.11 of the Code on Administrative Offences of the Russian Federation, the judge

DECIDED:

To find O.F. Arifmemetov guilty of committing the administrative offence under Part 1 of Article. 20.2.2 of the Code on Administrative Offences of the Russian Federation and impose on him the administrative punishment in the form of administrative arrest for a period of five (5) days.

To start the term of the administrative punishment imposed on O.F. Arifmemetov in the form of the administrative arrest from the time of his detention on 21 February 2017 and delivery by the internal affairs authorities to the place where the administrative punishment is served.

The decision may be appealed within ten days from the date of delivery or the receipt of a copy of the decision to the Supreme Court of the Republic of Crimea through Kievskiy District Court of Simferopol.

Judge: */Signature/* V.A. Mozhelianskiy

# Annex 313

Kievskiy District Court of Simferopol, Case No. 5-488/2017, Decision, 21 February 2017

Translation

Case No. 5-488/2017

**DECISION**

21 February 2017 Simferopol

Judge V.A. Mozhelianskiy of the Kievskiy District Court of Simferopol, with the participation of the secretary Z.I. Ragulskaya, the individual subjected to the administrative offence proceeding R.R. Bekirov, the defence attorney E.S. Semidlyaev, who submitted the warrant of attorney No. KR-17 of 21 February 2017 and the attorney's certificate No. […] of […], the defender L.I. Gemedzhi, interpreter G.Sh. Chantalova, having considered in an open court hearing the case against:

Remzi Rustemovich Bekirov, born 20 February 1985, a native of the city of Bekabad, Uzbekistan, married, unemployed, registered at 12 Azaltyk Street, village Stroganovka, Simferopol Region, Republic of Crimea,

regarding the administrative offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation,

**ESTABLISHED:**

On 21 February 2017, at 10:00 a.m., R.R. Bekirov took part in a mass simultaneous gathering in a public place located near the building 127 on Myasoedovskaya Street, Kamenka, Simferopol, Republic of Crimea, which entailed a violation of the public order and interfered with the pedestrian traffic.

During the court hearing, R.R. Bekirov did not plead guilty of an administrative offence and explained that he had not participated in illegal mass assemblies.

At the court hearing, the witness V.A. Zadorozhnaya, explained that she holds the position of an Inquiry officer of the Department of Inquiry of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol. On 12 February 2017, at 10:00 a.m., during the protection of public order near the public transport stop No. 4 at Kamenka, Simferopol, i.e. in a public place, it was detected that 15 individuals, including R.S. Suleymanov, participated in a mass simultaneous gathering, caused public disturbance, shouted, did not respond to warningы of the police officers, obstructed free movement of pedestrians, i.e. caused public disturbance, of which she filed a report.

At the court hearing, the witness U.Z. Avamilev explained that he holds the position of a Senior Inspector of the Public Order Maintenance Department of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol. On 12 February 2017, at 10:00 a.m., during the protection of public order near the public transport stop No. 4 at Kamenka, Simferopol, i.e. in a public place, it was detected that 15 individuals, including R.S. Suleymanov, participated in a mass simultaneous gathering, caused public disturbance, shouted, not responded to warning of the police officers, obstructed free movement of pedestrians, i.e. caused public disturbance, of which she filed a report.

Although R.R. Bekirov refused to plead guilty, his guilt in committing an administrative offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation is fully supported by the evidence included in the case materials and examined during the court hearing.

Namely, according to the administrative offence record of 21 February 2017, on 21 February 2017, at 10:00 a.m., R.R. Bekirov took part in a mass simultaneous gathering in a public place located near the building 127 on Myasoedovskaya Street, Kamenka, Simferopol, Republic of Crimea, which entailed a violation of the public order and interfered with the pedestrian traffic (case record sheet 1).

According to the explanations provided by A.A. Kruglov, V.E. Romanovsky, I.A. Chumakova, A.A. Efimenko, on 21 February 2017, at 10 a.m., they witnessed 15 individuals in a public place located near the building 127 in Myasoedovskaya Street, Kamenka, Simferopol, Republic of Crimea, who during an hour were

obstructing free movement of pedestrians, causing public disturbance, shouting, gesticulating, not responding to warnings of the police officers, behaving aggressively (case record sheets 5, 6, 7, 8).

Subject to the reports of 21 February 2017, submitted by U.Z. Avamilev, Senior Inspector of the Public Order Maintenance Department of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, and V. A. Zadorozhnaya, Inquiry officer of the Department of Inquiry of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, on 21 February 2017, at 10 a.m., during the protection of public order near the public transport stop No. 4 at Kamenka, Simferopol, i.e. in a public place, it was detected that 15 individuals participated in a mass simultaneous gathering, caused public disturbance, shouted, did not respond to warnings of the police officers, obstructed free movement of pedestrians, i.e. caused public disturbance (case record sheets 9, 10).

As can be seen from the provided materials, a mass simultaneous gathering of a significant number of individuals as an organised group resulted in obstructing of movement of pedestrians and caused public disturbance.

The procedural documents drawn up in the administrative offence case comply with the requirements of the Code on Administrative Offences of the Russian Federation, and therefore they are admissible, relevant, reliable and sufficient in the aggregate evidence obtained in accordance with the rules of Articles 26.2, 26.11 of the Code on Administrative Offences of the Russian Federation.

Having evaluated the evidence, it is believed that the actions of R.R. Bekirov contain the elements of the administrative offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, i.e. participation in a mass simultaneous gathering and movement of citizens in public places, where mass simultaneous gathering and movement of citizens in public places causes public disorder and obstructing the movement of pedestrians.

Subject to Articles 4.2, 4.3 of the Code on Administrative Offences of the Russian Federation, no circumstance to mitigate the administrative liability of R.R. Bekirov was found.

Considering the above circumstances, the nature of the administrative offence, the personality of the defendant, considering the absence of circumstances mitigating or aggravating administrative responsibility, and also considering the fact that R.R. Bekirov does not fall into the category of persons to whom, in view of Part 2 of Article 3.9 of the Code on Administrative Offences of the Russian Federation, administrative arrest is not applied, in order to achieve the goal of administrative punishment, it is necessary to impose on R.R. Bekirov an administrative punishment in the form of administrative arrest for a period of 5 (five) days.

Based on the foregoing, being guided by Part 1 of Article 20.2.2, Articles 4.2, 4.3, 26.2, 29.7-29.11 of the Code on Administrative Offences of the Russian Federation, the court

DECIDED:

To find Remzi Rustemovich Bekirov guilty of committing the administrative offence under Part 1 of Article. 20.2.2 of the Code on Administrative Offences of the Russian Federation and impose on him the administrative punishment in the form of administrative arrest for a period of five (5) days.

To start the term of the administrative punishment imposed on R.R. Bekirov in the form of the administrative arrest from the time of his detention on 21 February 2017 and delivery by the internal affairs authorities to the place where the administrative punishment is served.

The decision is to be executed by the internal affairs bodies immediately after its issuance.

The decision may be appealed within ten days from the date of delivery or the receipt of a copy of the decision to the Supreme Court of the Republic of Crimea through Kievskiy District Court of Simferopol.

Judge: */Signature/* V.A. Mozhelianskiy

# Annex 314

Kievskiy District Court of Simferopol, Case No. 5-488/2017, Ruling, 21 February 2017

Translation

Case No. 5-488/2017

**RULING**

on correcting a typo

21 February 2017 Simferopol

Judge V.A. Mozhelianskiy of the Kievskiy District Court of Simferopol (Kievskiy District Court of Simferopol, 16 Vorovskogo Street, Simferopol), having considered in an open court hearing the case against:

Remzi Rustemovich Bekirov, born 20 February 1985, a native of the city of Bekabad, Uzbekistan, married, unemployed, registered at the address: 39 Sovetskaya Street, village Pervomayskoye, Belogorskiy District, Republic of Crimea, residing at the address: 12 Azaltyk Street, village Stroganovka, Simferopol Region, Republic of Crimea,

regarding the administrative offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation,

**ESTABLISHED:**

By the decision of the Kievskiy District Court of Simferopol of 21 February 2017, R.R. Bekirov was found guilty in committing an administrative offence provided for by Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation and the administrative punishment was imposed on him in the form of administrative arrest for a period of five (5) days.

Having held the abovementioned decision, the court made a typo in the spelling of the name, surname and patronymic of one of the person who, according to the testimony of the witnesses V.A. Zadorozhnaya and U.Z. Avamilev, took part in a mass simultaneous gathering in a public place on 21 February 2017, which entailed a violation of the public order and interfered with the pedestrian traffic: the court mentioned R.S. Suleymanov instead of R.R. Bekirov.

Having considered the case materials, the minutes of the court hearing, the court comes to the conclusion that it is necessary to correct the error made in the decision of the Kievskiy District Court of Simferopol of 21 February 2017 against R.R. Bekirov, noting that the witness testimony of V.A. Zadorozhnaya and U.Z. Avamilev during the court hearing was that one of the persons who took part in a mass simultaneous gathering in a public place on 21 February 2017, which caused a violation of public order, was R.R. Bekirov.

Based on the foregoing, being guided by Article 29.12.1 of the Code on Administrative Offences of the Russian Federation, the court

RULED:

To correct the typo made in the decision of the Kievskiy District Court of Simferopol of 21 February 2017 against R.R. Bekirov, noting that the witness testimony of V.A. Zadorozhnaya and U.Z. Avamilev during the court hearing was that one of the persons who took part in a mass simultaneous gathering in a public place on 21 February 2017, which caused a violation of public order, was R.R. Bekirov.

The ruling may not be appealed.

Judge: */Signature/* V.A. Mozhelianskiy

# Annex 315

Kievskiy District Court of Simferopol, Case No. 5-487/2017, Decision, 21 February 2017

Translation

Case No. 5-487/2017

**DECISION**

21 February 2017 Simferopol

Judge of the Kievskiy District Court of Simferopol V.A. Mozhelianskiy, with the participation of the secretary Z.I. Ragulskaya, the individual subjected to the administrative offence proceeding R.S. Suleymanov, the defence counsel E.S. Semidlyaev, who submitted the warrant of attorney No. KR-16 of 21 February 2017 and the attorney's certificate No. […] of […], the defender L.I. Gemedzhi, interpreter G.Sh. Chantalova, having considered in an open court hearing the case against

Ruslan Serverovich Suleymanov, born 21 April 1983, a native of the town of Kokard, Ferghana Region, Uzbek Soviet Socialist Republic, married, unemployed, registered at 16 Sadovaya Street, village Sennoe, Belogorskiy District, Republic of Crimea, residing at 8 Azaltyk Street, village Stroganovka, Simferopol District, Republic of Crimea,

regarding the administrative offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation,

**ESTABLISHED:**

On 21 February 2017, at 10:00 a.m., R.S. Suleymanov took part in a mass simultaneous gathering in a public place located near the building 127 on Myasoedovskaya Street, Kamenka, Simferopol, Republic of Crimea, which entailed a violation of the public order and interfered with the pedestrian traffic.

During the court hearing, R.S. Suleymanov did not plead guilty of an administrative offence and explained that he had not participated in illegal mass meetings or interfered with the pedestrian traffic.

At the court hearing, the defence attorney requested to terminate the proceedings due to the fact that there is no set of all elements of the administrative offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation in the actions of the person being defended.

At the court hearing, the witness V.A. Zadorozhnaya, explained that she holds the position of an Inquiry officer of the Department of Inquiry of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol. On 12 February 2017, at 10:00 a.m., during the protection of public order near the public transport stop No. 4 at Kamenka, Simferopol, i.e. in a public place, it was detected that 15 individuals, including R.S. Suleymanov, participated in a mass simultaneous gathering, caused public disturbance, shouted, did not respond to warnings of the police officers, obstructed free movement of pedestrians, i.e. caused public disturbance, of which she filed a report.

At the court hearing, the witness U.Z. Avamilev explained that he holds the position of a Senior Inspector of the Public Order Maintenance Department of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol. On 12 February 2017, at 10:00 a.m., during the protection of public order near the public transport stop No. 4 at Kamenka, Simferopol, i.e. in a public place, it was detected that 15 individuals, including R.S. Suleymanov, participated in a mass simultaneous gathering, caused public disturbance, shouted, did not respond to warnings of the police officers, obstructed free movement of pedestrians, i.e. caused public disturbance, of which he filed a report.

Although R.S. Suleymanov refused to plead guilty, his guilt in committing an administrative offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation is fully supported by the evidence included in the case materials and examined during the court hearing.

Namely, according to the administrative offence record of 21 February 2017, on 21 February 2017, at 10:00 a.m., R.S. Suleymanov took part in a mass simultaneous gathering in a public place located near the building 127 on Myasoedovskaya Street, Kamenka, Simferopol, Republic of Crimea, which entailed a violation of the public order and interfered with the pedestrian traffic (case record sheet 1).

According to the explanations provided by A.A. Kruglova, V.E. Romanovsky, I.A. Chumakova, A.A. Efimenko, on 21 February 2017, at 10 a.m., they witnessed 15 individuals in a public place located near the

building 127 on Myasoedovskaya Street, Kamenka, Simferopol, Republic of Crimea, who during an hour were obstructing free movement of pedestrians, causing public disturbance, shouting, gesticulating, not responding to warnings of the police officers, behaving aggressively (case record sheets 5, 6, 7, 8).

According to the reports of the Senior Inspector of the Public Order Maintenance Department of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol U.Z. Avamilev and the Inquiry officer of the Department of Inquiry of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol V.A. Zadorozhnaya of 21 February 2017, on 21 February 2017, at 10 p.m., during the protection of public order near the public transport stop No. 4 at Kamenka, Simferopol, i.e. in a public place, it was detected that 15 individuals, participated in a mass simultaneous gathering, caused public disturbance, shouted, not responded to warning of the police officers, obstructed free movement of pedestrians, i.e. caused public disturbance (case record sheets 9, 10).

As can be seen from the provided materials, a mass simultaneous gathering of a significant number of individuals as an organised group resulted in obstructing of movement of pedestrians and caused public disturbance.

The procedural documents drawn up in the administrative offence case comply with the requirements of the Code on Administrative Offences of the Russian Federation, and therefore they are admissible, relevant, reliable and sufficient in the aggregate evidence obtained in accordance with the rules of Articles 26.2, 26.11 of the Code on Administrative Offences of the Russian Federation.

Having evaluated the evidence, it is believed that the actions of R.S. Suleymanov contain the elements of the administrative offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, i.e. participation in a mass simultaneous gathering and movement of citizens in public places, where mass simultaneous gathering and movement of citizens in public places causes public disorder and obstructing the movement of pedestrians.

Subject to Articles 4.2, 4.3 of the Code on Administrative Offences of the Russian Federation, no circumstance to mitigate the administrative liability of R.S. Suleymanov was found.

Considering the above circumstances, the nature of the administrative offence, the personality of the defendant, considering the absence of circumstances mitigating or aggravating administrative responsibility, and also considering the fact that R.S. Suleymanov does not fall into the category of persons to whom, in view of Part 2 of Article 3.9 of the Code on Administrative Offences of the Russian Federation, administrative arrest is not applied, in order to achieve the goal of administrative punishment, it is necessary to impose on R.S. Suleymanov an administrative punishment in the form of administrative arrest for a period of 5 (five) days.

Based on the foregoing, being guided by Part 1 of Article 20.2.2, Articles 4.2, 4.3, 26.2, 29.7-29.11 of the Code on Administrative Offences of the Russian Federation, the court

DECIDED:

To find Ruslan Serverovich Suleymanov guilty of committing the administrative offence under Part 1 of Article. 20.2.2 of the Code on Administrative Offences of the Russian Federation and impose on him the administrative punishment in the form of administrative arrest for a period of five (5) days.

To start the term of the administrative punishment imposed on R.S. Suleymanov in the form of the administrative arrest from the time of his detention on 21 February 2017 and delivery by the internal affairs authorities to the place where the administrative punishment is served.

The decision is executed by the internal affairs bodies immediately after its issuance.

The decision may be appealed within ten days from the date of delivery or the receipt of a copy of the decision to the Supreme Court of the Republic of Crimea through Kievskiy District Court of Simferopol.

Judge: */Signature/* V.A. Mozhelianskiy

# Annex 316

Kievskiy District Court of Simferopol, Case No. 5-485/2017, Decision, 21 February 2017

Translation

Case No. 5-485/2017

**DECISION**

21 February 2017 Simferopol, 16 Vorovskogo Street

Kievskiy District Court of Simferopol of the Republic of Crimea, comprising of the Presiding Judge I.V. Kagitina, with the participation of the secretary, A.A. Sobakin, having considered in the open court hearing the administrative offence case against:

Alim Egamberdievich Karimov, born 8 April 1994, a native of Simferopol of the Republic of Crimea, Ukraine, a citizen of the Russian Federation, officially unemployed, single, registered at the address: 20 Zolotistaya Street, Simferopol,

regarding the administrative offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation (administrative offence record No. 156580),

**ESTABLISHED:**

According to the administrative offence record No. RK 156580, on 21 February 2017 at 12 p.m., at Simferopol, Kamenka, 4th stop, citizen A.E. Karimov was identified, who took part in a mass simultaneous gathering in a public place that entailed a violation of the public order and interfered with the pedestrian traffic.

At the court hearing, A.E. Karimov did not admit his guilt in committing the administrative offence. He was near the 4th stop dealing with his own affairs, noticed the police and, being a diligent citizen, approached. As was demanded by the police officers, he wanted to leave. The law enforcement authorities created obstructions and applied illegal methods.

U.Z. Avamilev, Senior Inspector of the Public Order Maintenance Department of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, who was questioned as a witness at the court hearing, testified that in order to fix possible violations by citizens he was by the order of the head on 21 February 2017 at Simferopol, Kamenka, 4th stop, at 10:20 a.m., where about 15 people gathered near the cordon chain. They expressed their dissatisfaction, refused to go away from the venue of investigative activities, thereby violating the public order. They were asked to leave the venue, as there were obstacles for pedestrians. The citizens did not obey the lawful request of the police officer and were taken to the police department for the records to be drawn up. All actions were video recorded. A.E. Karimov took part in the unauthorised event, expressed his dissatisfaction and disturbed pedestrians in the general mass.

V. A. Zadorozhnaya, Inquiry officer of the Department of Inquiry of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, interrogated as a witness testified that she was present during the activities near Kamenka, the 4th stop. At about 10 a.m. there was a crowd of about 15 people, they did not react to warnings of the policemen or did not react adequately and interfered with the passage of other citizens and vehicles. Those circumstances were recorded with a video camera. A.E. Karimov was present there, she saw him. A.E. Karimov was among the people who did not disperse. By their actions, they prevented citizens from passing.

V.E. Romanovsky, interrogated as a witness during the court hearing testified that on 21 February 2017, a police officer approached him and offered to sign papers. He did not see any mass riots or crowds of people.

Having heard the person brought to administrative responsibility, the witnesses, having examined the case materials, the court comes to the following conclusion.

According to Article 31 of the Constitution of the Russian Federation, citizens of the Russian Federation have the right to gather peacefully, without weapons, to hold assemblies, rallies, demonstrations,

marches and picketing.

Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation establishes administrative liability for arranging citizens' mass simultaneous gathering and (or) movement in public places that is not a public event, public calls to citizens' mass simultaneous gathering and (or) movement in public places, or to participation in citizens' mass simultaneous gathering and (or) movement in public places, if citizens' mass simultaneous gathering and (or) movement in public places has entailed public order disturbance or violation of sanitary norms and rules, violation of the functioning and safety of critical infrastructure or communication facilities, or has caused damage to greenery, or hindrance to the movement of pedestrians or vehicles, or prevented citizens' access to residential premises or transportation infrastructure facilities, or to social infrastructure facilities, except for the situations provided for in Parts 2 and 3 of this Article.

The object of the respective administrative offence is public relations in the area of public order and public safety. Under this Article, the subjects of administrative offences may be citizens, officials and legal entities. This act should be described as wrongful and committed with specific intent.

According to Article 26.2 of the Code on Administrative Offences of the Russian Federation, evidence in the administrative offence case is any factual data on the basis thereof the judge, body, official that handles the case establishes whether or not there is an administrative offence event, the guilt of the person brought to administrative liability and any other circumstances that are relevant for the correct solution of the case.

The set of all elements of the administrative offence is a set of objective and subjective attributes provided for by the Code on Administrative Offences that describes a socially dangerous act as the offence; the administrative offence event is the fact of a person taking an action provided for by the Code on Administrative Offences for which administrative liability is established.

The fact of committing the administrative offence by and the guilt of A.E. Karimov are confirmed by the administrative offence record of on 21 February 2017; the testimony of witnesses, i.e. U.Z. Avamilev, Senior Inspector of the Public Order Maintenance Department of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, Senior Lieutenant, V. A. Zadorozhnaya, Inquiry officer of the Department of Inquiry of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, and by the video recording.

According to Paragraph 1 of Part 2 of Article 28.3 of the Code on Administrative Offences of the Russian Federation, officials of the internal affairs bodies (the police) are authorised to draw up administrative offence records as provided for, among other things, by Article 20.2.2 of the Code.

The administrative offence record and other case materials were drawn up in compliance with the requirements of law, by a proper official, there is no reason not to trust the information specified therein.

This evidence clearly shows that the actions of A.E. Karimov include events and elements of the administrative offence provided for by Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

The procedure and the limitation period for bringing A.E. Karimov to administrative liability are not violated.

His actions are correctly qualified under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, as he took part in mass simultaneous gathering in the public place that entailed a violation of the public order and interfered with the traffic of pedestrians.

When imposing an administrative punishment on A.E. Karimov, the court takes into account the requirements of Article 4.1 of the Code on Administrative Offences of the Russian Federation, i.e. the nature of the offence that was committed deliberately, the degree of public danger of the action committed, the attitude of A.E. Karimov to the action committed, the offender's personality, the effect of the punishment on the purpose of preventing new offences, both by the offender himself and by any other persons.

Together, the above enables the court to impose the administrative punishment in the form of an administrative arrest. The court believes that the punishment in the form of a fine, compulsory community service will not be fully in line to what was done.

In view of the above, the court believes it necessary to impose on A.E. Karimov the administrative punishment in the form of arrest for a period of 5 days.

A.E. Karimov is not a person in respect of whom the administrative arrest may not be applied in accordance with the Code on Administrative Offences of the Russian Federation.

In accordance with Part 4 of Article 27.5 of the Code on Administrative Offences of the Russian Federation, the period of administrative detention of a person is calculated from the time of delivery in accordance with Article 27.2 of this Code.

In accordance with the provisions of Article 27.2 of the Code on Administrative Offences of the Russian Federation, the delivery is coerced transportation of an individual in order to draw up the administrative offence record if it is impossible to draw them up at the venue of the administrative offence, if drawing up the record is compulsory.

Having regard to the above, the term of serving the administrative punishment should be calculated from 21 February 2017, 11:30 a.m.

Based on the foregoing, being guided by Part 1 of Article 20.2.2, Articles 3.9, 4.2, 4.3, 26.2, 29.7.—29.11 of the Code on Administrative Offences of the Russian Federation,

DECIDED:

To find Alim Egamberdievich Karimov guilty of committing the administrative offence under Part 1 of Article. 20.2.2 of the Code on Administrative Offences of the Russian Federation and impose on him the administrative punishment in the form of administrative arrest for a period of five (5) days.

To calculate the term of serving the punishment from 21 February 2017, 11:30 a.m.

The decision is to be executed by the internal affairs bodies immediately after the issue of such decision.

The decision may be appealed within ten days from the date of delivery or the receipt of a copy of the decision to the Supreme Court of the Republic of Crimea through Kievskiy District Court of Simferopol.

Judge /Signature/ I.V. Kagitina

# Annex 317

Kievskiy District Court of Simferopol, Case No. 5-480/2017, Decision, 21 February 2017

Translation

Case No. 5-480/2017

**DECISION**

**In the name of the Russian Federation**

21 February 2017 Simferopol

Judge of the Kievskiy District Court of Simferopol A.S. Tsykurenko, with the participation of the secretary E.E. Samborskaya, the Prosecutor E.A. Kovaleva (certificate […]), the attorney E.S. Semidlyaev (warrant of attorney No. RK-018 of 21 February 2017), the representative of the individual subjected to the administrative offence proceeding L.I. Gemedzhi, the individual subjected to the administrative offence proceeding R.M. Izetov, having considered the administrative materials (administrative offence record No. RK 170801 of 21 February 2017) against:

Riza Mustafaevich Izetov, born 24 January 1979, a native of the town of Fergana, Uzbek Soviet Socialist Republic, divorced, having one dependent child and mother, registered at the address: 62 Verkhniy quarter, village Chistenkoe, Simferopol District, Republic of Crimea, residing at the address: 2 Avget Street, village Stroganovka, Simferopol District, Republic of Crimea,

**Under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation**

**ESTABLISHED:**

On 21 February 2017, at Simferopol, Kamensky area, 4th stop, R.M. Izetov took part in a mass simultaneous gathering in a public place that entailed a violation of the public order and interfered with the pedestrian traffic.

During court hearing, R.M. Izetov, his attorney E.S. Semidlyaev and representative L.I. Gemedzhi refused to plead guilty, requested termination of the case proceeding.

Having considered the administrative materials, the court found the following.

As can be seen from the administrative offence case, on 21 February, at Simferopol, Kamensky area, 4th stop, R.M. Izetov took part in a mass simultaneous gathering in a public place that entailed a violation of the public order and interfered with the pedestrian traffic.

Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation establishes administrative liability for arranging citizens' mass simultaneous gathering and (or) movement in public places that is not a public event, public calls to citizens' mass simultaneous gathering and (or) movement in public places, or to participation in citizens' mass simultaneous gathering and (or) movement in public places, if citizens' mass simultaneous gathering and (or) movement in public places has entailed public order disturbance or violation of sanitary norms and rules, violation of the functioning and safety of critical infrastructure or communication facilities, or has caused damage to greenery, or hindrance to the movement of pedestrians or vehicles, or prevented citizens' access to residential premises or transportation infrastructure facilities, or to social infrastructure facilities, except for the situations provided for in Parts 2 and 3 of this Article.

During the court hearing, the interrogated witness Ya.S. Muyedinov testified that he was a woodcutter and was present in the Kamensky area to deal with his personal affairs. People wearing uniform blocked the road, and he was unable to pass, nobody of the uniformed people explained the reasons. He reported that R.M. Izetov had not breached the public order.

During the court hearing, the witness N.N. Sheikhmambetov explained that on 21 February 2017, he was present in the Kamensky area, driving to his friend. However, he did not manage to reach the friend since

the roads were blocked. He reported that R.M. Izetov did not obstruct pedestrian movement, he did not see any crowd of people with aggressive intentions, R.M. Izetov did not breach public order.

During the court hearing, the witness E.S. Suleymanov explained that he was present in the Kamensky area, was told that somebody came to Marlen for search, and wanted to inquire into the reasons of these actions. However, the uniformed people that blocked the road prevented him from clearing this issue. Through a loudspeaker, it was announced that it was necessary to disperse, however, no opportunity was given to do that. R.M. Izetov did not breach public order.

During the court hearing, a video was examined where R.M. Izetov was recorded being present in the in Kamensky area, 4th stop, who was participating in the meeting, which indicates that he participated in a mass simultaneous gathering in a public place, which caused a breach of public order.

The fact that R.M. Izetov committed an administrative offence is confirmed by the evidence collected for the case: the administrative offence record of 21 February 2017 (case record sheet 3), the report (case record sheets 13-14), the video footage.

The motion of the defence counsel to exclude explanations of the individuals (case record sheets 9-12) from the evidence shall be granted.

According to Part 1 of Article 26.2 of the Code on Administrative Offences of the Russian Federation, the evidence in an administrative offence case shall mean any actual data, on the basis of which a judge, body, official that try the case determine whether the administrative offence is committed, the guilt of the person sanctioned with the administrative liability, and also other circumstances relevant for proper resolution of the case. Subject to Part 2 of Article 26.2 of the Code on Administrative Offences of the Russian Federation, this data is detected, particularly, by the administrative offence records, other records and documents.

The court excludes the explanations of the individuals contained in case record sheets 9-12 from the evidence since they are executed improperly: prepared according to the procedure established in the Criminal Procedural Code of the Russian Federation.

According to Part 1 of Article 28.2 of the Code on Administrative Offences of the Russian Federation, the records shall be prepared on a committed administrative offence, exclusive of the circumstances provided for in Article 28.4, Parts 1 and 3 of Article 28.6 of said Code.

Subject to the provisions of this norm, the administrative offence records shall be prepared with the participation of the person subjected to the proceedings on the administrative offence case.

An individual or a legal representative of a legal entity, subjected to proceedings on an administrative offence case, must be given the opportunity to familiarise themselves with the administrative offence records. These persons are entitled to submit explanations and remarks on the content of the records, which are attached to the records (Part 4 of Article 28.2 of the Code on Administrative Offences of the Russian Federation).

During the court hearing, R.M. Izetov explained that the administrative offence records were executed in his presence, but he refused to sign them and give any explanation.

Subject to the requirements of Article 26.11 of the Code on Administrative Offences of the Russian Federation, the specified evidence is admissible, reliable and sufficient.

Therefore, the actions of R.M. Izetov contain the full set of all elements of the administrative offence provided for by Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

The evidence collected for the case certifies objectively that the records were validly executed against R.M. Izetov with the purpose to impose the administrative liability under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

When considering an administrative offence case, on the basis of a complete and comprehensive analysis of the evidence collected for the case, all legally significant circumstances of the committed administrative offence were established.

The administrative punishment shall be imposed within the sanction provided for under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

Considering the circumstances of the committed offence, the personality of the offender, the data that describes him, and also refusal to plead guilty of the offence, it is believed that the administrative punishment shall be imposed according to general rules in accordance with the requirements of Articles 3.1, 3.8 and 4.1 of the Code on Administrative Offences of the Russian Federation and within the sanction of Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

The court considers it necessary to impose on R.M. Izetov the punishment in the form of administrative arrest for the term of 5 days.

Based on the foregoing, being guided by Articles 3.1, 4.1, Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, the judge

DECIDED:

To find Riza Mustafaevich Izetov, born 24 January 1979, guilty of committing the administrative offence under Part 1 of Article. 20.2.2 of the Code on Administrative Offences of the Russian Federation and impose on him the administrative punishment in the form of administrative arrest for a period of five (5) days.

The decision may be appealed within ten days from the date of delivery or the receipt of a copy of the decision to the Supreme Court of the Republic of Crimea through Kievskiy District Court of Simferopol.

Judge: */Signature/* A.S. Tsykurenko

# Annex 318

Kievskiy District Court of Simferopol, Case No. 5-482/2017, Decision, 21 February 2017

Translation

Case No. 5-482/2017

**DECISION**

**In the name of the Russian Federation**

21 February 2017 Simferopol

Judge of the Kievskiy District Court of Simferopol A.S. Tsykurenko, with the participation of the secretary E.E. Samborskaya, the individual subjected to the administrative offence proceeding S.K. Murtaza, having considered the administrative materials (administrative offence record No. RK 170804 of 21 February 2017) against:

Seyran Kamaldinovich Murtaza, born on 27 November 1983, a native of the village Ketmentepisky, Galabinsky District, Tashkent Region, Uzbek Soviet Socialist Republic, registered at 9 Belogorskaya Street, Alushta, village Privetnoe, Republic of Crimea,

**Under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation**

**HAS ESTABLISHED:**

On 21 February 2017, at Simferopol, Kamensky area, 4th stop, S.K. Murtaza took part in a mass simultaneous gathering in a public place that entailed a violation of the public order and interfered with the pedestrian traffic.

During court hearing, S.K. Murtaza did not admit his guilt.

Having considered the administrative materials, the court finds that the guilt of S.K. Murtaza in committing the offence has been fully confirmed.

No motions for procedural actions provided by Article 29.8 of the Code on Administrative Offences of the Russian Federation were filed.

According to Paragraph 9 of the Resolution of the Plenum of the Supreme Court of the Russian Federation and in compliance with Article 29.8 of the Code on Administrative Offences of the Russian Federation, during a case hearing on administrative offence the collegial body keeps record of all performed procedural actions, explanations, testimonies and conclusions of participating individuals and researched documents. Considering that the Code on Administrative Offences of the Russian Federation does not contain restrictions on record-keeping by the judge during proceedings, the possibility of keeping said records is left open when necessary.

Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation establishes administrative liability for arranging citizens' mass simultaneous gathering and (or) movement in public places that is not a public event, public calls to citizens' mass simultaneous gathering and (or) movement in public places, or to participation in citizens' mass simultaneous gathering and (or) movement in public places, if citizens' mass simultaneous gathering and (or) movement in public places has entailed public order disturbance or violation of sanitary norms and rules, violation of the functioning and safety of critical infrastructure or communication facilities, or has caused damage to greenery, or hindrance to the movement of pedestrians or vehicles, or prevented citizens' access to residential premises or transportation infrastructure facilities, or to social infrastructure facilities, except for the situations provided for in Parts 2 and 3 of this Article.

It appears from the materials of the administrative offence case that on 21 February 2017, at Simferopol, Kamensky area, 4th stop, S.K. Murtaza took part in a mass simultaneous gathering in a public place that entailed a violation of the public order and interfered with the pedestrian traffic.

The fact of committing of the administrative offence by S.K. Murtaza is confirmed by the evidence

available in the case, i.e. the administrative offence record of 21 February 2017 (case record sheet 1), the explanation (case record sheets 5, 11-14), the report (case record sheets 15-16), the video recording.

In compliance with the requirements of Article 26.11 of the Code on Administrative Offences of the Russian Federation, the specified evidence is admissible, reliable and sufficient.

Therefore, the actions of S.K. Murtaza contain the full set of all elements of the administrative offence provided for by Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

The evidence collected for the case certifies objectively that the records were validly executed against S.K. Murtaza with the purpose to impose the administrative liability under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

When considering an administrative offence case, on the basis of a complete and comprehensive analysis of the evidence collected for the case, all legally significant circumstances of the committed administrative offence were established.

The administrative punishment shall be imposed within the sanction provided for under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

Considering the circumstances of the committed offence, the personality of the offender, the data that describes him, and also refusal to plead guilty of the offence, it is believed that the administrative punishment shall be imposed according to general rules in accordance with the requirements of Articles 3.1, 3.8 and 4.1 of the Code on Administrative Offences of the Russian Federation and within the sanction of Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

The court considers it necessary to impose on S.K. Murtaza the punishment in the form of administrative arrest for the term of 5 days.

Based on the foregoing, being guided by Articles 3.1, 4.1, Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, the judge

DECIDED:

To find Seyran Kamaldinovich Murtaza, born on 27 November 1983, guilty of committing the administrative offence under Part 1 of Article. 20.2.2 of the Code on Administrative Offences of the Russian Federation and impose on him the administrative punishment in the form of administrative arrest for a period of five (5) days.

The decision may be appealed within ten days from the date of delivery or the receipt of a copy of the decision to the Supreme Court of the Republic of Crimea through Kievskiy District Court of Simferopol.

Judge: */Signature/* A.S. Tsykurenko

# Annex 319

Kievskiy District Court of Simferopol, Case No. 5-481/2017, Decision, 21 February 2017

Translation

Case No. 5-481/2017

**DECISION**

**In the name of the Russian Federation**

21 February 2017 Simferopol

Judge of the Kievskiy District Court of Simferopol A.S. Tsykurenko, with the participation of the secretary E.E. Samborskaya, the individual subjected to the administrative offence proceeding E.N. Tasinov, having considered the administrative materials (administrative offence record No. RK 170803 of 21 February 2017) against:

Enver Nadimovich Tasinov, born on 15 August 1976, a native of the town of Kitab, Qashqadaryino Region, registered at the address: 19 Topolevaya Street, village Vishnevoe, Belogorsky District, Republic of Crimea

Under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation

**ESTABLISHED:**

On 21 February 2017, at Simferopol, Kamensky area, 4th stop, at 12:00 p.m., E.N. Tasinov took part in a mass simultaneous gathering in a public place that entailed a violation of the public order and interfered with the pedestrian traffic.

At the court hearing, E.N. Tasinov did not admit his guilt.

Having examined the administrative material, the court finds that the guilt of E.N. Tasinov in the offence has been fully confirmed.

Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation establishes administrative liability for arranging citizens' mass simultaneous gathering and (or) movement in public places that is not a public event, public calls to citizens' mass simultaneous gathering and (or) movement in public places, or to participation in citizens' mass simultaneous gathering and (or) movement in public places, if citizens' mass simultaneous gathering and (or) movement in public places has entailed public order disturbance or violation of sanitary norms and rules, violation of the functioning and safety of critical infrastructure or communication facilities, or has caused damage to greenery, or hindrance to the movement of pedestrians or vehicles, or prevented citizens' access to residential premises or transportation infrastructure facilities, or to social infrastructure facilities, except for the situations provided for in Parts 2 and 3 of this Article.

It appears from the materials of the administrative offence case that on 21 February 2017, at Simferopol, Kamensky area, 4th stop, at 12:00 p.m., E.N. Tasinov took part in a mass simultaneous gathering in a public place that entailed a violation of the public order and interfered with the pedestrian traffic.

The fact of committing by E.N. Tasinov of the administrative offence is confirmed by the evidence available in the case, i.e. the administrative offence record of 21 February 2017 (case record sheet 1), the explanation (case record sheets 3, 5-8), the report (case record sheets 10-11), the video recording.

In compliance with the requirements of Article 26.11 of the Code on Administrative Offences of the Russian Federation, the specified evidence is admissible, reliable and sufficient.

Thus, the actions of E.N. Tasinov form a set of all elements of the administrative offence provided for by Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

The evidence available in the case certifies objectively that the administrative offence records on bringing to the administrative liability provided for by Part 1 of Article 20.2.2 of the Code on Administrative

Offences of the Russian Federation were validly executed against E.N. Tasinov.

When considering the administrative offence case, all the legally significant circumstances of committing the administrative offence were established on the basis of full and comprehensive review of the evidence available in the case.

The administrative punishment shall be imposed within the sanction provided for under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

Considering the circumstances of the committed offence, the personality of the offender, the data that describes him, and also refusal to plead guilty of the offence, it is believed that the administrative punishment shall be imposed according to general rules in accordance with the requirements of Articles 3.1, 3.8 and 4.1 of the Code on Administrative Offences of the Russian Federation and within the sanction of Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

The court considers it necessary to impose on E.N. Tasinov the punishment in the form of administrative arrest for a period of 5 days.

Based on the foregoing, being guided by Articles 3.1, 4.1, Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, the judge

DECIDED:

To find Enver Nadimovich Tasinov, born on 15 August 1976, guilty of committing the administrative offence under Part 1 of Article. 20.2.2 of the Code on Administrative Offences of the Russian Federation and impose on him the administrative punishment in the form of administrative arrest for a period of 5 (five) days.

The decision may be appealed within ten days from the date of delivery or the receipt of a copy of the decision to the Supreme Court of the Republic of Crimea through Kievskiy District Court of Simferopol.

Judge: */Signature/* A.S. Tsykurenko

# Annex 320

Kievskiy District Court of Simferopol, Case No. 5-486/2017, Decision, 21 February 2017

Translation

/Stamp: copy/

Case No. 5-486/2017

**DECISION**

21 February 2017 Simferopol, 16 Vorovskogo Street

Kievskiy District Court of Simferopol of the Republic of Crimea, comprising of the Presiding Judge I.V. Kagitina, with the participation of the secretary, A.A. Sobakin, having considered in the open court hearing the administrative offence case against:

Valery Mikhailovich Grigor, born on 28 December 1971, a native of Simferopol, a citizen of the Russian Federation, officially unemployed, registered at the address: 9 Dzhankoy Street, village Stroganovka, Simferopol region, Republic of Crimea,

regarding the administrative offence provided for by Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation (administrative offence record No. RK 170702),

**ESTABLISHED:**

According to the administrative offence record No. RK 170702, on 21 February 2017, at Simferopol, Kamenka, 4th stop, at 1 p.m., citizen V.M. Grigor was identified, who took part in a mass simultaneous gathering in a public place that entailed a violation of the public order and interfered with the pedestrian traffic.

At the court hearing, V.M. Grigor did not admit his guilt in committing the administrative offence. On his way to work, he noticed an acquaintance at the 4th stop, stopped and asked for the reason of the police presence. After that, the police offered to disperse. However, no opportunity was given to do that, and he was detained.

U.Z. Avamilev, Senior Inspector of the Public Order Maintenance Department of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, who was questioned as a witness at the court hearing, testified that in order to fix possible violations by citizens he was by the order of the head on 21 February 2017 at Simferopol, Kamenka, 4th stop, at 10:20 a.m., where about 15 people gathered near the cordon chain. They expressed their dissatisfaction, refused to go away from the venue of investigative activities, thereby violating the public order. They were asked to leave the venue, as there were obstacles for pedestrians. The citizens did not obey the lawful request of the police officer and were taken to the police department for the records to be drawn up. All actions were video recorded. V.M. Grigor took part in the unauthorised event, expressed his dissatisfaction and disturbed pedestrians in the general mass.

V. A. Zadorozhnaya, Inquiry officer of the Department of Inquiry of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, interrogated as a witness testified that she was present during the activities near Kamenka, 4th stop. At about 10 a.m. there was a crowd of about 15 people, they did not react to words of the policemen or did not react adequately and interfered with the passage of other citizens and vehicles. Those circumstances were recorded by a video camera. V.M. Grigor was present there, she saw him. V.M. Grigor was among the people who did not disperse. By their actions, they prevented citizens from passing.

V.E. Romanovsky, interrogated as a witness during the court hearing testified that on 21 February 2017, a police officer approached him and offered to sign papers. He did not see any mass riots or crowds of people.

Having heard the person brought to administrative responsibility, the witnesses, having examined the case materials, the court comes to the following conclusion.

According to Article 31 of the Constitution of the Russian Federation, citizens of the Russian Federation have the right to gather peacefully, without weapons, to hold assemblies, meetings, demonstrations,

marches and picketing.

Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation establishes administrative liability for arranging citizens' mass simultaneous gathering and (or) movement in public places that is not a public event, public calls to citizens' mass simultaneous gathering and (or) movement in public places, or to participation in citizens' mass simultaneous gathering and (or) movement in public places, if citizens' mass simultaneous gathering and (or) movement in public places has entailed public order disturbance or violation of sanitary norms and rules, violation of the functioning and safety of critical infrastructure or communication facilities, or has caused damage to greenery, or hindrance to the movement of pedestrians or vehicles, or prevented citizens' access to residential premises or transportation infrastructure facilities, or to social infrastructure facilities, except for the situations provided for in Parts 2 and 3 of this Article.

The object of the respective administrative offence is public relations in the area of public order and public safety. Under this Article, the subjects of administrative offences may be citizens, officials and legal entities. This act should be described as wrongful and committed with specific intent.

According to Article 26.2 of the Code on Administrative Offences of the Russian Federation, evidence in the administrative offence case is any factual data on the basis thereof the judge, body, official that handles the case establishes whether or not there is an administrative offence event, the guilt of the person brought to administrative liability and any other circumstances that are relevant for the correct solution of the case.

The set of all elements of the administrative offence is a set of objective and subjective attributes provided for by the Code on Administrative Offences that describes a socially dangerous act as the offence; the administrative offence event is the fact of a person taking an action provided for by the Code on Administrative Offences for which administrative liability is established.

The fact of committing the administrative offence by and the guilt of V.M. Grigor are confirmed by the administrative offence record of 21 February 2017; the testimony of witnesses, i.e. U.Z. Avamilev, Senior Inspector of the Public Order Maintenance Department of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, Senior Lieutenant, V. A. Zadorozhnaya, Inquiry officer of the Department of Inquiry of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, and by the video recording.

According to Paragraph 1 of Part 2 of Article 28.3 of the Code on Administrative Offences of the Russian Federation, officials of the internal affairs bodies (the police) are authorised to draw up administrative offence records as provided for, among other things, by Article 20.2.2 of the Code.

The administrative offence record and other case materials were drawn up in compliance with the requirements of law, by a proper official, there is no reason not to trust the information specified therein.

This evidence clearly shows that the actions of V.M. Grigor include events and elements of the administrative offence provided for by Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

The procedure and the limitation period for bringing V.M. Grigor to administrative liability are not violated.

His actions are correctly qualified under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, as he took part in mass simultaneous gathering in the public place that entailed a violation of the public order and interfered with the traffic of pedestrians.

When imposing an administrative punishment on V.M. Grigor, the court takes into account the requirements of Article 4.1 of the Code on Administrative Offences of the Russian Federation, i.e. the nature of the offence that was committed deliberately, the degree of public danger of the action committed, the attitude of V.M. Grigor to the action committed, the offender's personality, the effect of the punishment on the purpose of preventing new offences, both by the offender himself and by any other persons.

Together, the above enables the court to impose the administrative punishment in the form of an

administrative arrest. The court believes that the punishment in the form of a fine, compulsory community service will not be fully in line to what was done.

In view of the above, the court believes it necessary to impose on V.M. Grigor the administrative punishment in the form of arrest for a period of 5 days.

V.M. Grigor is not a person in respect of whom the administrative arrest may not be applied in accordance with the Code on Administrative Offences of the Russian Federation.

In accordance with Part 4 of Article 27.5 of the Code on Administrative Offences of the Russian Federation, the period of administrative detention of a person is calculated from the time of delivery in accordance with Article 27.2 of this Code.

In accordance with the provisions of Article 27.2 of the Code on Administrative Offences of the Russian Federation, the delivery is coerced transportation of an individual in order to draw up the administrative offence record if it is impossible to draw them up at the venue of the administrative offence, if drawing up the record is compulsory.

Having regard to the above, the term of serving the administrative punishment should be calculated from 21 February 2017, 11:30 a.m.

Based on the foregoing, being guided by Part 1 of Article 20.2.2, Articles 3.9, 4.2, 4.3, 26.2, 29.7.—29.11 of the Code on Administrative Offences of the Russian Federation,

DECIDED:

To find Valery Mikhailovich Grigor guilty of committing the administrative offence under Part 1 of Article. 20.2.2 of the Code on Administrative Offences of the Russian Federation and impose on him the administrative punishment in the form of administrative arrest for a period of 5 (five) days.

To calculate the term of serving the punishment from 21 February 2017, 11:30 a.m.

The decision is to be executed by the internal affairs bodies immediately after the issue of such decision.

The decision may be appealed within ten days from the date of delivery or the receipt of a copy of the decision to the Supreme Court of the Republic of Crimea through Kievskiy District Court of Simferopol.

Judge /Signature/ I.V. Kagitina

*(Seal) Kievskiy District Court of Simferopol of the Republic of Crimea*
*(Stamp)The decision entered into force on 2 March 2017*
*Judge* /Signature/
*Secretary* /Signature/

*(Seal) Kievskiy District Court of Simferopol of the Republic of Crimea*

*(Stamp) Kievskiy District Court of Simferopol of the Republic of Crimea*
*Original of the decision is kept in the administrative case No. 5-5-486/2017*
*The copy was issued on 20 May 2020*
*Judge* /Signature/
*Secretary of judicial session* /Signature/

# Annex 321

Kievskiy District Court of Simferopol, Case No. 5-479/2017, Decision, 21 February 2017

Translation

Case No. 5- 479/2017

DECISION

21 February 2017 Simferopol

Judge V.A. Mozhelianskiy of the Kievskiy District Court of Simferopol of the Republic of Crimea, (Kievskiy District Court, 16 Vorovskogo St., the city of Simferopol, the Republic of Crimea), with participation of an individual subjected to the proceedings under the administrative offence, M.E. Mustafaev, the representative of the individual subjected to the administrative offence proceedings - attorney E.M. Kurbedinov, with secretary Z.I. Ragulskaya, having heard in an open court hearing the case against:

Marlen Eskenderovich Mustafaev, born on 19 September 1983, native of Samarkand, Uzbekistan, a citizen of the Russian Federation, resided at 127 Myasoedovskaya Str., Simferopol, Republic of Crimea, speaks Russian, the language of the court hearing, does not need the services of an interpreter,

into an administrative offence under Part 1, Article 20.3 of the Code on Administrative Offences of the Russian Federation,

ESTABLISHED:

M.E. Mustafaev using the "Internet" telecommunications network, publicly displayed the symbols of an extremist organization, propaganda and public demonstration of which is prohibited by the law.

On 9 January 2017, at 1:30 pm, it was established that M.E. Mustafaev posted on the Internet, on the publicly available page of social network "VKontakte" with nickname "Marlen Mustafaev", address https://vk.com/id193426780, the symbols of the terrorist organization Party of Islamic Liberation (Hizb ut-Tahrir al-Islami), which aim is to oust non-Islamic governments and establish a global Islamic rule by recreating the "Global Islamic Caliphate" particularly on the territory of Russia and the countries of the CIS through aggressive Islamic propaganda combined with intolerance against other religions; active recruitment of supporters, purposeful activity aimed at splitting the society, recognized as a terrorist organization, the activity thereof being prohibited on the territory of the Russian Federation, by the Decision of the Supreme Court of the Russian Federation of 14 February 2003 that entered into force. The performed visual inspection detected that on 26 June 2014 M.E. Mustafaev placed the said symbols in the public domain, and it was available to be seen by the public till it was detected, i.e. till 21 February 2017.

During the court hearing, M.E. Mustafaev did not admit guilt of the administrative offence under Part 1 of Article 20.3 of the Code on Administrative Offences of the Russian Federation and stated that he had actually posted various symbols on his page in "VKontakte" social network being indifferent to the content and affiliation thereof, and had no intent to make exactly the symbols of the organization of an extremist nature publicly available.

Although M.E. Mustafaev refused to admit guilt, his guilt for the administrative offence under Part 1, Article 20.3 of the Code on Administrative Offences of the Russian Federation is fully supported by the evidence included in the case materials and examined during the court hearing.

The administrative offence records reflect the circumstances of the administrative offence committed by M.E. Mustafaev under Part 1 Article 20.3 of the Code on Administrative Offences of the Russian Federation (case file sheet 1).

According to the report by Belashova N.N., officer of the Centre for Countering Extremism of the Ministry of Internal Affairs for the Republic of Crimea of 9 January 2017, as well as records of monitoring of an Internet resource of 9 January 2017, at 1:30 pm, it was detected that M.E. Mustafaev posted and publicly displayed on the Internet, on the publicly available page of social network "VKontakte" with nickname

"Marlen Mustafaev", address https://vk.com/id193426780,the symbols of the terrorist organization Party of Islamic Liberation (Hizb ut-Tahrir al-Islami), which aim is to oust non-Islamic governments and establish a global Islamic rule by recreating the Global Islamic Caliphate particularly on the territory of Russia and the countries of the CIS through aggressive Islamic propaganda combined with intolerance against other religions; active recruitment of supporters, purposeful activity aimed at splitting the society, recognized as a terrorist organization, the activity thereof being prohibited on the territory of the Russian Federation, by the Decision of the Supreme Court of the Russian Federation of 14 February 2003, that entered into force (case file sheets 4, 5-14).

The Expert Opinion of Nikiforov A.R., an expert of the Institute of CIS Countries in the Republic of Crimea according to which the symbols that had been posted and publicly displayed by M.E. Mustafaev on the Internet, on the page of social network "VKontakte" with nickname "Marlen Mustafaev", address https://vk.com/id193426780, are the symbols of terrorist organization Party of Islamic Liberation (Hizb ut-Tahrir al-Islami) (case file sheets 15-17).

The certificates that M.E. Mustafaev owns the cell phone number used for registration of the page on social network "VKontakte" with nickname "Marlen Mustafaev", address https://vk.com/id193426780 (case file sheets 22, 23, 24).

In his explanation M.E. Mustafaev stated that he had actually posted the symbols of the prohibited terrorist organization Party of Islamic Liberation (Hizb ut-Tahrir al-Islami) on his page in "Vkontakte" social network (case file sheets 27-29).

The procedural documents made for the administrative offence case meet the requirements of the Code on Administrative Offences of the Russian Federation, therefore in their entirety they are admissible, referable, accurate, sufficient evidence collected in accordance with rules provided under Articles 26.2, 26.11 of the Code on Administrative Offences of the Russian Federation.

According to Article 13 of Federal Law of 25 July 2002 No. 114-FZ "On countering extremist activities", it is prohibited to distribute extremist materials and also to produce or storage them for the purposes of distribution on the territory of the Russian Federation. In the events stipulated under laws of the Russian Federation, production, storage or distribution of extremist materials is a crime resulting in imposition of a liability.

The federal list of extremist materials is available on the international computer network "Internet", on the website of the Ministry of Justice of the Russian Federation, and also it is published in "*Rossiyskaya Gazeta*".

Therefore, it was conclusively established by the Court that M.E. Mustafaev made publicly available, i.e. publicly displayed the symbols of the prohibited terrorist organization Party of Islamic Liberation (Hizb ut-Tahrir al-Islami) on his personal page in "Vkontakte" social network and was aware of the fact that he demonstrated that symbols to every general user of the Internet.

Having evaluated evidence in its entirety, the Court believes that the actions of M.E. Mustafaev contain administrative corpus delicti under Part 1, Article 20.3 of the Code on Administrative Offences of the Russian Federation, i.e. public display of the signs and symbols propaganda and public display of which is prohibited under federal laws.

According to Article 4.2 of the Code on Administrative Offences of the Russian Federation, a circumstance that M.E. Mustafaev has a dependent minor child mitigates his administrative liability.

According to Article 4.3 of the Code on Administrative Offences of the Russian Federation, no circumstance that aggravates the administrative liability of M.E. Mustafaev is found.

Considering the aforesaid circumstances, the nature of the committed administrative offence, the personality of the defendant, considering the circumstances that mitigate the administrative liability, lacking

the circumstances to aggravate the administrative liability, and also considering the fact the M.E. Mustafaev does not belong to the category of individuals, to which the administrative arrest is not applicable under Part 2 of Article 3.9 of the Code on Administrative Offences of the Russian Federation, to achieve the administrative punishment of M.E. Mustafaev, it is necessary to impose the administrative punishment in the form of the administrative arrest for the term of 11 (Eleven) days without imposing additional sanction in the form of confiscation of the items used to commit the administrative offence.

Relying on the above, following Article 20.3, Articles 4.2, 4.3, 26.2, 29.7-29.11 of the Code on Administrative Offences of the Russian Federation, the Judge

DECIDED:

To find Marlen Eskenderovich Mustafaev guilty of committing an administrative offence under Part 1 of Article 20.3 of the Code on Administrative Offences of the Russian Federation, and to impose the administrative punishment in the form of the administrative arrest for the term of 11 (Eleven) days.

To start the term of the administrative punishment imposed on Marlen Eskenderovich Mustafaev in the form of the administrative arrest from the time of his detention on 21 February 2017, and delivery by the internal affairs authorities to the place where the administrative punishment is served.

To return the Nokia mobile phone to Marlen Eskenderovich Mustafaev.

Judge's ruling on administrative arrest is to be executed by the internal affairs authorities immediately after that ruling is issued.

The Decision can be appealed against before the Supreme Court of the Republic of Crimea through the Kievskiy District Court of Simferopol, within ten days from its delivery or receipt of a copy of the Decision.

Judge: */Signed/* V.A. Mozhelianskiy

# Annex 322

Supreme Court of the Republic of Crimea, Case No. 12-505/2017,
Decision, 1 March 2017 (excerpts)

Translation
Excerpts

**Case No. 12-505/2017**

**DECISION**

1 March 2017 Simferopol

Judge of the Supreme Court of the Republic of Crimea, E.G. Timoshenko, having reviewed the appeal filed by attorney Emil Makhsudovich Kurbedinov, defence counsel of Marlen Eskenderovich Mustafaev against the decision made by the Judge of Kievskiy District Court of Simferopol, Republic of Crimea of 21 February 2017 No. 5-479/2017,

**established:**

According to Decision of the Kievskiy District Court of Simferopol of the Republic of Crimea of 21 February 2017 No. 5-479/2017, Marlen Eskenderovich Mustafaev was found guilty of committing an administrative offence under Part 1 Article 20.3 of the Code on Administrative Offences of the Russian Federation, and sentenced to an administrative arrest for 11 (eleven) days.

The said court decision was based on the circumstances that M.E. Mustafaev, by using the "Internet" telecommunication network, publicly demonstrated the symbols of an extremist organization, the propaganda and public demonstration of which is prohibited by law, thereby violated the requirements of Federal Law of 25 July 2002 No. 114-FZ "On countering extremist activities".

Disagreeing with the above-mentioned court decision, attorney Emil Makhsudovich Kurbedinov, defence counsel of Marlen Eskenderovich Mustafaev, filed an appeal where he asks to revoke the said court decision and dismiss the case. The appellant justifies his arguments as follows: during the court hearing it was not confirmed that any symbols of an extremist organization were promulgated, but the public demonstration of anything that does not aim at propaganda may not be deemed as extremist action. As the appellant points out M.E. Mustafaev did not have willful intention to commit any offence, so there are no elements of the offence the liability for which is provided for under Part 1 Article 20.3 of the Code on Administrative Offences of the Russian Federation. The defence counsel also believes that at the time when M.E. Mustafaev posted the mentioned materials in the social network, the legislation of Ukraine was effective in the territory of the Republic of Crimea which did not envisage any liability for such actions. According to the appellant, the decision being contested violates the guarantees provided for in Articles 6,7 of the European Convention on Human Rights. Imposing on M.E. Mustafaev such punishment as an administrative arrest is not substantiated.

Since M.E. Mustafaev has been duly and timely notified of the venue and time of the court hearing, and his defence counsel is attending the court hearing, the court considers it lawful to review the appeal in absence of M.E. Mustafaev.

Having studied the case materials, having checked the arguments of the appeal, having heard E.M. Kurbedinov - the defence counsel of M.E. Mustafaev who spoke in support of the arguments contained in the appeal, I have come to the following conclusion.

[…]

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[…]

As it appears from the administrative offence case materials: on 9 January 2017 at 13:30 it was found that M.E. Mustafaev posted and made publicly available the symbols of the terrorist organization "Islamic Party of Liberation" (Hizb ut-Tahrir al Islami) on the page of social network "VKontakte" with

nickname “Marlen Mustafaev” at https://vk.com/id193426780; the terrorist organization which aim is to oust non-Islamic governments and establish a global Islamic rule by recreating the “Global Islamic Caliphate” particularly on the territory of Russia and the countries of the CIS, through aggressive Islamic propaganda combined with intolerance against other religions; active recruitment of supporters, purposeful activity aimed at splitting the society, recognized as a terrorist organization, the activity thereof being prohibited on the territory of the Russian Federation, by the Decision of the Supreme Court of the Russian Federation of 14 February 2003 that entered into force. The performed visual inspection detected that on 26 June 2014 M.E. Mustafaev posted the said symbols in the public domain, and it was available to be seen by the public till it was detected.

The said circumstances served the basis for holding M.E. Mustafaev administratively liable under Part 1 Article 20.3 of the Code on Administrative Offences of the Russian Federation.

[…]

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[…]

The conclusion that the actions of the person against whom the administrative proceedings are being carried out, contain elements of an administrative offence under Article 20.3 of the Code on Administrative Offences of the Russian Federation, corresponds to the facts of the case and the evidence provided and properly assessed in the judicial acts under appeal.

[…]

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[…]

In the view of the foregoing and guided by Articles 30.6, 30.7 of the Code on Administrative Offences of the Russian Federation, the Supreme Court of the Republic of Crimea

**decided:**

To dismiss the appeal of attorney E.M. Kurbedinov, defence counsel of Marlen Eskenderovich Mustafaev, against the decision made by the Judge of the Kievskiy District Court of Simferopol of the Republic of Crimea of 21 February 2017 No. 5-479/2017.

To uphold the decision of the Kievskiy District Court of Simferopol of the Republic of Crimea of 21 February 2017 No. 5-479/2017 with regard to Marlen Eskenderovich Mustafaev.

The decision may be revised as stipulated by Articles 30.12-30.19 of the Code on Administrative Offences of the Russian Federation.

**Judge** *(signed)* **E.G. Timoshenko**

# Annex 323

Supreme Court of the Republic of Crimea, Case No. 12-504/2017,
Decision, 2 March 2017

Translation

Judge I.V. Kagitina Case No. 12-504/2017

DECISION

Simferopol 2 March 2017

Judge of the Supreme Court of the Republic of Crimea N.R. Mostovenko, having considered in the open court hearing the appeal of Emil Maksudovich Kuberdinov, the defence counsel of Medzhit Anafievich Abdurakhmanov, against the decision of the Kievskiy District Court of the city of Simferopol of the Republic of Crimea of 21 February 2017 rendered against Medzhit Anafievich Abdurakhmanov in a case of administrative offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation,

ESTABLISHED:

By the Decision of the Kievskiy District Court of Simferopol of the Republic of Crimea of 21 February 2017, Medzhit Anafievich Abdurakhmanov was found guilty of committing the administrative offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation and was sentenced to an administrative punishment in the form of administrative arrest for a period of Five (5) days for the fact that on 21 February 2017 at about 10:20 a.m. at the 4th station at the intersection of Sirenevaya and Myasoedovskaya streets, in Kamenka village, Simferopol, he took part in citizens' mass simultaneous gathering in a public place that entailed a violation of the public order: he shouted loudly, waved his arms, did not react to repeated demands of police officers to stop the unlawful acts and interfered with the traffic of pedestrians and vehicles.

In his appeal filed with the Supreme Court of the Republic of Crimea in the manner provided for under Articles 30.1-30.2 of the Code on Administrative Offences of the Russian Federation, E.M. Kurbedinov, the defence counsel of M.A. Abdurakhmanov, asks to revoke the above-mentioned decision and to dismiss the case due to the absence of elements of the administrative offence in his actions.

The appeal is based on a violation of the right to protection of M.A. Abdurakhmanov at the court hearing of the court of the first instance. Not all the evidence in the case was examined at the court hearing. Not all witnesses in the case were interrogated. The court hearing was in fact restricted, thereby the principle of publicity was violated. The court of the first instance did not assess the arguments of the defence counsel. The defence motion to join a prosecutor to the case was not satisfied. It appears from the video recording contained in the administrative material that M.A. Abdurakhmanov did not violate the public order. The above meeting was peaceful and did not violate the public order. M.A. Abdurakhmanov was brought to administrative liability on the basis of a law that was never published in the territory of the Republic of Crimea. The court of the first instance did not substantiate its imposing the administrative punishment in the form of administrative arrest on M.A. Abdurakhmanov. The administrative punishment is disproportionate to what was done.

At the court hearing, M.A. Abdurakhmanov and E.S. Semedlyaev, his defence counsel, attorney certificate No. […], as well as his defence counsel by motion L.E. Engulatova, maintained the arguments of appeal.

Having heard the applicant and his defence counsel, having interrogated official M.A. Makin, District Police Officer, having examined the appeal arguments and the case materials, the court comes to the following conclusion.

In accordance with Article 24.1 of the Code on Administrative Offences of the Russian Federation, the tasks of proceedings on cases of administrative offences are comprehensive, complete, objective and timely clarification of the circumstances of each case, resolving it in accordance with the law, ensuring the execution of the judgment, as well as identifying the causes and conditions that contributed to the commission of administrative offences.

In accordance with Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, arranging citizens' mass simultaneous gathering and (or) movement in public places that is not a public event, public calls to citizens' mass simultaneous gathering and (or) movement in public places, or participation in citizens' mass simultaneous gathering and (or) movement in public places, if citizens' mass

simultaneous gathering and (or) movement in public places has entailed public order disturbance or violation of sanitary norms and rules, violation of the functioning and safety of critical infrastructure or communication facilities, or has caused damage to greenery, or hindrance to the movement of pedestrians or vehicles, or prevented citizens' access to residential premises or transportation infrastructure facilities, or to social infrastructure facilities, except for the situations provided for in Parts 2 and 3 of this Article, entail the imposition of an administrative fine on citizens in the amount of ten thousand to twenty thousand rubles, or compulsory community service for up to one hundred hours, or an administrative arrest for a period of up to fifteen days.

The target of the respective administrative offences is public relations in the sphere of public order and public safety.

According to Clause b of Part 1 of Article 2 of the Federal Law of 7 February 2011 No. 3-FZ "On Police", one of the key areas of the police activity is ensuring public order in public places.

By virtue of Clause 5 of Part 1 of Article 12 of that Federal Law, the police is obliged to ensure the safety of citizens and the public order in the streets, squares, stadiums, public gardens, parks, highways, train stations, airports, sea and river ports and other public places.

By virtue of Article 13 of the Federal Law "On Police", in order to fulfil its duties the police is empowered to demand from citizens to stop the unlawful acts.

As it appears from the reports of the police officers, on 21 February 2017 at about 10:20 a.m., at the 4th station at the intersection of Sirenevaya and Myasoedovskaya streets, in Kamenka village, Simferopol, M.A. Abdurakhmanov took part in citizens' mass simultaneous gathering in a public place that entailed a violation of the public order: he shouted loudly, waved his arms, did not react to repeated demands of police officers to stop the unlawful acts and interfered with the traffic of pedestrians and vehicles (special vehicles).

On 21 February, 2017, M.A. Makin., District Police Officer, drew up an administrative offence record against M.A. Abdurakhmanov for committing an offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, in the presence of a person to whom his/her processual rights were explained, and who refused to sign it.

The fact that M.A. Abdurakhmanov committed the administrative offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation is confirmed by the administrative offence record (case file sheet 1), the record of delivery (case file sheet 2), the written explanations (case file sheets 6—9), the reports of police officers (case file sheets 4—5, 10—11), the video recording (case file sheet 12), the testimony of V.A. Zadorozhnaya and Yu.Z. Avamilev, employee of the Public Order Enforcement Department of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, the witnesses interrogated at the court hearing, as assessed by the judge in conjunction with all case materials in compliance with the requirements of Article 26.11 of the Code on Administrative Offences of the Russian Federation.

Moreover, M.A. Abdurakhmanov reliably confirmed at the court hearing that on 21 February 2017, in the morning, he was at the public place specified in the administrative offence records with the sole purpose of citizens' mass simultaneous gathering in the public place, the street was cordoned off, and his brother was subjected to operating activities.

In itself, failure to specify the time in the administrative offence records does not prove that there was no administrative offence event, that is confirmed by the testimony of M.A. Makin, District Police Officer, interrogated at the court hearing and notified of administrative liability under Article 17.9 of the Code on Administrative Offences of the Russian Federation, and reliably confirmed the time of occurrence and factual circumstances of the case.

Therefore, the court finds that the defence counsel's arguments for the exclusion of the administrative offence record from the evidence should not be satisfied.

The reliability and the admissibility of this evidence is beyond doubt, as it is consistent, does not contain any discrepancies and is in line with the factual circumstances. The evidence above enables to make an unambiguous conclusion on the circumstances of the committed offence and the guilt of M.A. Abdurakhmanov therein.

Thus, the appeal arguments that the court of the first instance did not investigate all the evidence in the case are untenable.

The court views critically the appeal arguments regarding violation of M.A. Abdurakhmanov's right to protection at the court of the first instance hearing since attorney E.M. Kurbedinov and L.E. Engulatova, his defence counsel participated in that court hearing.

The circumstance that not all witnesses were interrogated at the court of the first instance hearing and that the appealed decision did not assess the arguments of the defence counsel, does not affect the establishment of the fact that M.A. Abdurakhmanov committed the administrative offence. The testimonies of the persons interrogated at the court hearing of the district court are consistent with each other and with other evidence in the case and do not raise any doubts of the court.

The court finds unsubstantiated the appeal of M.A. Abdurakhmanov that he didn't understand the text of the officials warning him of administrative liability.

The court views critically the appeal of defence counsel E.S. Semedlyaeva that this case is fabricated.

The appeal arguments that the court of the first instance hearing was in fact restricted, thereby the principle of free speech was violated, are erroneous and are refuted by the records of the court hearing of the court of the first instance of 21 February 2017.

The defence motion to join a prosecutor to the case was considered by the court of the first instance and resulted in a court order.

The appeal arguments that it appears from the video recording contained in the administrative case material that M.A. Abdurakhmanov did not violate the public order and that the above meeting was peaceful and did not violate the public order are viewed by the court critically and are refuted by the evidence in the case.

So, it appears from the above video recording that M.A. Abdurakhmanov participated in citizens' mass simultaneous gathering in the public place, interfered with the traffic of pedestrians and vehicles, did not react to repeated demands of police officers to stop unlawful acts.

Those circumstances are confirmed by the testimonies of the witnesses interrogated at the court hearing of the court of the first instance as well.

Thus, the main appeal arguments are limited to violations of procedural law and were not confirmed by the court of appeal.

The procedure and the time limits for bringing the person to the administrative liability were not violated.

The appeal arguments that M.A. Abdurakhmanov was brought to administrative liability on the basis of a law that was never published in the territory of the Republic of Crimea are unfounded.

According to Part 3 of Article 1 of Federal Constitutional Law of 21 March 2014 No. 6-FKZ "On the admission of the Republic of Crimea into the Russian Federation and the formation of new constituent entities within the Russian Federation - the Republic of Crimea and the federal city of Sevastopol" (hereinafter Law No. 6-FKZ), the Republic of Crimea is regarded as admitted to the Russian Federation from the date the Treaty between the Russian Federation and the Republic of Crimea on the Accession of the Republic of Crimea to the Russian Federation and the Formation of New Constituent Entities within the Russian Federation was signed.

The Treaty between the Russian Federation and the Republic of Crimea on the Accession of the Republic of Crimea to the Russian Federation and the Formation of New Constituent Entities within the Russian Federation was signed on 18 March 2014.

In accordance with Part 1 of Article 23 of Law No. 6-FKZ, legislative and other legal acts of the Russian Federation shall be valid in the territories of the Republic of Crimea and the federal city of Sevastopol from the day of admission of the Republic of Crimea into the Russian Federation and formation of new constituent entities of the Russian Federation, unless otherwise provided for by this Federal Constitutional Law.

Thus, the legislation of the Russian Federation took effect in the territory of the Republic of Crimea from the above date.

The appeal of defence counsel L.E. Engulatova that Article 5 of the European Convention on Human Rights (right to a fair trial) was violated is refuted by the written materials of the case in their entirety, given an assessment of their relatability and acceptability.

The imposing of the administrative punishment should be based on the data confirming the actual need to impose it upon person against whom the proceedings in the administrative offence case are being conducted, to the extent of the rule providing for liability for the administrative offence, that measure of state coercion that would most efficiently achieve the administrative punishment objectives, and its proportionality as the only possible way to achieve a fair balance of public and private interests within the administrative proceedings.

According to Part 1 of Article 3.9 of the Code on Administrative Offences of the Russian Federation, the administrative arrest consists in keeping the offender in isolation from the society and is established for up to fifteen days. The administrative arrest is imposed by the judge. The administrative arrest is established and imposed in exceptional cases only for certain types of administrative offences and may not be applied to pregnant women, women having children under the age of fourteen, persons under the age of eighteen, disabled persons of groups I and II, servicemen, citizens called up for military training and employees of the internal affairs bodies, bodies and institutions of the penal system, the State Fire-Fighting Service, bodies controlling the distribution of narcotic drugs and psychotropic substances and customs authorities who have special ranks (Part 2 of Article 3.9 of the Code on Administrative Offences of the Russian Federation), the term of administrative detention is included in the term of administrative arrest (Part 3 of Article 3.9 of the Code on Administrative Offences of the Russian Federation).

When imposing on M.A. Abdurakhmanov the administrative punishment in the form of the administrative arrest for a period of Five (5) days, the court of the first instance took into account the nature of the administrative offence committed that encroached on the public order and posed the public danger, unemployed status [of M.A. Abdurakhmanov] and the absence of earnings as a result, thus came to the correct conclusion that such an exceptional administrative punishment could be applied. The court finds that such measure is proportionate and is required in order to protect the foundations of the constitutional order and to ensure the security of the state, considering the factual circumstances of the case.

The admissibility and the reliability of the specified evidence do not raise any doubts, are not contested by the appellant himself, and the body of evidence was reasonably recognized by the court to be sufficient to resolve the case on the merits.

M.A. Abdurakhmanov actions form the objective elements of the administrative offence provided for by Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

Thus, the circumstances of the committed administrative offence were clarified in a comprehensive, full, unbiased and timely manner in the course of consideration of that administrative offence case in compliance with the requirements of Article 24.1 of the Code on Administrative Offences of the Russian Federation.

The court of the first instance considered the case in the presence of M.A. Abdurakhmanov and his defence counsel.

It appears from the appeal that there are no arguments that could form the basis for revoking the appealed court decision.

This being stated, the court finds no grounds for satisfying the appeal and revoking the decision of the court of the first instance.

Based on the foregoing and being guided by Clause 1 of Part of 1 Article 30.7 of the Code on Administrative Offences of the Russian Federation, the court

DECIDED:

To uphold the decision of Kievskiy District Court of the city of Simferopol of the Republic of Crimea of 21 February 2017 rendered against Medzhit Anafievich Abdurakhmanov in a case on administrative offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, to dismiss the appeal of Emil Maksudovich Kuberdinov, the defence counsel of Medzhit Anafievich Abdurakhmanov.

Judge *(Signed)* N.R. Mostovenko

# Annex 324

Supreme Court of the Republic of Crimea, Case No. 12-508/2017,
Decision, 2 March 2017

Translation

Judge I.V. Kagitina Case No. 12-508/2017

DECISION

Simferopol 2 March 2017

Judge of the Supreme Court of the Republic of Crimea N.R. Mostovenko, having considered in the open court hearing the appeal of Emil Maksudovich Kuberdinov, the defence counsel of Ablyakim Anafievich Abdurakhmanov, against the decision of Kievskiy District Court of the city of Simferopol of the Republic of Crimea of 21 February 2017 rendered against Ablyakim Anafievich Abdurakhmanov in a case of administrative offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation,

ESTABLISHED:

By the decision of the Kievskiy District Court of Simferopol of the Republic of Crimea of 21 February 2017, Ablyakim Anafievich Abdurakhmanov was found guilty of committing the administrative offence provided for by Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation and was sentenced to an administrative punishment in the form of administrative arrest for a period of Five (5) days for the fact that on February 21, 2017 at about 10:20 a.m. at the 4th station at the intersection of Sirenevaya and Myasoedovskaya streets, in Kamenka village, Simferopol, he took part in citizens' mass simultaneous gathering in a public place that entailed a violation of the public order: he shouted loudly, waved his arms, did not react to repeated demands of police officers to stop the unlawful acts and interfered with the traffic of pedestrians and vehicles.

In his appeal filed with the Supreme Court of the Republic of Crimea in the manner prescribed by Articles 30.1-30.2 of the Code on Administrative Offences of the Russian Federation, E.M. Kurbedinov, the defence counsel of A.A. Abdurakhmanov, asks to revoke the above-mentioned decision and to dismiss the case due to the absence of elements of the administrative offence in his actions.

The appeal is based on a violation of the right to protection of A.A. Abdurakhmanov at the court hearing of the court of the first instance. Not all the evidence in the case was examined at the court hearing. Not all witnesses in the case were interrogated. The court hearing was in fact closed, thereby the principle of publicity was violated. The court of the first instance did not assess the arguments of the defence counsel. The defence motion to join a prosecutor to the case was not satisfied. It appears from the video recording contained in the administrative material that A.A. Abdurakhmanov did not violate the public order. The above meeting was peaceful and did not violate the public order. A.A. Abdurakhmanov was brought to administrative liability on the basis of a law that was never published in the territory of the Republic of Crimea. The court of the first instance did not substantiate its imposing the administrative punishment in the form of administrative arrest on M.A. Abdurakhmanov. The administrative punishment is disproportionate to what was done.

At the court hearing, A.A. Abdurakhmanov and E.S. Semedlyaev, his defence counsel, attorney certificate No. […], supported the appeal arguments.

Having heard the applicant and his defence counsel, having interrogated T.N. Abliev, Senior Police Lieutenant, having examined the appeal arguments and the case materials, the court comes to the following conclusion.

In accordance with Article 24.1 of the Code on Administrative Offences of the Russian Federation, the tasks of proceedings on cases of administrative offences are comprehensive, complete, objective and timely clarification of the circumstances of each case, resolving it in accordance with the law, ensuring the execution of the judgment, as well as identifying the causes and conditions that contributed to the commission of administrative offences.

In accordance with Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, arranging citizens' mass simultaneous gathering and (or) movement in public places that is not a

public event, public calls to citizens' mass simultaneous gathering and (or) movement in public places, or participation in citizens' mass simultaneous gathering and (or) movement in public places, if citizens' mass simultaneous gathering and (or) movement in public places has entailed public order disturbance or violation of sanitary norms and rules, violation of the functioning and safety of critical infrastructure or communication facilities, or has caused damage to greenery, or hindrance to the movement of pedestrians or vehicles, or prevented citizens' access to residential premises or transportation infrastructure facilities, or to social infrastructure facilities, except for the situations provided for in Parts 2 and 3 of this Article, entail the imposition of an administrative fine on citizens in the amount of ten thousand to twenty thousand roubles, or compulsory community service for up to one hundred hours, or an administrative arrest for a period of up to fifteen days.

The target of the respective administrative offences is public relations in the area of public order and public safety.

According to Clause b of Part 1 of Article 2 of the Federal Law of 7 February 2011 No. 3-FZ "On Police", one of the key spheres of the police activity is ensuring public order in public places.

By virtue of Clause 5 of Part 1 of Article 12 of that Federal Law, the police are obliged to ensure the safety of citizens and the public order in the streets, squares, stadiums, public gardens, parks, highways, train stations, airports, sea and river ports and other public places.

By virtue of Article 13 of the Federal Law "On Police", in order to fulfil its duties, the police is empowered to demand from citizens to stop the unlawful acts.

As it appears from the reports of the police officers, on 21 February 2017 at about 10:20 a.m., at the 4th station at the intersection of Sirenevaya and Myasoedovskaya streets, in Kamenka village, Simferopol, A.A. Abdurakhmanov took part in citizens' mass simultaneous gathering in a public place that entailed a violation of the public order: he shouted loudly, waved his arms, did not react to repeated demands of police officers to stop the unlawful acts and interfered with the traffic of pedestrians and vehicles.

On 21 February 2017, T.N. Abiev, Senior Police Lieutenant, drew up the administrative offence records against A.A. Abdurakhmanov for committing an offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, in the presence of a person to whom his/her rights were explained.

The fact that A.A. Abdurakhmanov committed the administrative offence provided for by Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation is confirmed by the administrative offence record (case file sheet 1), the record of delivery (case file sheet 2), the written explanations (case file sheets 6—9), the reports of police officers (case file sheets 10—11), the video recording (case file sheet 12), the testimonies of V.A. Zadorozhnaya and Yu.Z. Avamilev, employee of the Public Order Enforcement Department of the Administration of the Ministry of Internal Affairs of Russia for Simferopol, the witnesses interrogated at the court hearing, as assessed by the judge in conjunction with all case materials in compliance with the requirements of Article 26.11 of the Code on Administrative Offences of the Russian Federation.

Moreover, A.A. Abdurakhmanov reliably confirmed at the court hearing that on 21 February 2017, in the morning, he was at the public place specified in the administrative offence records with the sole purpose of citizens' mass simultaneous gathering in the public place, the street was cordoned off, and his brother was subjected to operating activities.

In itself, failure to specify the time in the administrative offence records does not prove that there was no administrative offence event that is confirmed by the testimony of T.N. Abliev, interrogated at the court hearing and notified of administrative liability under Article 17.9 of the Code on Administrative Offences of the Russian Federation.

Therefore, the court finds that the defence counsel's motion for the exclusion of the administrative offence records from the evidence should not be satisfied.

The reliability and the admissibility of this evidence is beyond doubt, as it is consistent, does not contain any discrepancies and is in line with the factual circumstances. The evidence above enables to make

an unambiguous conclusion on the circumstances of the committed offence and the guilt of A.A. Abdurakhmanov therein.

Thus, the appeal arguments that the court of the first instance did not investigate all the evidence in the case are untenable.

The court views critically the appeal arguments regarding violation of A.A. Abdurakhmanov's right to protection at the court of the first instance hearing since attorney E.M. Kurbedinov and L.E. Engulatova, his defence counsel participated in that court hearing.

The circumstance that not all witnesses were interrogated at the court hearing of the court of the first instance and that the appealed decision did not assess the arguments of the defence counsel, does not affect the establishment of the fact that A.A. Abdurakhmanov committed the administrative offence. The testimonies of the persons interrogated at the court hearing of the district court are consistent with each other and with other evidence in the case and do not raise any doubts of the court.

The appeal arguments that the court of the first instance hearing was in fact restricted, thereby the principle of free speech was violated, are erroneous and are refuted by the records of the court hearing of the court of the first instance of 21 February 2017.

The defence motion to join a prosecutor to the case was considered by the court of the first instance and resulted in a court order.

The appeal arguments that it appears from the video recording included in the administrative material that A.A. Abdurakhmanov did not violate the public order and that the above meeting was peaceful and did not violate the public order are regarded by the court critically and are refuted by the evidence in the case.

So, it appears from the above video recording that A.A. Abdurakhmanov participated in citizens' mass simultaneous gathering in the public place, interfered with the traffic of pedestrians and vehicles, did not react to repeated demands of police officers to stop unlawful acts.

Those circumstances are confirmed by the testimony of the witnesses interrogated at the court hearing of the court of the first instance as well.

Thus, the appeal arguments are limited to a violation of procedural law, that is not confirmed.

The procedure and the time limits for bringing the person to the administrative liability were not violated.

The appeal arguments that A.A. Abdurakhmanov was brought to administrative liability on the basis of a law that was never published in the territory of the Republic of Crimea are unfounded.

According to Part 3 of Article 1 of Federal Constitutional Law of 21 March 2014 No. 6-FKZ "On the admission of the Republic of Crimea into the Russian Federation and the formation of new constituent entities within the Russian Federation - the Republic of Crimea and the federal city of Sevastopol" (hereinafter Law No. 6-FKZ), the Republic of Crimea is regarded as admitted to the Russian Federation from the date the Treaty between the Russian Federation and the Republic of Crimea on the Accession of the Republic of Crimea to the Russian Federation and the Formation of New Constituent Entities within the Russian Federation was signed.

The Treaty between the Russian Federation and the Republic of Crimea on the Accession of the Republic of Crimea to the Russian Federation and the Formation of New Constituent Entities within the Russian Federation was signed on 18 March 2014.

In accordance with Part 1 of Article 23 of Law No. 6-FKZ, legislative and other legal acts of the Russian Federation shall be valid in the territories of the Republic of Crimea and the federal city of Sevastopol from the day of admission of the Republic of Crimea into the Russian Federation and formation of new constituent entities of the Russian Federation, unless otherwise provided for by this Federal Constitutional Law.

Thus, the legislation of the Russian Federation took effect in the territory of the Republic of Crimea from the above date.

The imposing of the administrative punishment should be based on the data confirming the actual need to impose it upon person against whom the proceedings in the administrative offence case are being

conducted, to the extent of the rule providing for liability for the administrative offence, that measure of state coercion that would most efficiently achieve the administrative punishment objectives and its proportionality as the only possible way to achieve a fair balance of public and private interests within the administrative proceedings.

According to Part 1 of Article 3.9 of the Code on Administrative Offences of the Russian Federation, the administrative arrest consists in keeping the offender in isolation from the society and is established for up to fifteen days. The administrative arrest is imposed by the judge. The administrative arrest is established and imposed in exceptional cases only for certain types of administrative offences and may not be applied to pregnant women, women having children under the age of fourteen, persons under the age of eighteen, disabled persons of groups I and II, servicemen, citizens called up for military training and employees of the internal affairs bodies, bodies and institutions of the penal system, the State Fire-Fighting Service, bodies controlling the distribution of narcotic drugs and psychotropic substances and customs authorities who have special ranks (Part 2 of Article 3.9 of the Code on Administrative Offences of the Russian Federation), the term of administrative detention is included in the term of administrative arrest (Part 3 of Article 3.9 of the Code on Administrative Offences of the Russian Federation).

When imposing on A.A. Abdurakhmanov the administrative punishment in the form of the administrative arrest for a period of Five (5) days, the court of the first instance took into account the nature of the administrative offence committed that encroached on the public order and posed the public danger, unemployed status [of A.A. Abdurakhmanov] and as a result the absence of earnings, and came to the correct conclusion that such exceptional measure of administrative punishment could be applied. The court finds that such measure is proportionate and is required in order to protect the foundations of the constitutional order and to ensure the security of the state.

The admissibility and the reliability of the specified evidence do not raise any doubts, are not contested by the appellant himself, and the body of evidence was reasonably recognized by the court to be sufficient to resolve the case on the merits.

A.A. Abdurakhmanov actions form the objective elements of the administrative offence provided for by Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

Thus, the circumstances of the committed administrative offence were clarified in a comprehensive, full, unbiased and timely manner in the course of consideration of that administrative offence case in compliance with the requirements of Article 24.1 of the Code on Administrative Offences of the Russian Federation.

The court of the first instance considered the case before A.A. Abdurakhmanov and his defence counsel.

It appears from the appeal that there are no arguments that could be the basis for revoking the appealed court decision.

This being stated, the court finds no grounds for satisfying the appeal and revoking the decision of the court of the first instance.

Based on the foregoing and being guided by Clause 1 of Part of 1 Article 30.7 of the Code on Administrative Offences of the Russian Federation, the court

DECIDED:

To uphold the decision of the Kievskiy District Court of the city of Simferopol of the Republic of Crimea of 21 February 2017 rendered against Ablyakim Anafievich Abdurakhmanov in a case on administrative offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, to dismiss the appeal of Emil Maksudovich Kuberdinov, the defence counsel of Ablyakim Anafievich Abdurakhmanov.

Judge *(Signed)* N.R. Mostovenko

# Annex 325

Supreme Court of the Republic of Crimea, Case No. 12-513/2017,
Decision, 2 March 2017

Translation

**Case No. 12- 513/2017**

**DECISION**

2 March 2017 Simferopol

Judge of the Supreme Court of the Republic of Crimea E.G. Timoshenko having considered the appeal submitted by Osman Feratovich Arifmemetov's defence counsel - attorney Edem Serverovich Semedlyaev and Lilya Ibragimovna Gemedzhi, against the decision of the Judge of the Kievskiy District Court of Simferopol of the Republic of Crimea of 21 February 2017 in case No. 5-489/2017 against

Osman Feratovich Arifmemetov, born on 28 August 1985, registered at: 14 Mamutova Str., Dolinnoye village, Bakhchisaray District, Republic of Crimea.

in the case on the administrative offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation,

**established:**

By decision of the Judge of the Kievskiy District Court of Simferopol of the Republic of Crimea of 21 February 2017 in case No. 5-489/2017, Osman Feratovich Arifmemetov is found guilty of the administrative offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, and the punishment was imposed on him in the form of administrative arrest for the term of 5 (Five) days since he participated in citizens' mass simultaneous gathering in a public place located near public transport stop No. 4 in Kamenka village, city of Simferopol, the Republic of Crimea on 21 February 2017 at 10:20 am, which caused public disorder and obstruction of pedestrian movement.

Having disagreed with the rendered decision, Osman Feratovich Arifmemetov's defence counsel - attorney Edem Serverovich Semedlyaev and Lilya Ibragimovna Gemedzhi submitted an appeal, where they request to reverse said decision and dismiss the case.

The applicants insist that the proceeding, which resulted in imposition of an administrative liability on O.F. Arifmemetov, failed to examine all evidence in the case, the court refused to have the witnesses for the defense, who were able to testify in the case, interrogated. The defence counsel point out that the disputed decision of the court breached O.F. Arifmemetov's right to a fair trial, breached basic principles of court hearing: the principles of adversarial proceedings and transparency. As the applicants believe, the meeting on the intersection between Myasoedovskaya and Sirenevaya streets, Kamenka microdistrict, was of a peaceful nature, had not breached the rights of third parties. Also, O.F. Arifmemetov's defence counsel believe that the sanction was imposed on the latter disproportionately to the doings.

During court hearing before the Court of Appeal, O.F. Arifmemetov submitted a motion to summon an interpreter to the court hearing to be able to give explanations in the Crimean-Tatar language.

There is no ground to satisfy said motion due to the following reasons. As can be seen from the case materials, O.F. Arifmemetov, when disagreeing with the administrative offence records, personally indicated in the records themselves that he intended to appeal against it in Russian, did not claim that it was necessary to engage an interpreter. In the meantime, the Court notices no trouble experienced by O.F. Arifmemetov when speaking and perceiving information in Russian.

Furthermore, Osman Feratovich Arifmemetov's defence counsel - attorney Edem Serverovich Semedlyaev and Lilya Ibragimovna Gemedzhi were joined into the proceeding, they submitted an application on behalf of O.F. Arifmemetov in Russian and observing the rules of grammar and punctuation, the rules of material and procedural legislation of the Russian Federation, they speak Russian fluently as was conclusively established by the Court when said individuals were providing oral explanations.

The motion submitted by O.F. Arifmemetov's defence counsel broadcast a court hearing on the Internet cannot be satisfied. In the meantime, they are not deprived of an opportunity to record the court hearing using their own technical means of audio recording.

As regards the motion to ensure the participation of the prosecutor in the court session,, the Court considers it necessary to point out that the powers of the prosecutor in the proceedings on an administrative offence case are enshrined in Part 1 of Article 25.11 of the Code on Administrative Offences of the Russian Federation. It is not established that a prosecutor's participation in the cases of this category is mandatory, and

there is no need for the prosecutor to participate in this case.

According to the provisions of Article 26.11 of the Code on Administrative Offences of the Russian Federation, the Judge hearing an administrative offence case has the right to evaluate evidence according to their internal belief based on a comprehensive, complete and objective examination of all circumstances in the case in their totality.

The motion to attach to the case materials a disk with a video recording provided by O.F. Arifmemetov is not subject to satisfaction, since the source of this recording is unknown to the court, and the available evidence in its totality is sufficient to verify the legality and validity of the appealed decision and the arguments of the appeal.

Having examined the case materials, checked the arguments provided in the appeal, heard O.F. Arifmemetov, his defence counsel - attorney E.S. Semedlyaev (participated in the court hearing on 28 February 2017), E.S. Semedlyaev, L.I. Gemedzhi, who maintained the appeal, the Court comes to the following conclusions.

According to Articles 24.1, 26.1, 26.2 of the Code on Administrative Offences of the Russian Federation, in an administrative offence case, the circumstances of the offence must be ascertained in their totality in a comprehensive, complete, objective and timely manner. The evidence in an administrative offence case shall mean any factual data, on the basis of which a judge, body, official that resolve the case determine whether the administrative offence is committed, whether that person is guilty of it, and other circumstances relevant for proper resolution of the case.

This data shall be established by the administrative offence records, other records specified in this Code, explanations from the person subjected to the proceedings on the administrative offence case, the testimony from the victim, witnesses, expert opinions, other documents, and also in data recorded by special technical means, material evidence.

According to Clause 8 of Part 2 of Article 30.6 of the Code on Administrative Offences of the Russian Federation, the consideration of an appeal against a decision issued in an administrative offence case shall include examination of lawfulness and reasonableness of the issued decision on the basis of the materials available in the case and submitted additionally.

According to Part 1, Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, participation in citizens' mass simultaneous gathering and (or) movement in public places, if citizens' mass simultaneous gathering and (or) movement in public places has entailed public order disturbance or violation of sanitary norms and rules, violation of the functioning and safety of critical infrastructure or communication facilities, or has caused damage to greenery, or hindrance to the movement of pedestrians or vehicles, or prevented citizens' access to residential premises or transportation infrastructure facilities, or to social infrastructure facilities, except for the situations provided for in Parts 2 and 3 of this Article, entail the imposition of an administrative fine on citizens in the amount of ten thousand to twenty thousand rubles, or compulsory community service for up to one hundred hours, or an administrative arrest for a period of up to fifteen days.

As follows from the case materials, on 21 February 2017 at 10:20 am, Osman Feratovich Arifmemetov participated in a citizens' mass simultaneous gathering in a public place located near public transport Stop No. 4 in Kamenka village, city of Simferopol, the Republic of Crimea, which caused public disorder and obstruction of pedestrian movement.

The fact that an administrative offence was committed by O.F. Arifmemetov is confirmed by the evidence collected in the case of the administrative offence including the administrative offence record of 21 February 2017, reports from the police officers: V.A. Zadorozhnaya, Inquiry officer of the Department of Inquiry of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, and Yu.Z. Avamilev, the Senior Inspector of the Public Order Maintenance Department of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, who were interrogated during the hearing before the court of the first instance and the Court of Appeal and confirmed the details provided in the reports.

At the same time, the reports were prepared by the officials within the scope of their duties and were prepared due to discovery of the administrative offence, the procedure established for their preparation was observed.

There is no ground to doubt the validity of explanations provided by the police officers who were interrogated during the court hearing and had been performing their duties, therefore the evidence is classified by the court as permissible, since they correspond to other case materials.

Said evidence was evaluated for admissibility, validity, sufficiency subject to the requirements specified in Parts 2, 3 of Article 26.2, Article 26.11 of the Code on Administrative Offences of the Russian Federation.

The conclusion, which was made by the court of the first instance that the actions of O.F. Arifmemetov contained administrative corpus delicti under Part 1, Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, corresponds to the factual circumstances of the case and available evidence that was examined by the Judge of the district court in a comprehensive, complete and objective manner and was evaluated in a due manner in the court decision in compliance with the requirements of Article 26.11 of the Code on Administrative Offences of the Russian Federation.

The argument of the appeal that the administrative liability was imposed on the applicant under the law that was never published on the territory of the Republic of Crimea is unfounded.

According to Part 3 of Article 1 of Federal Constitutional Law of 21 March 2014 No. 6-FKZ "On the admission of the Republic of Crimea into the Russian Federation and the formation of new constituent entities within the Russian Federation - the Republic of Crimea and the federal city of Sevastopol" (hereinafter Law No. 6-FKZ), the Republic of Crimea is regarded as admitted to the Russian Federation from the date the Treaty between the Russian Federation and the Republic of Crimea on the Accession of the Republic of Crimea to the Russian Federation and the Formation of New Constituent Entities within the Russian Federation was signed.

The Treaty between the Russian Federation and the Republic of Crimea on the Accession of the Republic of Crimea to the Russian Federation and the Formation of New Constituent Entities within the Russian Federation was signed on 18 March 2014.

In accordance with Part 1 of Article 23 of Law No. 6-FKZ, legislative and other legal acts of the Russian Federation shall be valid in the territories of the Republic of Crimea and the federal city of Sevastopol from the day of admission of the Republic of Crimea into the Russian Federation and formation of new constituent entities of the Russian Federation, unless otherwise provided for by this Federal Constitutional Law.

Thus, the legislation of the Russian Federation took effect in the territory of the Republic of Crimea from the above date.

The argument of the defence counsel that the guarantees provided for in Articles 6 and 7 of the Convention for the Protection of Human Rights and Fundamental Freedoms are breached is untenable. Imposition of administrative liability on an individual for the fact of committing a corresponding administrative offence discovered and proven in the manner prescribed by the Code on Administrative Offences of the Russian Federation does not entail a breach of the aforesaid rights of this individual, and does not interfere with their implementation in compliance with the requirements of the law.

Similarly, no breach of O.F. Arifmemetov's right to a fair trial, and no breach of principles of adversarial proceedings and transparency were found. The administrative offence case was considered by the Court with the participation of the individual subjected to the administrative liability and his defence counsel. In the course of the court hearing, they were giving explanations regarding the circumstances of the alleged administrative offence, participated in the examination of evidence, enjoyed other procedural rights, their arguments having legal significance for the case were verified and received a proper evaluation.

The circumstances referred to by the applicants in the appeal did not affect the comprehensiveness, completeness and objectivity of the consideration of the case, and also did not entail a breach of the rights of the individual subjected to the proceedings on the administrative offence case.

There is no new argument and evidence found during the consideration of the appeal that could entail a reversal of the court decision.

According to the general rules for the imposition of administrative punishments, an administrative punishment for committing an administrative offence is imposed within the limits established by the law providing for the liability for this administrative offence under the Code on Administrative Offences of the Russian Federation (Part 1 of Article 4.1 of the Code on Administrative Offences of the Russian Federation).

When imposing an administrative punishment on an individual, the nature of the administrative offence committed by them, the personality of the defendant, their property status, circumstances to mitigate the administrative liability and circumstances to aggravate the administrative liability shall be taken into account, the list of which is exhaustive (Part 2 of Article 4.1 of the Code on Administrative Offences of the Russian Federation).

Imposition of the administrative punishment should be based on the data confirming the actual need to impose it upon person against whom the proceedings in the administrative offence case are being conducted, to the extent of the rule providing for liability for the administrative offence, that measure of state coercion that would most efficiently achieve the administrative punishment objectives and its proportionality as the only possible way to achieve a fair balance of public and private interests within the administrative proceedings.

In this regard, the judge, body or official considering the administrative offence case must provide the reasons for imposing on the individual subjected to the administrative offence proceedings on an appropriate

administrative punishment within the sanction of the article to be applied.

Public order and public safety are the generic objects of administrative offences under Chapter 20 of the Code on Administrative Offences of the Russian Federation. The social relations developing in the process of ensuring order in public places are the direct object of the administrative offence established by Part 1 of Article 20.2.2 of this Code. At the same time, the provision of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, by defining the public relations covered by its application both in its literal meaning and taking into account its place in the system of applicable legal regulation, does not include any events held in public places in this category, but only such mass events that pursue a predetermined goal, are characterized by a unified plan of their participants and free access of citizens to participate in them, but are not public events within the meaning of Federal Law of 19 June 2004 No. 54-FZ "On assemblies, rallies, demonstrations, marches and picketing" (Clauses 1-6, Article 2). Moreover, this statutory provision conditions imposition of a liability upon occurrence of adverse consequences specified therein.

The judge of the Kievskiy District Court of Simferopol of the Republic of Crimea, when deciding on the imposition of an administrative punishment, took into account all legally significant circumstances, specific circumstances of the case, and on that ground came to a reasonable conclusion that imposition of a more lenient type of sanction than administrative arrest would not meet the goals and tasks of the legislation on administrative offences, with which the Court of Appeal considering the appeal agrees.

At the same time, the Court of Appeal considers it necessary to point out that application of administrative arrest to the extent of one third of the maximum duration provided in the sanction of the article dealing with participation in a citizens' mass simultaneous gathering in a public place located near a public transport stop, which caused disruption of public order, obstruction of the traffic, allows to fully take into account all circumstances, which are essential for the individualization of administrative liability and characterize both the administrative offence itself and the personality of the offender, who, as can be seen from the case materials, is not employed. Said sanction matches the required disciplinary action aimed at prevention of offences.

There is no breach of the rules of material and procedural administrative law, the administrative punishment was imposed on O.F. Arifmemetov within the sanction provided by the law, subject to which he was found guilty, in the meantime, the Court correctly took into account the nature of the offence committed by him and his personality.

In the course of consideration of this appeal, there is no circumstance found that could entail modification or reversal of the disputed court decision.

Relying on the above and being guided by Articles 30.6, 30.7 of the Code on Administrative Offences of the Russian Federation, the Supreme Court of the Republic of Crimea

**decided:**

To dismiss the appeal of Osman Feratovich Arifmemetov's defence counsel - attorney Edem Serverovich Semedlyaev, Lilya Ibragimovna Gemedzhi, against the decision of the Judge of the Kievskiy District Court of Simferopol of the Republic of Crimea of 21 February 2017 in case No. 5-489/2017.

To uphold decision of the Judge of the Kievskiy District Court of Simferopol of the Republic of Crimea of 21 February 2017 in administrative offence case No. 5-489/2017 against Osman Feratovich Arifmemetov.

The Decision could be challenged according to the procedure specified in Articles 30.12-30.19 of the Code on Administrative Offences of the Russian Federation.

**Judge** (Signed) **E.G. Timoshenko**

# Annex 326

Supreme Court of the Republic of Crimea, Case No. 12-506/2017,
Decision, 2 March 2017

Translation

SUPREME COURT OF THE REPUBLIC OF CRIMEA

DECISION
of 2 March 2017 in case No. 12-506/2017

Judge V.A. Mozhelyanskiy

Judge of the Supreme Court of the Republic of Crimea V.V. Agin,
with the participation of R.R. Bekirov, the person against whom administrative proceedings are conducted and
E.S. Semedlyaev and L.I. Gemedzhi, his defence counsel,
E.A. Abibulaev, Inspector of the Administrative Legislation Execution Department of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol,
having examined at the open court hearing in the city of Simferopol on
2 March 2017
the appeal of Edem Serverovich Semedlyaev defence counsel of Remzi Rustemovich Bekirov against whom the decision of the judge of Kievskiy District Court of Simferopol of 21 February 2017 in the case of administrative offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation is rendered,

established:

By decision of the judge of Kievskiy District Court of Simferopol of 21 February 2017, R.R. Bekirov was found guilty of committing the administrative offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation and was sentenced to an administrative punishment in the form of administrative arrest for a period of Five (5) days.

Having disagreed with decision of the judge of the district court, the defence counsel E.S. Semedlyaev filed an appeal with the Supreme Court of the Republic of Crimea in which he requested to reverse the above-mentioned decision as unlawful and unsubstantiated. In support, he specified that the judge of the district court incorrectly assessed the established circumstances and that there is no set of all elements of the administrative offence in the actions of R.R. Bekirov that is alleged to him.

Having heard R.R. Bekirov and his defence counsel – E.S. Semedlyaev and L.I. Gemedzhi, who maintained the appeal, E.A. Abibulaev, Inspector of the Administrative Legislation Execution Department of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, who objected to the appeal' satisfaction, A.A. Kruglov, A.A. Efimenko, V.A. Zadorozhnaya, Yu.Z. Avamilev, N.N. Sheikhmambetov, E.S. Suleymanov, the witnesses, having reviewed the case materials in full, having examined the appeal arguments, I come to the following conclusion.

According to Part 1 of Article 2.1 of the Code on Administrative Offences of the Russian Federation, the administrative offence is an wrongful, guilty action (inaction) of an individual or a legal entity, for which administrative liability is established by this Code or the administrative offence laws of the constituent entities of the Russian Federation.

As it appears from the case materials, on 21 February 2017 at 10:00 a.m., near building No. 127 at Myasoedovskaya Str., Kamenka village, Simferopol, Republic of Crimea, R.R. Bekirov was in a public place and took part in mass simultaneous gathering which entailed a violation of the public order and interfered with the traffic of pedestrians and vehicles.

The disposition of Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation provides for administrative liability for arranging citizens' mass simultaneous gathering and (or) movement in public places that is not a public event, public calls to citizens' mass simultaneous gathering and (or) movement in public places, or participation in citizens' mass simultaneous gathering and (or) movement in public places, if citizens' mass simultaneous gathering and (or) movement in public places has entailed public order disturbance or violation of sanitary norms and rules, violation of the functioning and safety of critical infrastructure or communication facilities, or has caused damage to greenery, or hindrance to the movement of pedestrians or vehicles, or prevented citizens' access to residential premises or transportation infrastructure facilities, or to social infrastructure facilities, except for the situations provided for in Parts 2 and 3 of this Article.

In its Decision of 24 October 2013 No. 1721-O "On refusal to accept for consideration the appeal of citizen A.V. Sherstyuk on violation of his constitutional rights by the provisions of Part 1 of Article 3.5 and Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation", the Constitutional Court of the Russian Federation explained that "mass simultaneous stay or movement in public places" does not include any events held in public places, but does include those mass events only that pursue a predetermined objective, are characterized by the common intent of its participants and by free access of citizens to the participation therein, but are not public events within the meaning of Federal Law of 19 June 2004 No. 54-FZ "On assemblies, rallies, demonstrations, marches and picketing" (Clauses 1—6 of Article 2 (the concepts of public event, assembly, rally, demonstration, march, picketing)). Moreover, this statutory provision conditions imposition of a liability upon occurrence of adverse consequences specified therein.

Based on the meaning of the above provisions, Myasoedovskaya Str., Kamenka village, Simferopol, the Republic of Crimea, and, in particular, the intersection of Myasoedovskaya and Serenevaya Streets, including the pedestrian area is a public place intended for a mass people's gathering and for meeting their various vital needs, that is free for access to the public at large.

Besides, as it appears from the administrative offence record, the reports of the police officers (case file sheets 1, 9, 10), the explanations of A.A. Kruglov, A.A. Efimenko, V.A. Zadorozhnaya, Yu.Z. Avamilev, N.N. Sheikhmambetov and E.S. Suleymanov, the witnesses, as well as R.R. Bekirov, the person against whom the proceedings in the administrative offence case are conducted, who did not contest his presence in the above public place, gathering of a group of 15 citizens who arrived at the house of their acquaintance – Mustafaev, in order to prevent the police officers from performing preventive activities in relation to the latter, entailed mass gathering of citizens in the public place with the common purpose and the common intent, which indicates the occurrence socially dangerous consequences, i.e. creation of a crowd that disrupts public order and interferes with the free traffic of pedestrians and vehicles.

Thus, witnesses A.A. Kruglov and A.A. Efimenko stated that they live at the Kamenka village of the City of Simferopol, and that on 21 February 2017 about 10 a.m. they could not go in the direction they needed to the intersection of Myasoedovskaya and Serenevaya Streets as the police officers asked them to bypass that section on a different route. They saw how the police officers cordoned off a group of civilians of Crimean Tatar ethnicity who behaved aggressively.

N.N. Sheikhmambetov and E.S. Suleymanov, the witnesses interrogated at the initiative of the defence explained that on 21 February 2017 at about 10 a.m. they were in a group of 15 people at the intersection of Myasoedovskaya and Serenevaya Streets in Kamenka village, R.R. Bekirov was among them as well. They arrived there in order to find out whether the search by the police officers at their friend Mustafayev's premises was lawful. N.N. Sheikhmambetov became aware of the fact that Mustafayev was being searched by the police officers from the Internet, and E.S. Suleymanov from his acquaintances. N.N. Sheikhmambetov and E.S. Suleymanov explained as well that the group of citizens in which they were did not interfere with the passage of any pedestrians and did not behave aggressively, but tried to find out only whether the actions taken by the police in relation to Mustafayev were lawful. After one of the police officers announced on a megaphone that they need to leave that place and warned of liability in case of failure to fulfil that request, they started to disperse. However, the officers began to detain the citizens from their group immediately, not allowing them to comply with the specified request, among other things, the police officers detained R.R. Bekirov, that was unlawful as they believe.

V.A. Zadorozhnaya and Yu.Z. Avamilev, the police officers interrogated at the court hearing stated that they took part in preventive activities aimed at maintaining the public order and held at the intersection of intersection of Myasoedovskaya and Serenevaya Streets in Kamenka village of Simferopol on 21 February 2017 from 9 a.m. to 12 p.m., and were members of a group of the police officers who documented the event using video recordings. They arrived at that place to maintain the public order, as at the same place there was a group of citizens of Crimean Tatar ethnicity who behaved aggressively and interfered with the traffic of special equipment, the police officers and pedestrians. R.R. Bekirov was in that group as well and behaved actively and aggressively. After the police officer announced on a megaphone of liability for that mass gathering in the public place with a purpose to obstruct the actions of the police officers, no one from the group volunteered to leave and continued to take unlawful acts. It was after that only that some of the citizens, including R.R. Bekirov, were detained.

V.A. Zadorozhnaya and Yu.Z. Avamilev, the police officers, A.A. Kruglov, A.A. Efimenko, the witnesses, had not been acquainted with R.R. Bekirov, no hostile relations or any other grounds for the slander of R.R. Bekirov by those persons were established in the case.

Giving his explanations at the hearing of the court of the second instance, R.R. Bekirov, the person in respect of whom the proceedings in the administrative offence case are conducted, did not contest that he was

in the group of citizens at the intersection of Myasoedovskaya and Serenevaya Streets in Kamenka village of Simferopol on 21 February 2017 at about 10 a.m. and that the purpose of being in that group, like for others, was to protect the interests of Mustafayev when the police officers took actions against the latter.

Furthermore, the above circumstances are confirmed by the video recording provided by the body of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol.

Under those circumstances, the actions of R.R. Bekirov were correctly qualified by the judge of the district court under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

The appeal arguments that the court of the first instance did not establish what actions were committed by R.R. Bekirov so that they could be qualified under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation are unfounded and are refuted by the body of the above evidence.

Based on the provisions of Article 26.11 of the Code on Administrative Offences of the Russian Federation, the judge carrying out the proceedings in the administrative offence case is entitled to assess the evidence according to his/her inner conviction based on a comprehensive, full and unbiased examination of all facts of the case in their entirety.

Contrary to the appeal, the factual participation in a non-public event that violates the public order and interferes with the traffic of pedestrians, vehicles and entails citizens' mass simultaneous gathering in the public place that is not a public event constitutes the event and the set of all elements of the administrative offence provided for by Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

In this regard, the appeal arguments are not based on the law.

Taking the foregoing into consideration, taking into account the established circumstances, I come to the conclusion that the court of the first instance came to the correct conclusion that R.R. Bekirov was guilty of the offence imputed to him.

The administrative offence record in relation to R.R. Bekirov was drawn up in compliance with the requirements of Article 28.2 of the Code on Administrative Offences of the Russian Federation, contains all information required to consider the case, including the full description of the event of the administrative offence alleged to him and provided for by Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, and therefore it meets the criteria of admissibility of evidence in the case as well. Taking into account the essence of the alleged offence, the appendix to the records is not a basis for revoking the decision and recognizing those records as inadmissible evidence either (explanations of A.A. Efimenko, I.A. Chumakov, V.E. Romanovskiy, A.A. Kruglov (case file sheets 4—7)). A detailed description of the essence of the alleged offence set out in the appendix to the records (the police officers reports) is confirmed by the evidence examined by the court of the second instance that is not contrary to the requirements of the Code on Administrative Offences of the Russian Federation.

The body of the evidence above fully and objectively describes the administrative offence event and the guilt of R.R. Bekirov in committing the administrative offence provided for by Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

The law does not define the minimum number of citizens for qualifying an event as a mass one and therefore such quantitative criterion is not compulsory, as open places may be visited by the public at large.

The evidence available in the case materials, in particular, the police officers reports attached thereto, the testimonies of the witnesses interrogated at the court hearing of the court of the second instance reliably confirm the simultaneous gathering of at least 15 citizens in the public place, i.e. at the intersection of intersection of Myasoedovskaya and Serenevaya Streets in Kamenka village of Simferopol on 21 February 2017 at about 10 a.m. that falls within the concept of mass simultaneous stay of citizens in the public place with the common purpose and the common intent.

Other arguments of the appeal are based on other interpretation of the law, are aimed at reassessing the evidence examined by the judge to the advantage of the applicant and are refuted by the body of the above evidence that indicates that R.R. Bekirov committed an administrative offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

In accordance with the general rules for imposing the administrative punishment, the administrative punishment for committing the administrative offence is imposed to the extent established by the law providing for liability for that administrative offence in accordance with the Code on Administrative Offences of the Russian Federation (Part 1 of Article 4.1 of the Code on Administrative Offences of the Russian Federation). When imposing the administrative punishment on an individual, the nature of the administrative offence committed by him/her, the identity of the guilty person, his/her property status, any circumstances mitigating the administrative liability and any circumstances aggravating the administrative liability shall be taken into account (Part 2 of Article 4.1 of the Code on Administrative Offences of the Russian Federation).

When imposing the punishment, the judge of the district court took into account the nature of the administrative offence, the identity of the guilty person, the absence of any circumstances aggravating and mitigating the administrative liability.

The extent of the imposed punishment is in line with the sanction of Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation and is fair.

In the proceedings in the administrative offence case, the procedure and the limitation period for bringing to the administrative liability, the principle of the presumption of innocence were not violated, the burden of proof was allocated correctly.

There were no material violations of the rules of substantive and procedural law entailing the revocation or change of the appealed decision.

Based on the foregoing and being guided by Articles 30.2-30.7 of the Code on Administrative Offences of the Russian Federation, the judge

decided:

to dismiss the appeal of the defence counsel Edem Serverovich Semedlyaev,

to uphold the decision of the judge of Kievskiy District Court of Simferopol of 21 February 2017 against Remzi Rustemovich Bekirov in the case of administrative offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

Judge *(Signed)* V.V. Agin

# Annex 327

Supreme Court of the Republic of Crimea, Case No. 12-511/2017,
Decision, 2 March 2017

Translation

Judge V.A. Mozhelyanskiy Case No. 12-511/2017

DECISION

2 March 2017 Simferopol

Judge of the Supreme Court of the Republic of Crimea N.A. Terentyeva, having considered in the open court hearing the appeal of E.S. Semedlyaev, L.I. Gemedzhi, the defence counsel of Suleymanov Ruslan Serverovich against the decision of Kievskiy District Court of the city of Simferopol of the Republic of Crimea of 21 February 2017 in the administrative offence case provided for by Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation regarding the administrative offences in relation to Ruslan Serverovich Suleymanov,

established:

By the Decision of the judge of Kievskiy District Court of Simferopol of the Republic of Crimea of 21 February 2017, Suleymanov Ruslan Serverovich was found guilty of committing the administrative offence provided for by Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation and was sentenced to an administrative punishment in the form of administrative arrest for a period of Five (5) days.

In the appeal, E.S. Semedlyaev, L.I. Gemedzhi, the defence counsel of R.S. Suleymanov, ask to reverse the court decision against R.S. Suleymanov in the case of the administrative offence provided for by Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation. They believe that the case was considered in violation of the right to [judicial] protection, the principle of transparency of the proceedings and the principle of adversarial proceedings. R.S. Suleymanov alleges that as he was brought to criminal liability, thus the guaranties provided for under Articles 6, 7, 11 of the European Convention on Human Rights were violated. Also R.S. Suleymanov was brought to liability on the basis of the Code on Administrative Offences of the Russian Federation that was never published in the territory of the Crimean Peninsula. R.S. Suleymanov asserts that the court of the first instance violated the requirements of Article 3.8 of the Code on Administrative Offences of the Russian Federation regarding the conditions for applying the administrative arrest.

At the court hearing R.S. Suleymanov and his representatives under the power of attorney L.I. Gemedzhi, E.S. Semedlyaev maintained the arguments of the appeal and asked to satisfy it.

Having examined the materials of the administrative offence case, having heard witnesses at the court hearing, I come to the conclusion that there are no grounds for reversal of the court decision that was made in the case.

Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation provides for administrative liability for arranging citizens' mass simultaneous gathering and (or) movement in public places that is not a public event, public calls to citizens' mass simultaneous gathering and (or) movement in public places, or participation in citizens' mass simultaneous gathering and (or) movement in public places, if citizens' mass simultaneous gathering and (or) movement in public places has entailed public order disturbance or violation of sanitary norms and rules, violation of the functioning and safety of critical infrastructure or communication facilities, or has caused damage to greenery, or hindrance to the movement of pedestrians or vehicles, or prevented citizens' access to residential premises or transportation infrastructure facilities, or to social infrastructure facilities, except for the situations provided for in Parts 2 and 3 of this Article.

As it appears from the case materials and is established by the judge of the district court, on 21 February 2017 in a public place near house number 127 in Myasoedovskaya street, Kamenka settlement, Simferopol, the Republic of Crimea, citizen R.S. Suleymanov was identified, who took part in mass simultaneous gathering in the public place which entailed violation of the public order and interfered with the

traffic of pedestrians.

R.S. Suleymanov's actions are qualified under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

The fact of committing the administrative offence and the guilt of R.S. Suleymanov are confirmed by the cumulative evidence which reliability and admissibility raise no doubt, i.e. the administrative offence record of 21 February 2017; the report, the records of delivery of 21 February 2017, the testimonies of witnesses, i.e. Yu.Z. Avamilev, Senior Police Lieutenant, Senior Inspector of the Public Order Enforcement Department of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, V.A. Zadorozhnaya, Inquiry Officer of the Department of Inquiry of the Administration of the Ministry of Internal Affairs of Russia for Simferopol, the video recording.

At the same time, the court conclusion on the admissibility of all evidence in the case should be excluded from the decision, because the explanations of A.A. Efimenko, I.A. Chumakova, A.A. Kruglov, and V.E. Romanovsky cannot be received as evidence since the documents are not signed by the official who recorded the explanations.

The appeal arguments do not contain any legal arguments on the merits that cast doubt on the legality and reasonableness of the appealed judicial act, as they are aimed at reassessing the evidence in the case and do not refute the conclusions of the judge of the district court.

The submitted testimony of E.S. Suleymanov, Ya.S. Muedinov who confirmed that R.S. Suleymanov was in the group of people at the intersection of Sirenevaya and Myasoedovskaya streets and the impossibility of travel along Myasoedovskaya Street does not entail the revocation of the court decision.

The appeal argument that the prosecutor did not take part in the court hearing as a person obliged to support the state prosecution, which resulted, in the defence counsel's opinion, in the court violating the principle of adversarial proceedings, may not be a basis for revoking or amending the court Decision, as the prosecutor's powers in the proceedings in the administrative offence case are established by Part 1 of Article 25.11 of the Code on Administrative Offences of the Russian Federation, the support of the state prosecution is not included in that list.

The appeal argument that the judge of the district court unlawfully restricted the defence in submitting the evidence by denying to satisfy motions for interrogating witnesses, cannot serve as a basis for revoking or amending the appealed decision, as in accordance with Part 1 of Article 26.2 of the Code on Administrative Offences of the Russian Federation read together with Article 26.11 of the Code on Administrative Offences of the Russian Federation, the judge attaches additional evidence to the case materials, among other things, summons witnesses for their interrogating, if the cumulative evidence on file does not enable the court to establish all circumstances that are relevant for correct consideration and resolution of the administrative offence case and are specified in Article 26.1 of the Code on Administrative Offences of the Russian Federation.

The argument of the applicant's appeal that R.S. Suleymanov may not be held liable on the basis of the Code on Administrative Offences of the Russian Federation that was never published in the territory of the Crimean Peninsula, is refuted by the body of evidence.

At the same time, according to Federal Constitutional Law of 21 March 2014 No. 6-FKZ "On the admission of the Republic of Crimea into the Russian Federation and the formation of new constituent entities within the Russian Federation - the Republic of Crimea and the federal city of Sevastopol", and Treaty between the Russian Federation and the Republic of Crimea on the Accession of the Republic of Crimea to the Russian Federation and the Formation of New Constituent Entities within the Russian Federation signed in Moscow on 18 March 2014, the Republic of Crimea was admitted to the Russian Federation from 18 March 2014.

By virtue of Part 1 of Article 23 of that Federal Constitutional Law, legislative and other legal acts of the Russian Federation shall be valid in the territories of the Republic of Crimea and the federal city of Sevastopol from the day of admission of the Republic of Crimea into the Russian Federation and formation of new constituent entities of the Russian Federation, unless otherwise provided for by this Federal Constitutional Law.

Part 1 of Article 3 of Federal Law of 14 June 1994 No. 5-FZ "On procedure for publishing and entry into force of federal constitutional laws, federal laws, acts of the chambers of the Federal Assembly" determines that federal constitutional laws, federal laws are to be officially published within seven days after the day they are signed by the President of the Russian Federation.

Article 20.2.2 of the Code on Administrative Offences of the Russian Federation was introduced by Federal Law of 8 June 2012 No. 65-FZ "On amendments to the Code on administrative offences of the Russian Federation and the Federal Law "On assemblies, rallies, demonstrations, marches and picketing".

The text of Federal Law of 21 July 2014 No. 258-FZ "On amendments to certain legislative acts of the Russian Federation in terms of improving the public events legislation" entered into force from the day of its official publication (published at the Official Internet Portal of Legal Information http://www.pravo.gov.ru, on 22 July 2014).

The arguments about innocence presented in the proceedings in the case are not based on the materials of the administrative offence case, are refuted by the evidence presented above, are not in line with the factual circumstances of the case, are aimed at reassessing the evidence to the advantage of R.S. Suleymanov and therefore are not accepted by the court. The case materials do not contain any discrepancies or unavoidable doubts affecting the conclusions that R.S. Suleymanov is guilty of committing the above administrative offence.

The appeal argument that there is no set of all elements of the administrative offence provided for by Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation in the actions of R.S. Suleymanov is based on disagreement with the assessment of the evidence in the case by the judge of the district court.

Any other arguments of the applicant do not contain any legal arguments that cast any doubt on the legality and reasonableness of the appealed judicial act.

In accordance with the general rules for imposing the administrative punishment provided for by Part 1 of Article 4.1 of the Code on Administrative Offences of the Russian Federation, the administrative punishment for committing the administrative offence is imposed to the extent established by the law providing for liability for that administrative offence, in accordance with the Code on Administrative Offences of the Russian Federation.

When imposing the administrative punishment on an individual, the nature of the administrative offence committed by him/her, the identity of the guilty person, his/her property status, any circumstances mitigating the administrative liability and any circumstances aggravating the administrative liability are taken into account, the list of which is exhaustive (Part 2 of Article 4.1 of the Code on Administrative Offences of the Russian Federation).

When resolving the issue of imposing the administrative punishment, the court of the first instance took into account all the legally relevant circumstances and came to a reasonable conclusion that the administrative arrest would meet the objectives and tasks of the administrative offence legislation. The court considering the appeal agrees therewith.

The administrative punishment in the form of the administrative arrest was imposed in compliance with the requirements of Articles 3.1, 3.9, 4.1 of the Code on Administrative Offences of the Russian Federation, subject to the identity of the guilty person, as well as the nature of the administrative offence committed, within the sanction of Part 1 of Article 20.2 of the Code on Administrative Offences of the Russian Federation, and is fair and proportionate to what was done.

In the case, there were no material violations of the rules of substantive and procedural law entailing the reversal of decision of the judge.

Based on the foregoing and being guided by Articles 30.6-30.8 of the Code of Administrative Offences of the Russian Federation, the court

decided:

To uphold the Decision of the judge of Kievskiy District Court of Simferopol of the Republic of Crimea of 21 February 2017 in the administrative offence case against Ruslan Serverovich Suleymanov for

committing the administrative offence provided for by Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, to dismiss the appeal of Ruslan Serverovich Suleymanov filed by the defence counsels E.S. Semedlyaev and L.I. Gemedzhi.

An appeal may be filed against the decision within 10 days from the date a copy of the court decision is received.

Judge of the Supreme Court of the
Republic of Crimea (*Signed)* N.A. Terentyeva

# Annex 328

Supreme Court of the Republic of Crimea,
Case No. 12-509/2017, Decision, 2 March 2017

Translation

Judge I.V. Kagitina Case No. 12-509/2017

DECISION

2 March 2017 Simferopol

Judge of the Supreme Court of the Republic of Crimea, N.A. Terentieva, having considered in an open court hearing an appeal of Emil Maksudovich Kurbedinov, defence counsel of Alim Egamberdievich Karimov, against the Decision of the Kievskiy District Court of Simferopol of the Republic of Crimea of 21 February 2017 against Alim Egamberdievich Karimov in the case on administrative offence under Part 1, Article 20.2.2 of the Code on Administrative Offences of the Russian Federation,

established:

By decision of the Judge of the Kievskiy District Court of Simferopol of the Republic of Crimea of 21 February 2017 Alim Egamberdievich Karimov was found guilty of the administrative offence under Part 1, Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, and the administrative punishment was imposed on him in the form of administrative arrest for the term of 5 (Five) days.

In the appeal against the Decision of the Kievskiy District Court of Simferopol of the Republic of Crimea of 21 February 2017, before the Supreme Court of the Republic of Crimea, E.M. Kurbedinov, defence counsel of A.E. Karimov, requests reversal of the court decision issued against A.E. Karimov in the case of administrative offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation. He believes that the case was considered in violation of the right to [judicial] protection, the principle of transparency of the proceedings and the principle of adversarial proceedings. A.E. Karimov alleges that as he was brought to criminal liability, thus the guaranties provided for under Articles 6, 7, 11 of the European Convention on Human Rights were violated. Also A.E. Karimov was brought to liability on the basis of the Code on Administrative Offences of the Russian Federation that was never published in the territory of the Crimean Peninsula. A.E. Karimov asserts that the court of the first instance violated the requirements of Article 3.8 of the Code on Administrative Offences of the Russian Federation regarding the conditions for applying the administrative arrest.

At the court hearing A.E. Karimov and his representatives E.S. Semedlyaeva, L.I. Gemedzhi maintained the arguments of the appeal and asked to satisfy it.

Having examined the materials of the administrative offence case, the arguments of the appeal, I come to the conclusion that there are no grounds for reversal of the court Decision issued for the case.

Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation provides for administrative liability for arranging citizens' mass simultaneous gathering and (or) movement in public places that is not a public event, public calls to citizens' mass simultaneous gathering and (or) movement in public places, or participation in citizens' mass simultaneous gathering and (or) movement in public places, if citizens' mass simultaneous gathering and (or) movement in public places has entailed public order disturbance or violation of sanitary norms and rules, violation of the functioning and safety of critical infrastructure or communication facilities, or has caused damage to greenery, or hindrance to the movement of pedestrians or vehicles, or prevented citizens' access to residential premises or transportation infrastructure facilities, or to social infrastructure facilities, except for the situations provided for in Parts 2 and 3 of this Article, shall entail the imposition on citizens of an administrative fine in the amount from ten thousand to twenty thousand rubles, or community work for up to one hundred hours, or administrative arrest for the term of up to fifteen days; for officials - from fifty thousand to one hundred thousand rubles; for legal entities - from two hundred and fifty thousand to five hundred thousand rubles.

The concept of "simultaneous mass gathering or movement in public places" does not include any events held in public places in this category, but only those mass events that pursue a predetermined goal, are

characterized by a common intent of their participants and free access of citizens to participate in them, but are not public events within the meaning of Federal Law No. 54-FZ of 19 June 2004 “On assemblies, rallies, demonstrations, marches and picketing” (Subclauses 1 - 6, Article 2) as pointed out by the Constitutional Court of the Russian Federation in its Decision of 24 October 2013 No. 1721-O.

Based on the meaning of the provisions listed above, the road and the pedestrian zone are classified as a public place intended to be occupied by a mass number of people, free for access by the public.

As follows from the case materials and found by the Judge of the district court, on 21 February 2017, at 12 am, citizen A.E. Karimov was identified at the address Simferopol, Kamenka village, station No. 4, who took part in a mass simultaneous gathering in a public place, which resulted in a public disorder, and also obstructed the pedestrian movement.

A.E. Karimov’s actions are classified under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

The fact of committing an administrative offence and A.E. Karimov’s guilt are confirmed by the body of evidence, the reliability and admissibility of which are beyond doubt, namely: the administrative offence record of 21 February 2017; the delivery record of 21 February 2017, the testimony from witnesses senior police lieutenant Yu.Z. Avamilev, the Senior Inspector of the Public Order Maintenance Department of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, V.A. Zadorozhnaya, the Inquiry officer of the Department of Inquiry of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, who explained that a group of 15 people including A.E. Karimov simultaneously gathered in public place at the intersection of Sirenevaya and Myasoedovskaya streets, which resulted in a breach of public order in the form of obstructing special vehicles, pedestrians, the specified group of people did not react to the demands to disperse, as well as video recording.

Explanations from I.A. Chumakova, A.A. Efimenko, V.E. Romanovskiy, A.A. Kruglov shall be excluded from the evidence in the case since they lack a signature of the official that collected the explanations. The exclusion of the explanations of these individuals from the evidence does not affect validity of the A.E. Karimov’s guilt, since the guilt was confirmed by the body of other evidence in the case.

The administrative offence records were prepared in accordance with the requirements of the law by a proper official, there is no reason not to trust the information specified in it, therefore the Judge correctly used it and other case materials as the basis for the disputed Decision, by evaluating it in accordance with rules of Article 26.11 of the Code on Administrative Offences of the Russian Federation.

In essence, the arguments of the appeal do not contain legal arguments that cast doubt on the legality and validity of the disputed judicial act since they are aimed at re-evaluation of the evidence in the case, the conclusions of the Judge of the district court are not refuted.

The testimony from N.I. Sheikhmambetov, E.S. Suleymanov, Ya.S. Muedinov, who confirmed that A.E. Karimov was a part of the group of individuals on the intersection between Sirenevaya and Myasoedovskaya streets, and that it was impossible to drive through the street, does not entail reversal of the court Decision.

The appeal argument that the judge of the district court unlawfully restricted the defence in submitting the evidence by denying to satisfy motions for interrogating witnesses, cannot serve as a basis for revoking or amending the appealed decision, as in accordance with Part 1 of Article 26.2 of the Code on Administrative Offences of the Russian Federation read together with Article 26.11 of the Code on Administrative Offences of the Russian Federation, the judge attaches additional evidence to the case materials, among other things, summons witnesses for their interrogating, if the cumulative evidence on file does not enable the court to establish all circumstances that are relevant for correct consideration and resolution of the administrative offence case and are specified in Article 26.1 of the Code on Administrative Offences of the Russian Federation.

The arguments of innocence submitted in the course of the proceedings are not based on the materials of the administrative offence case, are refuted by the aforesaid submitted evidence, do not correspond to the factual circumstances of the case, are aimed at reevaluation of the evidence in favor of A.E. Karimov, and therefore are not accepted by the Court. The Court does not accept the argument of innocence since the

evidence in the case materials, in its entirety, is sufficient for a complete, comprehensive and objective consideration of the case, and also for a reasoned conclusion about the validity of guilt in committing an administrative offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation. The case materials do not contain any contradictions or unavoidable doubts affecting the conclusions that A.E. Karimov is guilty of committing the aforesaid administrative offence.

The appeal argument that the prosecutor did not take part in the court hearing as a person obliged to support the state prosecution, which resulted, in the defence counsel's opinion, in the court violating the principle of adversarial proceedings, may not be a basis for revoking or amending the court Decision, as the prosecutor's powers in the proceedings in the administrative offence case are established by Part 1 of Article 25.11 of the Code on Administrative Offences of the Russian Federation, the support of the state prosecution is not included in that list.

The argument of the applicant's appeal that A.E. Karimov R may not be held liable on the basis of the Code on Administrative Offences of the Russian Federation that was never published in the territory of the Crimean Peninsula, is untenable.

According to Federal Constitutional Law of 21 March 2014 No. 6-FKZ "On the admission of the Republic of Crimea into the Russian Federation and the formation of new constituent entities within the Russian Federation - the Republic of Crimea and the federal city of Sevastopol" and the Treaty between the Russian Federation and the Republic of Crimea on the admission of the Republic of Crimea into the Russian Federation and the formation of new constituent entities within the Russian Federation signed in Moscow on 18 March 2014, the Republic of Crimea was admitted to the Russian Federation on 18 March 2014.

By virtue of Part 1 of Article 23 of that Federal Constitutional Law, legislative and other legal acts of the Russian Federation shall be valid in the territories of the Republic of Crimea and the federal city of Sevastopol from the day of admission of the Republic of Crimea into the Russian Federation and formation of new constituent entities of the Russian Federation, unless otherwise provided for by this Federal Constitutional Law.

Part 1 of Article 3 of Federal Law of 14 June 1994 No. 5-FZ "On procedure for publishing and entry into force of federal constitutional laws, federal laws, acts of the chambers of the Federal Assembly" determines that federal constitutional laws, federal laws are to be officially published within seven days after the day they are signed by the President of the Russian Federation.

The official publication of a federal constitutional law, a federal law, an act of the Federal Assembly Chamber is the first publication of the full text thereof in "Parlamentskaya Gazeta", "Rossiyskaya Gazeta", "Collected Legislation of the Russian Federation", or the first placement (publication) on the "Official Internet Portal of Legal Information" (www.pravo.gov.ru) (Part 1, Article 4 of the said federal law).

The text of Federal Law of 21 July 2014 No. 258-FZ "On the amendments to certain statutory acts of the Russian Federation to the extent of improving the legislation on public events" entered into force on the day of official publication thereof (published on the Official Internet portal of Legal Information http://www.pravo.gov.ra on 22 July 2014).

The argument of the appeal that the actions of A.E. Karimov lacks administrative corpus delicti under Part 1, Article 20.2.2 of the Code on Administrative Offences of the Russian Federation is based on disagreement with evaluation made by the Judge of the District Court with respect to the evidence collected in the case.

Other arguments of the applicant contain no legal arguments casting doubt on the lawfulness and reasonableness of the disputed court decision.

According to the general rules for the imposition of administrative punishments under Part 1, Article 4.1 of the Code on Administrative Offences of the Russian Federation, an administrative punishment for committing an administrative offence is imposed within the limits established by the law providing for the liability for this administrative offence under the Code on Administrative Offences of the Russian Federation.

When imposing an administrative punishment on an individual, the nature of the administrative offence committed by them, the personality of the defendant, their property status, circumstances to mitigate the

administrative liability and circumstances to aggravate the administrative liability shall taken into account, the list of which is exhaustive (Part 2 of Article 4.1 of the Code on Administrative Offences of the Russian Federation).

The court of the first instance, when deciding on the imposition of an administrative punishment, took into account all legally significant circumstances and came to a reasonable conclusion that imposition of a more lenient type of sanction than administrative arrest would not meet the goals and tasks of the legislation on administrative offences, with which the Court considering the appeal agrees.

Administrative punishment in the form of administrative arrest is imposed subject to the requirements of Articles 3.1, 3.9, 4.1 of the Code on Administrative Offences of the Russian Federation taking into account the personality of the defendant, and also the nature of the committed *(sic)*

decided:

To uphold the Decision of the Judge of the Kievskiy District Court of Simferopol of the Republic of Crimea of 21 February 2017 against Alim Egamberdievich Karimov in the case on administrative offence under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, to dismiss the appeal of the defence counsel, E.M. Kurbedinov.

The Decision can be appealed against.

Judge of the Supreme Court
of the Republic of Crimea (Signed) N.A. Terentieva

# Annex 329

Supreme Court of the Republic of Crimea, Case No. 12-503/2017,
Decision, 2 March 2017

Translation

Judge A.S. Tsykurenko, Case No. 12-503/2017

DECISION

Simferopol 2 March 2017

Judge of the Supreme Court of the Republic of Crimea, N.R. Mostovenko, having considered in an open court hearing the appeal of Edem Serverovich Semedlyaev and Lilya Ibragimovna Gemedzhi – defense counsel of Ryza Mustafaevich Izetov against the decision of Kievskiy District Court of Simferopol of the Republic of Crimea of 21 February 2017 against Ryza Mustafaevich Izetov regarding the case on the administrative offence under Part 1, Article 20.2.2 of the Code on Administrative Offences of the Russian Federation,

ESTABLISHED:

By decision of Kievskiy District Court of Simferopol of the Republic of Crimea of 21 February 2017, Ryza Mustafaevich Izetov was found guilty of the administrative offence under Part 1, Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, and the administrative punishment was imposed on him in the form of administrative arrest for the term of 5 (Five) days for the fact that on 21 February 2017, at about 10:20 a.m., at stop No. 4 on the intersection of Sirenevaya Str. - Myasoedovskaya Str. in Kamenka settlement, he participated in the citizens' mass simultaneous gathering in a public place leading to public nuisance: he shouted loudly, waved his arms, did not react to the repeated demands of police officers to stop unlawful actions, obstructed the movement of pedestrians and vehicles.

In the appeal submitted to the Supreme Court of the Republic of Crimea according to the procedure provided for under Articles 30.1 - 30.2 of the Code on Administrative Offences of the Russian Federation, defense counsel of R.M. Izetov - E.S. Semedlyaev and L.I. Gemedzhi request reversal of the aforesaid decision and termination of the proceedings on the case due to lack of administrative corpus delicti in his actions.

The appeal is based on the fact that during the court hearing not all the evidence of the case were examined. The accredited journalist was unreasonably denied coverage of the trial. Not all the witnesses in the case were interrogated. The court of the first instance did not evaluate the arguments of the defense counsel. As can be seen from the video footage available in the administrative material, R.M. Izetov did not breach public order. The aforesaid meeting was of a peaceful nature and did not violate public order. The administrative liability was imposed on R.M. Izetov under the law that was never published on the territory of the Republic of Crimea. The court of the first instance failed to provide reasons for the imposition of the administrative punishment on R.M. Izetov in the form of administrative arrest. The administrative punishment is disproportionate to the committed acti.

During court hearing, R.M. Izetov and his defense counsel by motion L.Ae. Engulatova maintained the arguments of the appeal and requested termination of the proceedings by referring to the absence of guilt.

Having heard the applicant, his defense counsel, interrogated police lieutenant D.S. Melnik, examined the arguments in the appeal and the case materials, the Court comes to the following.

In accordance with Article 24.1 of the Code on Administrative Offences of the Russian Federation, the tasks of proceedings in administrative offence cases are comprehensive, full, unbiased and timely clarification of the circumstances of each case, its solution in accordance with the law, the enforcement of the decision issued and identifying the reasons and conditions that contributed to committing the administrative offences.

In accordance to Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, arranging citizens' mass simultaneous gathering and (or) movement in public places that is not a public event, public calls to citizens' mass simultaneous gathering and (or) movement in public places, or participation in citizens' mass simultaneous gathering and (or) movement in public places, if citizens' mass simultaneous gathering and (or) movement in public places has entailed public order disturbance or violation of sanitary norms and rules, violation of the functioning and safety of critical infrastructure or communication facilities, or has caused damage to greenery, or hindrance to the movement of pedestrians or vehicles, or prevented citizens' access to residential premises or transportation infrastructure facilities, or to social infrastructure facilities, except for the situations provided for in Parts 2 and 3 of this Article, entail imposition of an administrative fine on citizens in the amount of ten thousand to twenty thousand rubles, or compulsory community service for up to one hundred hours, or administrative arrest for up to fifteen days

The target of the respective administrative offences is public relations in the area of public order and

public safety.

According to Clause b, Part 1, Article 2 of Federal Law of 7 February 2011 No. 3-FZ, "On the Police", ensuring law and order in public places is one of the primary lines of the police activity.

According to Clause 5, Part 1, Article 12 of said Federal Law, the police are obliged to ensure the safety of citizens and public order in the streets, squares, stadiums, squares, parks, highways, train stations, airports, sea and river ports and other public places.

By virtue of Article 13 of the Federal Law "On the Police", in order to fulfil their duties the police is empowered to demand from citizens to stop illegal acts.

As can be seen from the reports prepared by the police officers, on 21 February 2017, at about 10:20 a.m., on stop No. 4 at the intersection on Sirenevaya St. - Myasoedovskaya Street in Kamenka settlement, Simferopol, R.M. Izetov participated in the citizens' mass simultaneous gathering in a public place leading to public nuisance: he shouted loudly, waved his arms, did not react to the repeated demands of police officers to stop illegal actions, obstructed the movement of pedestrians and vehicles.

On 21 February 2017, police lieutenant D.S. Melnik executed the administrative offence records against R.M. Izetov under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

The fact that R.M. Izetov committed the administrative offence under Part 1 of Art. 20.2.2 of the Code on Administrative Offences of the Russian Federation.is confirmed by: administrative offence record (case file sheets 3-4), delivery record (case file sheets 1-2), police officer reports (case file sheets 13-14), video footage (case file sheets 17), considered by the judge together with all other case materials in accordance with requirements of Article 26.11 of the Code on Administrative Offences of the Russian Federation.

A failure to specify the time in the administrative offence record, by itself, does not indicate the absence of an actual administrative offence, it is confirmed by the testimony of police lieutenant D.S. Melnik interrogated during court hearing and warned of the administrative liability under Article 17.9 of the Code on Administrative Offences of the Russian Federation, and reliably confirms the time of the commission and the factual circumstances of the case.

The reliability and admissibility of this evidence is beyond doubt since they are consistent with each other, do not contain any contradiction and correspond to the factual circumstances. The aforesaid evidence allows to draw an unambiguous conclusion about the circumstances of the committed offence and the guilt of R.M. Izetov.

Thus, the complaint arguments that the court hearing of the court of the first instance did not examine all evidence in the case are unfounded.

The fact that during court hearing in the court of the first instance some witnesses were not interrogated, and also that the appealed Decision did not evaluate the arguments of the defence counsel, does not affect the validity of the fact that R.M. Izetov committed the administrative offence.

The arguments of the appeal that an accredited journalist was refused without providing reasons to make a video footage and photographs during the trial are erroneous.

During court hearing in the court of the first instance, the motion submitted by the defense counsel to allow participation of the media during the trial was granted.

The appeal arguments that it appears from the video footage included in the administrative material that R.M. Izetov did not violate the public order and that the above meeting was peaceful and did not violate the public order are evaluated by the court critically and refuted by the evidence in the case.

Namely, it could be seen from the aforesaid video footage that R.M. Izetov participated in citizens' mass simultaneous gathering in a public place, obstructing the movement of pedestrians or vehicles, did not react to repeated requests from police officers to stop illegal actions.

The arguments of the appeal that the administrative liability was imposed on R.M. Izetov under the law that was never published on the territory of the Republic of Crimea are untenable.

Subject to Part 3, Article 1 of Federal Constitutional Law of 21 March 2014 No. 6-FKZ "On the admission of the Republic of Crimea into the Russian Federation and the formation of new constituent entities within the Russian Federation - the Republic of Crimea and the federal city of Sevastopol" (the "Law No. 6-FKZ"), the Republic of Crimea is considered admitted to the Russian Federation starting from the date the Treaty between the Russian Federation and the Republic of Crimea on the Accession of the Republic of Crimea to the Russian Federation and the Formation of New Constituent Entities within the Russian Federation was signed.

The Treaty between the Russian Federation and the Republic of Crimea on the Accession of the Republic of Crimea to the Russian Federation and the Formation of New Constituent Entities within the Russian Federation was signed on 18 March 2014.

In accordance with Part 1 of Article 23 of Law No. 6-FKZ, legislative and other legal acts of the Russian

Federation shall be valid in the territories of the Republic of Crimea and the federal city of Sevastopol from the day of admission of the Republic of Crimea into the Russian Federation and formation of new constituent entities of the Russian Federation, unless otherwise provided for by this Federal Constitutional Law.

Thus, the legislation of the Russian Federation took effect in the territory of the Republic of Crimea from the above date.

Imposition of the administrative punishment should be based on the data confirming the actual need to impose it upon person against whom the proceedings in the administrative offence case are being conducted, to the extent of the rule providing for liability for the administrative offence, that measure of state coercion that would most efficiently achieve the administrative punishment objectives and its proportionality as the only possible way to achieve a fair balance of public and private interests within the administrative proceedings.

According to Part 1, Article 3.9 of the Code on Administrative Offences of the Russian Federation, administrative arrest consists of keeping the offender isolated from the society and shall be imposed for up to fifteen days. Administrative arrest shall be imposed by a judge. Administrative arrest is determined and imposed only in exceptional cases for certain types of administrative offences and could not be applied to pregnant women, women with children under the age of fourteen, persons under the age of eighteen, group I and II disabled individuals, servicemen, citizens called up for military training and employees of the internal affairs bodies, bodies and institutions of the penal system, the State Fire-Fighting Service, the bodies for controlling the circulation of narcotic drugs and psychotropic substances, and customs authorities (Part 2, Article 3.9 of the Code on Administrative Offences of the Russian Federation), the term of administrative detention shall be included in the term of administrative arrest (Part 3 of Article 3.9 of the Code on Administrative Offences of the Russian Federation).

When imposing administrative punishment on R.M. Izetov in the form of administrative arrest for the term of 5 (five) days, the court of the first instance took into account the nature of the committed administrative offence infringing on public order and social danger, and came to the correct conclusion that it is possible to apply the specified exceptional administrative punishment. The Court finds this measure proportionate and necessary in order to protect the foundations of the constitutional order and ensure the security of the country based on the factual circumstances of the case. There is no information about the official employment of R.M. Izetov.

The admissibility and the reliability of the specified evidence does not raise any doubts, this is not specified by the appellant himself, and the body of evidence was reasonably recognized by the court as sufficient to resolve the case on the merits.

The actions of R.M. Izetov form actus reus of administrative corpus delicti under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

The consideration of this administrative offence case, in accordance with the requirements of Article 24.1 of the Code on Administrative Offences of the Russian Federation, included a comprehensive, full, objective and timely examination of the circumstances of the committed administrative offence.

In the court of the first instance, the case was heard in the presence of R.M. Izetov and his defense counsel.

It appears from the appeal that there are no arguments that could serve as a basis for reversal of the appealed court decision.

This being stated, the court finds no grounds for satisfying the appeal and reversing the decision of the court of the first instance.

Relying on the above and being guided by Clause 1, Part 1, Article 30.7 of the Code on Administrative Offences of the Russian Federation,

DECIDED:

To uphold the decision of the Kievskiy District Court of Simferopol of the Republic of Crimea of 21 February 2017 against Ryza Mustafaevich Izetov in the case on the administrative offence under Part 1, Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, to dismiss the appeal of Edem Serverovich Semedlyaev and Lilya Ibragimovna Gemedzhi - defense counsel of Ryza Mustafaevich Izetov.

Judge *(Signed)* N.R. Mostovenko

# Annex 330

Supreme Court of the Republic of Crimea, Case No. 12-512/2017,
Decision, 2 March 2017

Translation

Judge I.V. Kagitina Case No. 12- 512/2017

DECISION

2 March 2017 Simferopol

Judge of the Supreme Court of the Republic of Crimea, N.A. Terentieva, having considered in an open court hearing an appeal from Emil Makhsudovich Kurbedinov defense counsel of Valeriy Mikhailovich Grigor against the Decision of Kievskiy District Court of Simferopol of the Republic of Crimea of 21 February 2017, in the administrative offence case against Valeriy Mikhailovich Grigor for the committed administrative offence under Part 1, Article 20.2.2 of the Code on Administrative Offences of the Russian Federation,

established:

By decision of Kievskiy District Court of Simferopol of the Republic of Crimea of 21 February 2017 Valeriy Mikhailovich Grigor was found guilty of the administrative offence under Part 1, Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, and the administrative punishment was imposed on him in the form of administrative arrest for the term of 5 (five) days.

In the appeal of Emil Makhsudovich Kurbedinov against the decision of Kievskiy District Court of Simferopol of the Republic of Crimea of 21 February 2017 to the Supreme Court of the Republic of Crimea, he requests reversal of the decision issued against V.M. Grigor in the administrative offence case under Part 1, Article 20.2.2 of the Code on Administrative Offences of the Russian Federation. He believes that the case was considered in violation of the right to [judicial] protection, the principle of transparency of the proceedings and the principle of adversarial proceedings. He claims that criminal liability was imposed on V.M. Grigor, and it resulted in a breach of the guarantees of Articles 6, 7, 11 of the European Convention on Human Rights during the consideration of the case. Morover, a liability based on the Code on Administrative Offences of the Russian Federation, which was never published on the territory of the Crimea Peninsula, was imposed on V.M. Grigor. V.M. Grigor claims that the court of the first instance violated the requirements of Article 3.8 of the Code on Administrative Offences of the Russian Federation concerning the conditions to implement administrative arrest.

At the court hearing V.M. Grigor, his representative L.I. Gemedzhi maintained the arguments of the appeal.

Having examined the materials of the administrative offence case, the arguments of the appeal, interrogated the witnesses, I come to the conclusion that there are no grounds for canceling the court decision issued within the case.

Part 1, Article 20.2.2 of the Code on Administrative Offences of the Russian Federation provides for an administrative liability for arranging citizens' mass simultaneous gathering and (or) movement in public places that is not a public event, public calls to citizens' mass simultaneous gathering and (or) movement in public places, or participation in citizens' mass simultaneous gathering and (or) movement in public places if citizens' mass simultaneous gathering and (or) movement in public places has entailed public order disturbance or violation of sanitary norms and rules, violation of the functioning and safety of critical infrastructure or communication facilities, or has caused damage to greenery, or hindrance to the movement of pedestrians or vehicles, or prevented citizens' access to residential premises or transportation infrastructure facilities, or to social infrastructure facilities except for the situations provided for in Parts 2 and 3 of this Article.

As follows from the case materials and found by the Judge of the district court, on 21 February 2017, citizen V.M. Grigor was identified at the stop No. 4 in Kamenka settlement, Simferopol, who participated in the citizens' mass simultaneous gathering in a public place leading to public nuisance and also obstructed the movement of pedestrians and vehicles.

V.M. Grigor's actions are classified under Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

The fact that the administrative offence was committed and V.M. Grigor's guilt are confirmed by the body of evidence the reliability and admissibility of which are beyond doubt, namely: the administrative offence record of 21 February 2017; the report, delivery record of 21 February 2017, the testimony from witnesses senior police lieutenant Yu.Z. Avamilev, the Senior Inspector of the Public Order Maintenance Department of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, V.A. Zadorozhnaya, the Inquiry officer of the Department of Inquiry of the Ministry of Internal Affairs Department of Russia for Simferopol, a video footage.

At the same time, the conclusion of the court on the admissibility of all evidence in the case must be excluded from the Decision since the explanations of A.A. Efimenko, I.A. Chumakova, A.A. Kruglov, V.E. Romanovskiy could not be accepted as evidence since they were not signed by the official who collected the explanations.

In essence, the arguments of the appeal do not contain legal arguments that cast doubt on the legality and validity of the disputed judicial act since they are aimed at re-evaluation of the evidence in the case, the conclusions of the judge of the district court are not refuted.

The submitted testimony of E.S. Suleymanov, Ya.S. Muedinov, who confirmed that R.S. Suleymanov was a part of the group of individuals on the intersection between Sirenevaya and Myasoedovskaya streets, and that it was impossible to drive through Myasoedovskaya street, does not entail cancelling of the decision.

The arguments of innocence submitted in the course of the proceedings are not based on the materials of the administrative offence case, are refuted by the aforesaid submitted evidence, do not correspond to the factual circumstances of the case, are aimed at reevaluation of the evidence in favor of V.M. Grigor, and therefore are not accepted by the Court. The case materials do not contain any contradictions or unavoidable doubts affecting the conclusions about the validity of V.M. Grigor's guilt in committing the previously mentioned administrative offence.

The argument of the appeal that the actions of V.M. Grigor contained no administrative corpus delicti under Part 1, Article 20.2.2 of the Code on Administrative Offences of the Russian Federation is based on disagreement with evaluation made by the judge of the district court with respect to the evidence collected in the case.

Other arguments of the applicant contain no legal arguments casting doubt on the lawfulness and reasonableness of the disputed court decree.

The argument of the appeal that the prosecutor did not participate in the court hearing as a person obliged to support the state prosecution, which resulted, as believed by the defense counsel, in the breach by the Court of the principle of adversarial proceedings, cannot not serve as a ground for reversing or amending the decision since the powers of the prosecutor as established within the framework of the proceedings on an administrative offence case in Part 1, Article 25.11 of the Code on Administrative Offences of the Russian Federation do not include the support from the state prosecution in said list.

The argument of the applicant's appeal that V.M. Grigor may not be held liable on the basis of the Code on Administrative Offences of the Russian Federation that was never published in the territory of the Crimean Peninsula, is refuted by the body of evidence.

According to Federal Constitutional Law of 21 March 2014 No. 6-FKZ "On the admission of the Republic of Crimea into the Russian Federation and the formation of new constituent entities within the Russian Federation - the Republic of Crimea and the federal city of Sevastopol", and Treaty between the Russian Federation and the Republic of Crimea on the Accession of the Republic of Crimea to the Russian Federation and the Formation of New Constituent Entities within the Russian Federation signed in Moscow on 18 March 2014, the Republic of Crimea was admitted to the Russian Federation from 18 March 2014.

By virtue of Part 1 of Article 23 of that Federal Constitutional Law, legislative and other legal acts of the Russian Federation shall be valid in the territories of the Republic of Crimea and the federal city of Sevastopol from the day of admission of the Republic of Crimea into the Russian Federation and formation of new constituent entities of the Russian Federation, unless otherwise provided for by this Federal Constitutional Law.

Part 1 of Article 3 of Federal Law of 14 June 1994 No. 5-FZ "On procedure for publishing and entry into force of federal constitutional laws, federal laws, acts of the chambers of the Federal Assembly" determines that federal constitutional laws, federal laws are to be officially published within seven days after the day they are signed by the President of the Russian Federation.

Article 20.2.2 of the Code on Administrative Offences of the Russian Federation was introduced by Federal Law of 8 June 2012 No. 65-FZ "On amendments to the Code on administrative offences of the Russian Federation and the Federal Law "On assemblies, rallies, demonstrations, marches and picketing".

The text of Federal Law of 21 July 2014 No. 258-FZ "On amendments to certain legislative acts of the Russian Federation in terms of improving the public events legislation" entered into force from the day of its official publication (published at the Official Internet Portal of Legal Information http://www.pravo.gov.ru, on 22 July 2014).

According to the general rules for the imposition of administrative punishments under Part 1, Article 4.1 of the Code on Administrative Offences of the Russian Federation, an administrative punishment for committing an administrative offence is imposed within the limits established by the law providing for the liability for this administrative offence under the Code on Administrative Offences of the Russian Federation.

When imposing an administrative punishment on an individual, the nature of the administrative offence committed by them, the personality of the defendant, their property status, circumstances to mitigate the administrative liability and circumstances to aggravate the administrative liability are taken into account, the list of which is exhaustive (Part 2 of Article 4.1 of the Code on Administrative Offences of the Russian Federation).

The court of the first instance, when resolving on the imposition of an administrative punishment, took into account all legally significant circumstances by coming to a reasonable conclusion that administrative arrest would meet the goals and tasks of the legislation on administrative offences, with which the Court considering the appeal agrees.

Administrative punishment in the form of administrative arrest is imposed subject to the requirements of Articles 3.1, 3.9, 4.1 of the Code on Administrative Offences of the Russian Federation taking into account the personality of the defendant, and also the nature of the committed administrative offence within the sanction of Part 1, Article 20.2 of the Code on Administrative Offences of the Russian Federation, is fair and proportionate to the doing.

There were no significant breaches of the rules of material and procedural law, entailing the reversal of the judge's decision for the case.

Relying on the above, following Articles 30.6 - 30.8 of the Code on Administrative Offences of the Russian Federation,

decided:

To uphold the Decision of the judge of Kievskiy District Court of Simferopol of the Republic of Crimea of 21 February 2017 against Valeriy Mikhailovich Grigor in the case of administrative offence under Part 1, Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, to dismiss the appeal of Emil Makhsudovich Kurbedinov, defense counsel of Valeriy Mikhailovich Grigor.

The Decision can be appealed against within ten days upon reception of a copy of the decision.

Judge of the Supreme Court
of the Republic of Crimea *(Signed)* N.A. Terentieva

*[handwritten: the Decision entered into force on 2 March 2017*
*Judge (signed)*
*Secretary (signed)]*

*[STAMP: KIEVSKIY DISTRICT COURT OF SIMFEROPOL, THE REPUBLIC OF CRIMEA]*

*[STAMP: Kievskiy District Court of the Republic of Crimea*
*The original of the Decision is stored in the administrative case material No. 5-486/2017*
*The copy is issued on 20 May 2020*
*Judge (signed)*
*Secretary (signed)]*

*[STAMP: KIEVSKIY DISTRICT COURT OF SIMFEROPOL, THE REPUBLIC OF CRIMEA]*

# Annex 331

Supreme Court of the Republic of Crimea, Case No. 12-570/2017,
Decision, 6 April 2017

Translation

SUPREME COURT OF THE REPUBLIC OF CRIMEA
DECISION
of 6 April 2017 in case No. 12-570/2017

Judge A.S. Tsykurenko

Judge of the Supreme Court of the Republic of Crimea V.V. Agin,

with the participation of E.N. Tasinov, the person against whom the administrative offence proceedings are conducted and

E.S. Semedlyaeva and L.I. Gemedzhi, his defence counsels,

M.N. Polyansky, District Police Officer of the Police Station No. 2 "Kievskiy" of the of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol,

with M.V. Lomzina, the secretary,

having examined at the open court hearing in Simferopol on

6 April 2017

the appeal of Emil Makhsudovich Kurbedinov, the defence counsel, against the decision of the judge of the Kievskiy District Court of Simferopol of 21 February 2017 in the administrative offence case provided for by Part 1, Article 20.2.2 of the Code on Administrative Offences of the Russian Federation in relation to Enver Nedimovich Tasinov,

established:

that by the decision of the judge of the Kievskiy District Court of Simferopol of 21 February 2017, E.N. Tasinov was found guilty of committing an administrative offence provided for by Part 1, Article 20.2.2 of the Code on Administrative Offences of the Russian Federation and received a punishment in the form of administrative arrest for a period of 5 (five) days.

Disagreeing with the decision of the judge of the district court, E.M. Kurbedinov, the defence counsel, filed an appeal to the Supreme Court of the Republic of Crimea in which he requested to cancel the above-mentioned decision as unlawful and unsubstantiated. In support, he specified that the judge of the district court incorrectly assessed the established circumstances and that there is no administrative corpus delicti in the actions of E.N. Tasinov that is alleged to him.

Having heard E.N. Tasinov and E.S. Semedlyaeva and L.I. Gemedgi, his defence counsels, who supported the appeal, M.N. Polyansky, District Police Officer of the Police Station No. 2 "Kievskiy" of the Directorate of the Ministry of Internal Affairs of Russia for Simferopol, who objected to satisfying the appeal, V.A. Zadorozhnaya, Yu.Z. Avamilev, the witnesses, having reviewed the case materials in full, having examined the appeal arguments, I come to the following conclusion.

According to Part 1, Article 2.1 of the Code on Administrative Offences of the Russian Federation, the administrative offence is an unlawful, guilty act (inaction) of an individual or a legal entity, for which administrative liability is established by this Code or the administrative offence laws of the constituent entities of the Russian Federation.

As it appears from the case materials, on 21 February 2017 at 10:00 a.m., not far from 127 Myasoedovskaya Str. In Kamenka village of Simferopol, the Republic of Crimea, E.N. Tasinov was in a public place and participated in the mass simultaneous gathering of citizens in a public place leading to public nuisance and obstructed the movement of pedestrians and vehicles.

The disposition of Part 1, Article 20.2.2 of the Code on Administrative Offences of the Russian Federation provides for administrative liability for arranging citizens' mass simultaneous gathering and (or) movement in public places that is not a public event, public calls to citizens' mass simultaneous gathering and (or) movement in public places, or participation in citizens' mass simultaneous gathering and (or) movement in public places if citizens' mass simultaneous gathering and (or) movement in public places has entailed public order disturbance or violation of sanitary norms and rules, violation of the functioning and safety of

critical infrastructure or communication facilities, or has caused damage to greenery, or hindrance to the movement of pedestrians or vehicles, or prevented citizens' access to residential premises or transportation infrastructure facilities, or to social infrastructure facilities except for the situations provided for in Parts 2 and 3 of this Article.

In its Ruling of 24 October 2013 No. 1721-O "On refusal to accept for consideration the appeal of citizen Alexey Vitalyevich Sherstuk on violation of his constitutional rights by the provisions of Part 1 of Article 3.5 and Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation", the Constitutional Court of the Russian Federation explained that "mass simultaneous gathering or movement in public places" does not include any events held in public places, but does include those mass events only that pursue a predetermined objective, are characterized by the common design of their participants and by free access of citizens to the participation therein, but are not public events within the meaning of the Federal Law of 19 June 2004 No. 54-FZ "On assemblies, rallies, demonstrations, marches and picketing" (Paragraphs 1-6 of Article 2 (concepts of: public event, assembly, rally, demonstration, procession, picketing)). At that, the incurrence of liability is coupled by this legal provision with the onset of the adverse effects specified therein.

Based on the meaning of the above provisions, Myasoedovskaya Str. In Kamenka village of Simferopol, the Republic of Crimea, and, in particular, intersection of Str. Myasoedovskaya and Str. Serenevaya, including the pedestrian area located thereat is a public place intended for a mass number of people staying thereat and for meeting their various vital needs, that is free for access to the unidentified number of people.

At that, as it appears from the administrative offence record, the reports of the police officers (case sheets 1, 10, 11), the explanations of V.A. Zadorozhnaya and Yu.Z. Avamilev, the witnesses, as well as E.N. Tasinov, the person in respect of whom the proceedings in the administrative offence case are administered, who did not challenge his staying in the above public place, the staying of a group of 15 citizens who arrived at the house of their acquaintance Marlen Mustafayev, in order to prevent the police officers from taking precautions in relation to the latter, entailed mass gathering of citizens in the public place with the common purpose and the common design, which testifies to the onset of public menace consequences, i.e. the crowd that violates the public order and obstructes the movement of pedestrians and vehicles.

V.A. Zadorozhnaya and Yu.Z. Avamilev, the police officers interrogated at the court hearing stated that they took part in precautions aimed at maintaining the public order and held at intersection of Str. Myasoedovskaya and Str. Serenevaya in Kamenka village of Simferopol on 21 February 2017 from 9:00 a.m. to 12:00 midday, and were members of a group of the police officers who documented the event using video footage equipment. They arrived at that place to maintain the public order, as at the same place there was a group of citizens of Crimean Tatar ethnicity who behaved aggressively and obstructed the movement of special equipment, the police officers and pedestrians. E.N. Tasinov was in that group as well. After the police officer announced on a megaphone of liability for that mass gathering in the public place in order to obstruct the actions of the police officers, no one from the group volunteered to leave and continued to take unlawful acts. It was after that only that some of the citizens, including E.N. Tasinov, were detained.

Previously V.A. Zadorozhnaya and Yu.Z. Avamilev, the police officers, had not been acquainted with E.N. Tasinov, no hostile relations or any other grounds for the slander of E.N. Tasinov by those persons were established in the case.

Giving his explanations at the hearing of the court of the second instance, E.N. Tasinov, the person in respect of whom the proceedings in the administrative offence case are administered, did not challenge that he was in the group of citizens at intersection of Str. Myasoedovskaya and Str. Serenevaya in Kamenka village, Simferopol on 21 February 2017 at about 10:00 a.m. and that the purpose of his being in that group, like others, was to protect the interests of Marlen Mustafayev when the police officers took actions against the latter.

Furthermore, the above circumstances are confirmed by the video footage provided by the body of the Ministry of Internal Affairs Directorate of Russia for Simferopol.

Under those circumstances, the actions of E.N. Tasinov were correctly qualified by the judge of the district court under Part 1, Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

The appeal arguments that the court of the first instance did not establish what actions were committed

by E.N. Tasinov so that they could be qualified under Part 1, Article 20.2.2 of the Code on Administrative Offences of the Russian Federation are unfounded and are refuted by the body of the above evidence.

Based on the provisions of Article 26.11 of the Code on Administrative Offences of the Russian Federation, the judge administering the proceedings in the administrative offence case is entitled to evaluate the evidence according to his/her inner conviction based on a comprehensive, full and unbiased examination of all facts of the case in the aggregate.

Contrary to the appeal, the actual participation in a non-public event that violates the public order and obstructs the traffic of pedestrians, vehicles and entails mass simultaneous gathering of citizens in the public place that is not a public event constitutes the event and the corpus delicti of the administrative offence provided for by Part 1, Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

In this regard, the appeal arguments are not based on the law.

Taking the foregoing into consideration, taking into account the established circumstances, I come to the conclusion that the court of the first instance came to the correct conclusion that E.N. Tasinov was guilty of the offence alleged to him.

The administrative offence record in relation to E.N. Tasinov was drawn up in compliance with the requirements of Article 28.2 of the Code on Administrative Offences of the Russian Federation, contains all information required to consider the case, including the full description of the event of the administrative offence alleged to him and provided for by Part 1, Article 20.2.2 of the Code on Administrative Offences of the Russian Federation, and therefore it meets the criteria of admissibility of evidence in the case as well. Taking into account the essence of the alleged offence, the appendix to the records is not a basis for revoking the decision and recognizing those records as inadmissible evidence either (explanations of A.A. Efimenko, I.A. Chumakova, V.E. Romanovskiy, A.A. Kruglov (case sheets 5–8), which the court of the second instance finds inadmissible as those explanations were obtained and recorded in violation of the requirements of the Code on Administrative Offences of the Russian Federation). A detailed description of the essence of the alleged offence set out in the appendix to the records (the police officers reports) is confirmed by the evidence examined by the court of the second instance, that is not contrary to the requirements of the Code on Administrative Offences of the Russian Federation.

The body of the evidence above fully and objectively describes the administrative offence event and the guilt of E.N. Tasinov in committing the administrative offence provided for by Part 1, Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

The law does not define the minimum number of citizens for qualifying an event as a mass one and therefore such quantitative criterion is not compulsory, as open places may be visited by the public at large.

The evidence available in the case materials, in particular, the police officers reports attached thereto, the testimonies of the witnesses interrogated at the court hearing of the court of the second instance reliably confirm the simultaneous gathering of at least 15 citizens in the public place, i.e. intersection of Str. Myasoedovskaya and Str. Serenevaya in Kamenka village, Simferopol on 21 February 2017 at about 10 a.m. that falls within the concept of mass simultaneous gathering of citizens in the public place with the common purpose and the common design.

Other arguments of the appeal are based on other interpretation of the law, are aimed at re-assessing the evidence examined by the judge to the advantage of the applicant and are refuted by the body of the above evidence that testifies reliably to committing by E.N. Tasinov of the administrative offence provided for by Part 1, Article 20.2.2 of the Code on Administrative Offences of the Russian Federation.

In accordance with the general rules for imposing the administrative punishment, the administrative punishment for committing the administrative offence is imposed to the extent established by the law providing for liability for that administrative offence in accordance with the Code on Administrative Offences of the Russian Federation (Part 1, Article 4.1 of the Code on Administrative Offences of the Russian Federation). When imposing the administrative punishment on an individual, the nature of the administrative offence committed by him/her, the identity of the guilty person, his/her property status, any circumstances mitigating the administrative liability and any circumstances aggravating the administrative liability are taken into account (Part 2, Article 4.1 of the Code on Administrative Offences of the Russian Federation).

When imposing the punishment, the judge of the district court took into account the nature of the administrative offence, the identity of the guilty person, the absence of any circumstances aggravating and mitigating the administrative liability.

The extent of the imposed punishment is in line with the sanction of Part 1, Article 20.2.2 of the Code on Administrative Offences of the Russian Federation and is fair.

In the proceedings in the administrative offence case, the procedure and the limitation period for bringing to the administrative liability, the principle of the presumption of innocence were not violated, the burden of proof was allocated correctly.

There were no material violations of the rules of substantive and procedural law entailing the revocation or change of the appealed decision.

Based on the foregoing, being guided by Articles 30.2–30.7 of the Code on Administrative Offences of the Russian Federation, the judge

decided:

to dismiss the appeal of Emil Makhsudovich Kurbedinov, the defence counsel,

to uphold the decision of the judge of the Kievskiy District Court of Simferopol of 21 February 2017 in the administrative offence case provided for by Part 1 of Article 20.2.2 of the Code on Administrative Offences of the Russian Federation in relation to Enver Nedimovich Tasinov.

Judge *(Signed)* V.V. Agin

# Annex 332

Supreme Court of the Russian Federation, Case No. 12-569/2017,
Decision, 25 April 2017 (excerpts)

Translation
Excerpts

*Judge: A.S. Tsykurenko* */STAMP: COPY/* *Case No. 12-569/2017*

**SUPREME COURT OF THE REPUBLIC OF CRIMEA**
**DECISION**
on the appeal filed in an administrative offence case

The Republic of Crimea, Simferopol 25 April 2017

Judge of the Supreme Court of the Republic of Crimea E.G. Pavlovskiy, having considered in an open court hearing a case on the appeal of Emil Maksudovich Kurbedinov, the defence counsel of Seiran Kemadinovich Murtaza, against decision of the judge of the Kievskiy District Court of Simferopol of 21 February 2017 in respect of

**Seiran Kemadinovich Murtaza**, born on 27 November 1983, a native of Ketmentipsky k/s of Galabinsky District of the Tashkent Region of the Uzbek Soviet Socialist Republic, citizen of the Russian Federation, registered at 9, Belogorskaya Str., Privetnoye villiage, Alushta, the Republic of Crimea,

in an administrative offence case under Part 1, Article 20.2.2 of the Code on Administrative Offences of the Russian Federation (hereinafter referred to as the Code on Administrative Offences),

ESTABLISHED THAT:

By Decision of the judge of the Kievskiy District Court of Simferopol of 21 February 2017, S.K. Murtaza was found guilty of committing of an administrative offence under Part 1, Article 20.2.2 of the Code on Administrative Offences and an administrative punishment was inflicted on him in the form of administrative arrest for a period of 5 (five) days.

[…]

Page 4

However, the judge did not take into account the following.

The judge refers to explanations of witnesses A.A. Efimenko, I.A. Chumakova, A.A. Kruglov, V.A. Romanovskiy as evidence of guilt of S.K. Murtaza in committing the alleged offence. However, these witnesses were not warned about the administrative liability under Article 17.9 of the Code on Administrative Offences. In light of this, their explanations cannot be recognized as admissible evidence. In such circumstances, the judge's resolution is subject to change by deleting the judge's reference to these witnesses.

In view of the above and guided by Article 30.7 of the Code on Administrative Offences,

DECIDED:

To change decision of the judge of the Kievskiy District Court of Simferopol of 21 February 2017.

To delete from decision of the judge of the Kievskiy District Court of Simferopol of 21 February 2017 the reference to the explanation of the witnesses A.A. Efimenko, I.A. Chumakova, A.A. Kruglov, and V.A. Romanovskiy.

To leave unchanged the rest part of the decision of the judge of the Kievskiy District Court of Simferopol of 21 February 2017 and to dismiss the appeal of Emil Maksudovich Kurbedinov, the defence counsel of Seiran Kemadinovich Murtaza.

**Judge of the Supreme Court of the Republic of Crimea** */Signature/* **E.G. Pavlosvkii**

[…]

# Annex 333

Prosecutor's Office of the Republic of Crimea,
Letter No. 15/3-2140-16, 27 April 2017

Translation

Prosecutor General's Office of
the Russian Federation
Acting Head of the Department for the
Supervision of Procedural Activities of the
Investigative Committee of the Russian Federation
To Councilor of Justice E.V. Kurovsky

*(Handwritten)*
*12 May 2017*
*15/1-486-2016/Nd 2383-2017*
15/3-2140-16 of 27 April 2017 */Signature/*

Dear Evgeniy Vyacheslavovich,

In accordance with the instructions of the Prosecutor General's Office of the Russian Federation to inform the Deputy Minister of Foreign Affairs of the Russian Federation G.M. Gatilov on the progress and results of the investigation of the criminal case on the disappearance of E.U. Ibragimov, I report the following.

On 26 May 2016, the Investigative Department for the Bakhchisaray District of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea initiated criminal case No. 2016627042 on the fact of kidnapping of E.U. Ibragimov on the grounds of the crime envisaged in paragraph "a, c", Part 2, Article 126 of the Criminal Code of the Russian Federation.

By the resolution of Deputy Head of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea V.V. Arkhangelsky of 7 October 2016 this criminal case was withdrawn from the caseload of the Bakhchisaray District Department of the Main Investigative Committee of the Russian Federation in the Republic of Crimea and transferred for further investigation to the First Investigative Department of the Investigative Directorate for Investigation of High-Priority Cases of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea.

Preliminary investigation established that on 24 May 2016 between 22 hours 10 minutes and 22 hours 45 minutes, unidentified persons, being in the vicinity of the house No. 9 Mira Str., Bakhchisaray, the Republic of Crimea, having the intention to kidnap E.U. Ibragimov, being dressed in the uniform of traffic police officers, stopped the latter, who was passing in his personal car "Ford Focus", license plate number E 868 CX, region 01, and then, acting in a group, with violence, put E.U. Ibragimov in an unidentified car and against the will of the latter drove in unknown direction.

Information about the victim: Ervin Umarovich Ibragimov, born on 17 July 1985 in Namangan, Andijan region, Uzbekistan, registered and residing at: 18 Mira Str., Apt. 78, Bakhchisaray, Republic of Crimea, citizen of the Russian Federation, officially not employed, single. Graduated from the National Academy of Public Administration under the President of Ukraine in 2014.

Before the admission of the Republic of Crimea to the Russian Federation E.U. Ibragimov was a deputy of the City Council of Bakhchisaray, member of the organization "Mejlis of the Crimean Tatar People", lawyer. After the admission of the Republic of Crimea to the Russian Federation, Ibragimov E.U. was not officially employed, has repeatedly traveled to the territory of Ukraine in order to get education, in 2015 he went to Turkey to participate in a congress. In January 2016, he traveled to Ukraine, presumably to find suppliers of beef to the territory of the Republic of Crimea. During the summer period, he was engaged in the

/Stamp: Prosecutor's Office of the Republic of Crimea/ */signatures/ 15 May 2017*

sale of souvenir products on the beach of Uchkuevka village and Orlovka village, Sevastopol; had the intention to organize the work of public catering facility, i.e. “cafe”, in Bakhchisaray.

During the investigation, a toothbrush and razor belonging to the latter were seized at E.U. Ibragimov’s residence address: 18 Mira Str., Apt. 78., Bakhchisaray. Molecular-genetic forensic examination was ordered on the seized items of personal hygiene of E.U. Ibragimov, the results of which did not establish a match with the available genotypes in the database.

E.U. Ibragimov’s car was examined, as a result of which 5 traces of fingers and partial palm print from the roof surface above the driver’s door, from the outer surface of the driver’s door, from the outer surface of the driver’s door handle, from the roof surface above the rear left door of the car were seized. No matches were found on the traces found.

U.O. Ibragimov was recognized as a victim and interrogated; he explained that he had last seen his son E.U. Ibragimov on 24 May 2016 at about 17 hours driving Ford Focus on Simferopolskaya Str. in the direction of Simferopol. At about 23 hours, E.U. Ibragimov called him on his cell phone, number +79780042529 via his cell phone, number: […] and asked if he had seen the documents for the car, after which he said that he had found them and hung up. About 10 minutes later, U.O. Ibragimov called back to E.U. Ibragimov’s cell phone, but the latter’s cell phone was switched off. On 25 May 2016 at about 8 hours 30 minutes, he found E.U. Ibragimov’s car not far from the house.

During the initial operative search activities, video CCTV cameras have been found, on which there is information of interest to the investigation.

As such, when viewing the records of the CCTV camera on the building located at the address: 6-B Mira Str., Bakhchisaray, it was established that on 24 May 2016 between 22:15:17 and 22:30:04 a car, presumably a passenger minibus “Ford Transit” of light color left the wooded area from the side of water reservoir and stopped on the roadside. The vehicle was equipped with a dark-colored flashing beacon on its roof. Some time later, two men dressed in the uniform of traffic police officers got out of the car, one of whom was holding a traffic police baton. At 22:22:20 one of the men stopped the car “Ford Focus” of white color, driven by E.U. Ibragimov, then the traffic police officer and E.U. Ibragimov came to the luggage compartment of the car and began to inspect the car. Then Ibragimov E.U. approached the car “Ford Transit”, near which there were two unidentified persons, from whom E.U. Ibragimov suddenly began to run away, but 5-10 meters later the unknown persons caught up with him and put him in the car “Ford Transit” with violence.

A video forensic examination was conducted on the seized video footage reflecting the kidnapping of E.U. Ibragimov, according to the results of which it was impossible to establish the license plate number of the car “Ford Transit” and the persons who committed the kidnapping of E.U. Ibragimov.

During the preliminary investigation a list of “Ford Transit” cars registered on the territory of the Republic of Crimea was obtained, according to which the above-mentioned car description includes 1400 cars. Operative search activities were initiated to investigate their owners and persons who have the right to drive them. Also, telephone connections were received at the base stations located in the area where E.U. Ibragimov was kidnapped, and the order to carry out operative search activities with regard to these subscribers was sent.

During the preliminary investigation, the following investigative and procedural actions were carried out:

E.I. Ametova, A.S. Abduramanov, V.N. Rudakov, E.E. Seitibragimov, M.I. Mustafayev, R.E. Dzhanbazov, F.D. Reshetov, A.E. Tokhtarov, D.S. Bilyalov, A.L. Osipenko, I.S. Getman, F.R. Bekirov, M.N. Skryabin, S.M. Zaichenko, G.D. Boyko, A.L. Lazhuev, M.A. Orlov, K.E. Oganesyan, L.V. Shevtsova, V.A. Shkuta, V.V. Kosorontsev, V.V. Yengibaryan, V.A. Snitko, V.G. Neshveeva, O.P. Buganets, I.N. Malyarenko, M.S. Abduramanov, N.R. Umerov, T.A. Bilyalov, E.A. Suleimanov, A.P. Stanislavchuk, A.V. Omelchenko, V.N. Trigub, A.I. Matyushenko, O.A. Rudenko, R.M. Fukala, R.E. Ismailov, A.I. Sakhnyuk, E.A. Likhonin, V.A. Mikhailuk, A.I. Kuznetsova, S.A. Osipenko were interrogated as witnesses;

On the circumstances of use of “Ford Transit” car, which was probably used by the unidentified persons in question, 489 persons, who own or use the specified cars in the territory of the Republic of Crimea, were questioned, 156 cars were inspected. No information of relevance for the investigation was received;

Information from law enforcement bodies of the constituent entities of the Russian Federation on the availability of information on bringing E.U. Ibragimov to administrative and criminal responsibility, conducting pre-investigation checks was requested. No information of relevance for the investigation was received;

Operative search activities were conducted in the territory of Voronezh region, where 4 “Skoda Octavia” cars with the license plate number “...350-36” were identified, which, according to the victim U.O. Ibragimov may have been following E.U. Ibragimov throughout May 2016. Their owners, who were questioned as witnesses, testified that they did not give their vehicles to anyone for use, they also did not enter the territory of the Republic of Crimea;

Instructions to conduct operative search activities with regard to the residents of Voronezh region A.V. Kryuchkov, D.A. Stavrov and S.A. Mazurin, who at the time of the crime drove the cars "Skoda Octavia" with license plate number “...350-36” were sent to the inquiry body;

information from Morskaya Direktsiya LLC on the crossing of the ferry crossing with the above vehicles was requested. No information of relevance for the investigation was received;

Molecular-genetic examination was carried out on the seized items, during which the DNA profile of E.U. Ibragimov was obtained, which was sent to the constituent entities of the Russian Federation for verification by DNA registration system;

Forensic fingerprint examination was assigned and carried out on E.U. Ibragimov’s finger and palm prints. These hand prints were checked using the regional and federal fingerprint registration system and the fingerprint cards of relatives, friends and acquaintances of E.U. Ibragimov, no matches were found;

In order to find traces of the crime and determine the direction of the departure of the criminals, search activities were initiated involving officers of the Ministry of Internal Affairs Department of Russia for the Bakhchisaray district, the community and the Russian EMERCOM diving team in the Republic of Crimea. The area where E.U. Ibragimov’s car was found, as well as the Bakhchisaray water reservoir and its coastal area were inspected. No information of relevance for the investigation was received;

- An instruction was sent to identify a man and a woman who at the time of stopping E.U. Ibragimov’s car on 24 May 2016 were crossing the road in the direction of residential buildings past the car “Ford Transit”, who so far have not been identified;

An examination of social networks was carried out, during which it was established that E.U. Ibragimov was registered in social networks such as Vkontakte and Odnoklassniki, where there are pictures of him with the representatives of the Mejlis of the Crimean Tatar People (Dzhemilev, Chubarov and others);

The owners of the vehicles in which E.U. Ibragimov crossed the state border of the Russian Federation throughout 2014–2016 were identified and interrogated. No information of relevance for the investigation was received;

The inquiry body was instructed to carry out operative search activities in relation to friendship ties of E.U. Ibragimov with I.R. Ablaev and I.R. Umerov;

T.P. Vashina was interrogated as a witness; she testified that on 27 June 2016 at about 19 hours she was returning home from the store, passing by the bus stop “Lozovoye 1” of Simferopol district, decided to rest and sat down on the bench. At the same time at the bus stop there was an unfamiliar woman (E.V. Dmitrieva), who was reading a notice about the search of a young man. When T.P. Vashina looked at the picture of the missing man, she told E.V. Dmitrieva that the search for E.U. Ibragimov was not going well, as she had seen him recently in the suburban area in the village of Lozovoye of Simferopol district. At that, E.U.

Ibragimov had no injuries on his face, he did not ask for help and no one held him down;

E.V. Dmitrieva was interrogated as a witness, confirming the statement of T.P. Vashina;

With the participation of witness T.P. Vashina, an examination of the area adjacent to house No. 8 on Tenistiy Lane in the village of Lozovoye, Simferopol district, where she saw a person who was presumably E.U. Ibragimov, was conducted;

The identification with the witness T.P. Vashina was conducted, in the course of which the latter confidently identified E.U. Ibragimov among other pictures, and testified that she had seen him in the middle of July 2016 near her house;

In the village of Lozovoye of Simferopol district, a door-to-door inspection on Offitserskaya, Tsvetochnaya, Nizhnyaya, Sadovaya, Vishnevaya, Yuzhnaya, Nekrasova, Kirova, Vinogradnaya, Gorkogo, Lozovaya, Podgornaya, Kechkemetskaya, Slivovaya, Tsentralnaya Streets and Tenistiy Lane was conducted. 50 persons were interrogated as witnesses, no new information about the whereabouts of E.U. Ibragimov was received;

18 persons whom E.U. Ibragimov contacted via phone on 24 May 2016 were identified and interrogated. No information of relevance for the investigation was received;

Information was requested and received from the Rozisk-Magistral HSC, according to which E.U. Ibragimov did not purchase air and railway tickets;

Responses from the banks located in the territory of the Republic of Crimea and Sevastopol were attached to the files of the criminal case. It is established that E.U. Ibragimov has a current account (payment card) opened at Genbank JSC; as of 30 June 2016, the account balance is RUB 315;

A request was sent to Genbank JSC to provide information on the cash flow on the account of E.U. Ibragimov from 24 May 2016 to the present time. According to the reply received, there has been no cash flow on this account to date;

According to the information received from the Directorate of the Federal Security Service of Russia for the Republic of Crimea and Sevastopol, the Centre for Countering Extremism of the Ministry of Internal Affairs for the Republic of Crimea, the State Traffic Police Directorate of the Ministry of Internal Affairs for the Republic of Crimea, there is no information about the possible whereabouts of E.U. Ibragimov.

To date, the whereabouts of E.U. Ibragimov have not been established.

The inquiry body was instructed to conduct operative search activities aimed at establishing the whereabouts of E.U. Ibragimov, as well as the persons who committed this crime.

# Annex 334

Chekmagush Interdistrict Court of the Republic of Bashkortostan, Case No. 1-3/2017, Decision, 30 June 2017 (excerpts)

Translation
Excerpts

Case No. 1-3/2017

**DECISION**
**In the name of the Russian Federation**

Chekmagush village 30 June 2017

The Chekmagush Interdistrict Court of the Republic of Bashkortostan comprised of:
presiding judge M.F. Irkabaev,
in the presence of the secretary A.M. Galeeva,
with the participation of public prosecutor A.R. Abdyushev,
criminal defendants R.Sh. Faskhiev, I.I. Makulov, I.M. Yanbukhtin, R.G. Khamidullin, Z.M. Zuvaydov,
defence counsel – R.Z. Khatipov, O.O. Nikitina, S.S. Ilyasova, G.F. Yausheva, G.A. Avzalova,
having considered in an open court session the criminal case against

Ramiz Shamilovich Faskhiev born on 30 April 1958 in Novo-Mikhaylovsky settlement, town of Belebey, the Republic of Bashkortostan, registered at the following address: the Republic of Bashkortostan, Ufa, 171 Mendeleeva Str., apartment 25, residing at the following address: the Republic of Bashkortostan, Ufa, town of Dyurtyuli, 20 Zorge Str., citizen of the Russian Federation, with higher education, married, category 3 disability pensioner, not liable for military service, with no criminal records,

accused of a crime envisaged in Part 1 of Article 282.2 of the Criminal Code of the Russian Federation,

Ilsur Ilgizovich Makulov born on 29 August 1971 in Staro-Kalmashevo village, Chekmagush district, the Republic of Bashkortostan, registered and residing at the following address: the Republic of Bashkortostan, Chekmagush district, Stariy Kalmash village, 75 Lenina Str., citizen of the Russian Federation, with secondary education, married, with three dependant minor children, employed as a worker for an individual entrepreneur A.A. Enikeev, liable for military service, with no criminal records,

accused of a crime envisaged in Part 2 of Article 282.2 of the Criminal Code of the Russian Federation,

Ildus Maratovich Yanbukhtin born on 28 April 1974 in Staro-Kalmashevo village, Chekmagush district, the Republic of Bashkortostan, registered and residing at the following address: the Republic of Bashkortostan, Chekmagush district, Stariy Kalmash village, 19 Sovetskaya Str., citizen of the Russian Federation, with secondary education, married, with three dependant minor children, employed as a chauffeur for an individual entrepreneur A.A. Enikeev, liable for military service, with no criminal records,

accused of a crime envisaged in Part 2 of Article 282.2 of the Criminal Code of the Russian Federation,

Ramil Gabidullinovich Khamidullin born on 22 January 1963 in Karazirekevo village, Chekmagush district, the Republic of Bashkortostan, registered and residing at the following address: the Republic of Bashkortostan, Chekmagush district, Karazirekevo village, 19 Svobody Str., citizen of the Russian Federation, with secondary education, married, employed as a locksmith in OAO Gazpromgazoraspredeleniye Ufa (a publicly held company under the laws of the Russian Federation), branch in the town of Dyurtyuli, with a second job of imam khatib of Karazirekevo village, with no criminal records,

accused of a crime envisaged in Part 2 of Article 282.2 of the Criminal Code of the Russian Federation,

Zafardzhon Mukhibuloevich Zuvaydov born on 23 July 1978 in Dushanbe, the Republic of Tajikistan, registered at the following address: the Republic of Bashkortostan, Ufa, 25 Malaya Fanernaya Str., residing at

the following address: the Republic of Bashkortostan, Ufa district, Alekseevka village, 47 Tsentralnaya Str., citizen of the Republic of Tajikistan, with higher education, married, with four dependant minor children, not officially employed, with a side job as a taxi driver, liable for military service, with no criminal records,

accused of a crime envisaged in Part 2 of Article 282.2 of the Criminal Code of the Russian Federation,

**ESTABLISHED:**

R.Sh. Faskhiev organized activities of a religious association, which, in accordance with the legislation of the Russian Federation, is recognized as extremist. I.I. Makulov, I.M. Yanbukhtin, R.G. Khamidullin, Z.M. Zuvaydov participated in the activities of the religious organization, which, in accordance with the legislation of the Russian Federation, is recognized as extremist, in the following circumstances.

R.Sh. Faskhiev, being, from the mid-1990s (the exact date has not been established), a member of the international religious association Tablighi Jamaat, the purpose of which is to establish world domination by spreading a radical form of Islam and create a single Islamic state, the World Caliphate, on the basis of regions with traditionally Muslim population. In early 2000s (the exact date has not been established), he organized activity of the specified IRA cell in the Republic of Bashkortostan.

Contrary to Federal law of 25 July 2002 No. 114-FZ "On countering extremist activities", R.Sh. Faskhiev, being aware that his actions are dangerous to the society, knowing that the decision of the Supreme Court of the Russian Federation of 7 May 2009 on the prohibition of the international religious organization Tablighi Jamaat in the territory of the Russian Federation came into legal force, intentionally, continued to participate in activities of the international religious association as an organizer up to 29 April 2015.

R.Sh. Faskhiev, as a person with leadership skills, the ability to manipulate, regulate and impose certain behavioral models, fulfilled the responsibilities assigned to him, as the leader and ideological inspirer of the international religious association cell, to implement the goals and objectives of this international religious association.

In order to implement programme objectives of the international religious association, R.Sh. Faskhiev, during the above-mentioned period, involved the following persons as participants into the cell organized by him in the Republic of Bashkortostan: I.I. Makulov, I.M. Yanbukhtin, R.G. Khamidullin, Z.M. Zuvaydov.

[…]
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In view of the foregoing, being guided by Articles 296-299, 307-309 of the Criminal Procedural Code of the Russian Federation, the court

**DECIDED:**

To find Ramiz Shamilovich Faskhiev guilty of committing a crime under Part 1 Article 282.2 of the Criminal Code of the Russian Federation and impose a punishment on him in the form of imprisonment for a period of 4 years 7 months in a general penal colony with deprivation of liberty for a period of two years (as amended by Federal law of 2 November 2013 No. 302-FZ, of 3 February 2014 No. 5-FZ, of 5 May 2014 No. 130-FZ, of 28 June 2014 No. 179-FZ).

[…]
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To find Ilsur Ilgizovich Makulov guilty of committing a crime under Part 2 Article 282.2 of the Criminal Code of the Russian Federation and impose a punishment on him in the form of imprisonment for a period of 2 years 7 months in a penal settlement with deprivation of liberty for a period of one year (as amended

by Federal law of 2 November 2013 No. 302-FZ, of 3 February 2014 No. 5-FZ).

[…]

To find Ildus Maratovich Yanbukhtin guilty of committing a crime under Part 2 Article 282.2 of the Criminal Code of the Russian Federation and impose a punishment on him in the form of imprisonment for a period of 2 years 7 months in a penal settlement with deprivation of liberty for a period of one year (as amended by Federal law of 2 November 2013 No. 302-FZ, of 3 February 2014 No. 5-FZ).

[…]

To find Ramil Gabidullinovich Khamidullin guilty of committing a crime under Part 2 Article 282.2 of the Criminal Code of the Russian Federation and impose a punishment on him in the form of imprisonment for a period of 2 years 5 months in a penal settlement with deprivation of liberty for a period of one year (as amended by Federal law of 2 November 2013 No. 302-FZ, of 3 February 2014 No. 5-FZ).

[…]

To find Zafardzhon Mukhibuloevich Zuvaydov guilty of committing a crime under Part 2 Article 282.2 of the Criminal Code of the Russian Federation and impose a punishment on him in the form of imprisonment for a period of 2 years (as amended by Federal law of 2 November 2013 No. 302-FZ, of 3 February 2014 No. 5-FZ).

[…]
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The decision may be appealed through the appeal procedure to the Supreme Court of the Republic of Bashkortostan through the Chekmagush Interdistrict Court of the Republic of Bashkortostan within 10 days from the date of announcement, and the convicts may do that within the same period from the date the copy of the decision is delivered to them.

To explain to the convicts that, when filing an appeal, they have the right to file a motion to participate in the consideration of the criminal case by a court of appeal, as well as to entrust their defence to a defence counsel chosen by them or to file a motion to the court for the appointment of a defence counsel. If other trial participants file an appeal or complaint, the convicts will have the right to file their objections in writing within the same period from the date the copies are delivered to them.

[…]

Judge of the Chekmagush
Interdistrict Court
of the Republic of Bashkortostan *signed / seal / stamps (illegible)* M.F. Irkabaev

# Annex 335

First Investigative Department of the High-priority Cases Directorate of the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea, Letter No. Otsk201-08-2017/13581, 19 July 2017

Translation

*(Handwritten) 362*

To U.O. Ibragimov, L.I. Alieva.
18 Mira Str., Apt. 78., Bakhchisaray, the Republic of Crimea, 298400

19 July 2017

*(Handwritten)*
*To be filed in criminal case No. 2016737036*
*19 July 2017 (signed)*

**Otsk201-08-2017/13581**

Your applications of 15 June 2017 about improper investigation of the criminal case initiated on the kidnapping of E.U. Ibragimov, received by the Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea (hereinafter – Main Investigative Directorate) on 19 June 2017, 10 July 2017, 12 July 2017 and 17 July 2017, were considered.

On the merits of the argumentation stated by you, I report that a significant number of investigative activities and operative search activities aimed at establishing the whereabouts of E.U. Ibragimov were carried out in the criminal case.

As such, the molecular-genetic forensic examination on the seized personal hygiene items of E.U. Ibragimov was appointed and carried out in the criminal case. Upon the results of the examination, no matches of E. U. Ibragimov's genotype with the genotypes available in the federal database were found.

In addition, during the examination of E. U. Ibragimov's car, five fingerprints and a partial palm print were seized. In checking the seized prints using the federal fingerprint database, no matches were found.

During the initial operative search activities video surveillance cameras were found, on which there is information of interest to the investigation.

A video forensic examination was conducted on the seized video, which records the kidnapping of E.U. Ibragimov. According to the results of this examination it is impossible to establish the license plate number of the car "Ford Transit" and the persons who committed the kidnapping of E.U. Ibragimov.

During the preliminary investigation a list of "Ford Transit" cars registered in the territory of the Republic of Crimea was obtained. On the circumstances of use of "Ford Transit" car, which was probably used by the unidentified persons in question, 489 persons, who own or use the specified cars in the territory of the Republic of Crimea, were questioned, 156 cars were inspected. However, no information of relevance for the investigation was received.

In addition, operative search measures were carried out in the territory of Voronezh region, where 4 "Skoda Octavia" cars with the license plate number "...350-36" were identified, which, according to your testimony may have been following E.U. Ibragimov. The owners of the mentioned cars were questioned as witnesses and testified that they did not give their cars to anyone for use, did not enter the territory of the Republic of Crimea, which is also confirmed by the information from the Morskaya Direktsiya LLC on the crossing of the ferry-line.

*Stamp: Main Investigative Directorate of the Investigative Committee of the Russian Federation for the Republic of Crimea No. Otsk201-08-2017/13581*

In order to find traces of the crime and determine the direction of the departure of the criminals, search activities were initiated involving officers of the Ministry of Internal Affairs Department of Russia for the Bakhchisaray district, the public and the Russian EMERCOM diving team in the Republic of Crimea. The area where E.U. Ibragimov's car was found, as well as the Bakhchisaray reservoir and its coastal area were inspected.

The location of E.U. Ibragimov was not established by means of the conducted activities.

Currently, the criminal proceedings have been resumed, additional investigative and procedural activities are being carried out.

In addition, the inquiry bodies have been instructed to conduct operative search activities aimed at establishing the whereabouts of E.U. Ibragimov.

The progress and results of the criminal investigation are under constant control of the administration of the Main Investigative Directorate.

At the same time, no facts of delays in the criminal case have been established in the administrative control, therefore, there is no reason to take measures against the investigator.

If you disagree with the decision, you have the right to appeal to the superior head of the investigative body, the Prosecutor's Office, or to the court under the procedure provided for in Chapter 16 of the Code of Criminal Procedural of the Russian Federation.

Acting deputy head of the High-priority Cases Directorate, Head of the First Investigative Department

Captain of Justice *[Signed]* E.O. Lyulin

# Annex 336

Zheleznodorozhny District Court of Barnaul, Case No. 1-242/16,
Decision, 26 July 2017 (excerpts)

Translation
Excerpts

*/Stamp: COPY/*
Case No. 1-242/16

DECISION
In the name of the Russian Federation

26 July 2017 Barnaul

V.F. Senchenkov, Judge of the Zheleznodorozhny District Court of Barnaul,
in presence of S.S. Shcherbitskaya, E.I. Dashko, the Secretaries of the Court,
with the participation of E.N. Serbova, Assistant Prosecutor of the Zheleznodorozhny District of Barnaul acting as the Public Prosecutor,
U.D. Idrisov, the Defendant,
D.V. Kopylov, the Defence Counsel, presented order No. 029324, certificate No. […],
Sh. Z. o. Salmanov, B.N. Anorkulov, the interpreters,
considered in an open court session a criminal case against:

- Urmonjon Dzhumaevich Idrisov, date of birth: 24 January 1975, place of birth: Karatyupe village, Osh Region of the Republic of Kyrgyzstan, citizen of the Russian Federation, liable for military service, having secondary education, graduated from the 8th grade of the school named after the 26th Party Congress of Karatyupe village, Osh Region, before the arrest he worked as the individual entrepreneur "Idrisov U.D.", single, registered at Altai Krai, Kalmansky District, village Kalmanka, 53 Sotsialisticheskaya Street, and before the arrest resided at Barnaul, 34/1 Prigorodnaya Street, previously not convicted, in detention since 2 August 2016,
- accused of a crime under Part 1.1, Article 282.2 of the Criminal Code of the Russian Federation.

Having examined the materials of the criminal case, the Court

ESTABLISHED:

U.D. Idrisov has involved persons in the activities of an extremist organization under the following circumstances.

No later than April 2015, in the city of Barnaul, U.D. Idrisov, knowing that the activities of the international religious organization Tablighi Jamaat were recognized as extremist and prohibited in the Russian Federation, had a criminal intent aimed at involving persons in the activities of the said organization in the city of Barnaul. To implement the resulting criminal intent, no later than April 2015, on the premises of the cafe AlBaraka located at Barnaul, 22 Stroiteley Avenue, U.D. Idrisov set up a prayer room to actively involve persons in the activities of the said religious association. From April 2015 to 1 November 2015, in the city of Barnaul, U.D. Idrisov, for the accomplishment of his criminal intent, has invited K.M. Saidov, I.I. Sheraliev, R.D. Gafurov, M.A. Belyalov and, deliberately, organized in the cafe AlBaraka secret recruitment meetings with participation of the above persons with the aim of their subsequent involvement in the activities of the international religious and extremist organization Tablighi Jamaat, by religious counselling and rituals, using the available fundamental ideological literature of the international religious and extremist organization Tablighi Jamaat, which is contradicting the traditional interpretation of Islam and is included in the federal list of extremist materials.

Thereafter, in the course of the said recruitment meetings held from 1 November 2015 to 2 December 2015, in the cafe AlBaraka, U.D. Idrisov, for the accomplishment of his criminal intent and using

the forms and methods of doctrinal and preaching activities of International religious and extremist organization Tablighi Jamaat, misled K.M. Saidov, I.I. Sheraliev, R.D. Gafurov, M.A. Belyalov into religious delusion, convincing them of the need to undertake to acquire the allegedly true theological knowledge about Islam from him, which in reality turned out to be programme concepts of international religious and extremist organization Tablighi Jamaat. For this purpose, the methods of religious activity of U.D. Idrisov aimed at involving K.M. Saidov, I.I. Sheraliev, R.D. Gafurov, M.A. Belyalov in the activities of the international religious and extremist organization Tablighi Jamaat during the specified period included a missionary journey (gasht), constant recalling of Allah (dhikr), performing a 5 times salāt (prayer), additional night salāt, prayers (da'wa), compulsory participation in meetings (mashoara), listening to sermons or stories on the Sahāba (bayaan), studying hadith, including on the basis of the book Fazail A'maal included in the federal list of extremist materials under No. 430 on the basis of the decision of the Abakan City Court of the Republic of Khakassia of 11 August 2009.

Thus, on 11 November 2015 at about 3.00 p.m., being at Barnaul, 22 Stroiteley Avenue, U.D. Idrisov, for further accomplishment of his criminal intent, taught K.M. Saidov and M.A. Belyalov the rules and procedure for a missionary journey (gasht) and convinced these persons of the need to perform this religious ritual. Thereafter, 1 November 2015 from 3.30 p.m. to 3.45 p.m., being in the city of Barnaul, U.D. Idrisov jointly with K.M. Saidov undertook a missionary journey (gasht). Thereafter, on 1 November 2016 from 3.45 p.m. to 4.00 p.m. and at 5.00 p.m., being in the cafe AlBaraka at the above address, to instil the values and attitudes of international religious and extremist organization Tablighi Jamaat into K.M. Saidov and M.A. Belyalov U.D. Idrisov conducted a sermon on the Sahāba (bayaan) for these persons. In fact, these religious rituals are the programme concepts of the international religious and extremist organization Tablighi Jamaat.

Besides, on 3 November 2015 at about 3.00 p.m., being in the cafe AlBaraka at the above address, U.D. Idrisov, for the accomplishment of his criminal intent, has taught K.M. Saidov the rules and procedure for prayers (da'wa), constant recalling of Allah (dhikr) and convinced him of the need to perform these religious rituals, as well as to undertake a missionary journey (gasht). Thereafter, on 3 November 2015 from 03.30 p.m. to 03.55 p.m., being in the city of Barnaul, U.D. Idrisov jointly with K.M. Saidov undertook a missionary journey (gasht). Besides, on 3 November 2016 at about 5.00 p.m., being in the cafe AlBaraka at the above address, U.D. Idrisov, to instil the values and attitudes of international religious and extremist organization Tablighi Jamaat into K.M. Saidov, conducted a sermon on the Sahāba (bayaan) for this person. In fact, these religious rituals are the programme concepts of the international religious and extremist organization Tablighi Jamaat.

Thereafter, on 7 November 2015, from 3.30 p.m. to 3.45 p.m., being in the city of Barnaul, U.D. Idrisov jointly with K.M. Saidov undertook a missionary journey (gasht). Besides, on 3 November 2015 at about 3.00 p.m. and 5.00 p.m., being in the cafe AlBaraka at the above address, U.D. Idrisov, for the accomplishment of his criminal intent, to instil the values and attitudes of international religious and extremist organization Tablighi Jamaat into K.M. Saidov and I.I. Sheraliev, conducted a sermon on the Sahāba (bayaan) for these persons, and also further explained the need to undertake a missionary journey (gasht). In fact, these religious rituals are the programme concepts of the international religious and extremist organization Tablighi Jamaat.

Thereafter, on 19 November 2015 at 6.00 p.m., being in the cafe AlBaraka at the above address, U.D. Idrisov, for the accomplishment of his criminal intent, to instil the values and attitudes of international religious and extremist organization Tablighi Jamaat into K.M. Saidov and I.I. Sheraliev, conducted a sermon on the Sahāba (bayaan) for these persons, and also further explained the need to indertake a missionary journey (gasht). In fact, these religious rituals are the programme concepts of the international religious and extremist organization Tablighi Jamaat.

Besides, on 20 November 2015 at 7.00 a.m., being in the cafe AlBaraka at the above address, U.D. Idrisov, for the accomplishment of his criminal intent, additionally explained to K.M. Saidov and I.I. Sheraliev the need to undertake a missionary journey (gasht), prayers (da'wa), constant recalling of Allah (dhikr), the mandatory nature of the participation in meetings, and convinced them of the need to perform

these religious rituals. Thereafter, 20 November 2015 from 8.00 a.m. to 8.15 a.m., being in the city of Barnaul, U.D. Idrisov jointly with K.M. Saidov and I.I. Sheraliev undertook a missionary journey (gasht).

Later, on 20 November 2015 at about 4.00 p.m., being at Barnaul, 22 Stroiteley Avenue, U.D. Idrisov, for further accomplishment of his criminal intent, taught R.D. Gafurov the rules and procedure for performing a missionary journey (gasht) and convinced this person of the need to perform this religious ritual. Thereafter, on 20 November 2015 from 4.00 p.m. to 4.20 p.m., being in the city of Barnaul, U.D. Idrisov jointly with K.M. Saidov and R.D. Gafurov undertook a missionary journey (gasht). Thereafter, 20 November 2015 at about 4.30 p.m., being in the cafe AlBaraka at the above address, U.D. Idrisov, for the accomplishment of his criminal intent, to instil the values and attitudes of the international religious and extremist organization Tablighi Jamaat into K.M. Saidov and R.D. Gafurov, conducted a sermon on the Sahāba (bayaan) for these persons. In fact, these religious rituals are the programme concepts of the international religious and extremist organization Tablighi Jamaat.

Besides, on 2 December 2015 at about 4.00 p.m., being in the cafe AlBaraka at the above address, U.D. Idrisov, for the accomplishment of his criminal intent, to instil values and attitudes of the international religious and extremist organization Tablighi Jamaat into K.M. Saidov conducted a sermon on the Sahāba (bayaan) for this person. In fact, these religious rituals are the programme concepts of the international religious and extremist organization Tablighi Jamaat.

Besides, from April 2015 to 2 August 2016, U.D. Idrisov deliberately kept in the cafe AlBaraka at Barnaul, 22 Stroiteley Avenue, and at the place of residence, at Barnaul, 34/1 Prigorodnaya street, at the place of registration at Altai Territory, Kalmansky District, village Kalmanka, 53 Socialisticheskaya street, Fazail A'maal books by Shaykh al Hadith Maulana Muhammad Zakaria Kandehlevi, which are the ideological basis of the international religious and extremist organization Tablighi Jamaat and are included in the federal list of extremist materials. At the same time, in the period from November 1, 2015 to December 2, 2015, in the city of Barnaul, U.D. Idrisov was making K.M. Saidov, I.I. Sheraliev, R.D. Gafurov, M.A. Belyalov aware of the content of these books, as the ideological basis and cult practices of the international religious and extremist organization Tablighi Jamaat.

From 1 November 2015 to 2 December 2015, in the city of Barnaul, U.D. Idrisov, realizing the illegal nature of his actions and understanding that law enforcement authorities are taking measures aimed at suppressing the activities of the international religious and extremist organization Tablighi Jamaat, deliberately prepared K.M. Saidov, I.I. Sheraliev, R.D. Gafurov, M.A. Belyalov to undertake secrecy measures commonly implemented by the organization, i.e. he prohibited disclosure of the information on the circumstances of participation in illegal recruitment meetings arranged by him. To ensure secrecy measures and avoid criminal liability, U.D. Idrisov omitted to notify K.M. Saidov, I.I. Sheraliev, R.D. Gafurov, M.A. Belyalov on the belonging of the religious concepts and rituals explained by him to the programme concepts of the international religious and extremist organization Tablighi Jamaat, on the extremist orientation of this organization, and on the prohibition of its activities by the decision of the Supreme Court of the Russian Federation.

Thus, from April 2015 until 2 December 2015, being in Barnaul, U.D. Idrisov, for the accomplishment of his criminal intent, involved K.M. Saidov, I.I. Sheraliev, R.D. Gafurov, M.A. Belyalov into activities of the international religious and extremist organization Tablighi Jamaat by means of propaganda of the activities and ideology of the said religious organization, including positioning it as the only true doctrine, while realizing that the activities of the international religious and extremist organization Tablighi Jamaat are recognized as extremist and prohibited in the Russian Federation.

The Defendant U.D. Idrisov, who was questioned at the hearing, pleaded guilty to the charge in full, acknowledged the offence, motioned for mitigation of punishment, however, in accordance with Article 51 of the Constitution of the Russian Federation, he refused to testify.

According to the testimony of the defendant U.D. Idrisov read out at the hearing subject to the consent of the parties, given by him during the preliminary investigation, it is clear that while visiting mosques he saw how many citizens of Kyrgyzstan, in addition to performing traditional Muslim rituals, also perform “gasht”, the essence of which is to do “the work of Allah”, i.e. call on other people to attend the

mosques, call to pray to Allah, praise Allah. During “gasht”, “da‘wa” is performed — the invitation, a call, work among Muslims. During “gasht”, “dhikr” must be performed (constant recalling of Allah, praising, pronouncing the phrases “Subhan Allah”, “Alhamdulillah”, “Allahu Akbar”) and praising Allah. These actions should be performed only in accordance with the established procedure and rules, which are also known as “tartibes”. Also in Kyrgyzstan, he learned that if everyone did “gasht”, then “Jamaat”, which is a society of Muslims, would appear on Earth. After performing “gasht”, it is necessary to read a religious sermon, which is “bayaan”. Thus, as a rule, the morning “mashoara”, which is a discussion on the daily schedule, the effectiveness of the sermon, about the directions and routes of “gasht”, should be performed before “gasht” every day. According to the imam of the mosque, during the defendant’s stay in Kyrgyzstan in 2012, he realized that these rituals are not characteristic of traditional Islam. Rituals (gasht, mashoara, etc.) are performed by adepts of the Tablighi Jamaat religious organization. In 2012–2013, staying in Kyrgyzstan he also became an adept of Tablighi Jamaat.

[…]
Page 14

Being guided by Articles 299–310 of the Criminal Procedural Code of the Russian Federation, the Court

**DECIDED:**

To recognize Urmonjon Dzhumaevich Idrisov guilty of committing a crime under Part 1.1, Article 282.2 of the Criminal Code of the Russian Federation (as amended by Federal Law of July 13, 2015 No. 145), and impose upon him a sentence in accordance with the said Article, applying Article 64 of the Criminal Code of the Russian Federation, in the form of 1 year of imprisonment, with serving the sentence in a general penal colony, with restriction of liberty for a period of 1 year 4 months, set a restriction to leaving the municipality where the convicted person will live after release; not to change the place of residence, place of work without the consent of a competent authority supervising the service of sentence of restriction of liberty; to impose the obligation to appear for registration with the competent authority supervising the service of sentence of restriction of liberty once a month.

[…]

| | | |
|---|---|---|
| Judge | */Signature/* | V. F. Senchenkov |
| */Stamp: The original of the Sentence, Ruling, Decision) filed in case file No.____/20___ Zheleznodorozhny District Court of the city of Barnaul/* | */Seal: ZHELEZNODOROZHNY DISTRICT COURT OF THE CITY OF BARNAUL * Primary State Registration Number (OGRN)(illegible)/* | */Stamp: TRUE COPY/ /Signature/ JUDGE /Signature/ SECRETARY* |

# Annex 337

Investigative Department of the Zheleznodorozhny District of Simferopol of the Main Investigative Directorate of the Investigative Committee of Russia for the Republic of Crimea, Order No. 1002-17 on carrying out certain investigative activities, 17 August 2017

Translation

(Coat of Arms of the Russian Federation)
**Investigative Committee of Russia**
**Main Investigative Directorate for the Republic of Crimea**
**Investigative Department of the Zheleznodorozhny District of Simferopol**

60 Karla Marksa Str., Simferopol, the Republic of Crimea, Russia, 295006

17 August 2017 No. 1002-17

To the Head
Of the Directorate of the Ministry of Internal Affairs of Russia for the city of Simferopol
Police Colonel
S.V. Nikolaev

**ORDER**

**on carrying out of certain investigative activities (operative search, search activities)**

I am the investigator for the inspection material of the Crime Reports Registration Book No. 1001 of 31 December 2014.

On 31 December 2014, the Investigative Department for the Zheleznodorozhny District of Simferopol of the Main Investigative Directorate of the Investigative Committee of Russia for the Republic of Crimea received from 534th Military Investigative Department for the Black Sea Fleet the inspection materials on the report of E.A. Zakrevskaya on abduction and illegal deprivation of liberty of M.V. Vdovchenko, citizen of Ukraine, by unidentified persons.

At present, there is a need for a set of operative search measures aimed at identifying the officials of the internal affairs bodies who patrolled Karla Marksa Street of Simferopol on 11 March 2014.

Based on the foregoing and being guided by para. 4 of Part 2 of Article 38 and (or) Part 1 of Article 152 of Criminal Procedural Code of the Russian Federation,

I HEREBY REQUEST:

To order the officials of the Police Station No. 1 "Zheleznodorozhny" of the Directorate of the Ministry of Internal Affairs of Russia for the city of Simferopol, subordinated to you:

1. To perform a set of operative search measures aimed at identifying the officials of the internal affairs bodies who patrolled Karla Marksa Street of Simferopol on 11 March 2014.
2. After the persons specified in paragraph 1 of this Order are found, to ensure their appearance before the investigator to participate in the questioning, under the procedure provided for in Articles 144-145 of the Criminal Procedural Code of the Russian Federation.

For the execution of this order, please keep in touch with the initiator at the specified contact phone number.

Due to the limited time frame for the inspection, I ask you to execute this order, as soon as possible.

Senior Investigator
Of the Investigative Department
Lieutenant of Justice (*signed*) E.A. Kozlova
Phone number […], […]

# Annex 338

Investigative Department of the Zheleznodorozhny District of Simferopol of the Main Investigative Directorate of the Investigative Committee of Russia for the Republic of Crimea, Letter No. 1001-17, 17 August 2017

Translation

(Coat of Arms of the Russian Federation)
**Investigative Committee of the Russian Federation**
**Main Investigative Directorate for the Republic of Crimea**
**Investigative Department of the Zheleznodorozhny District of Simferopol**

60 Karla Marksa Str., Simferopol, the Republic of Crimea, Russia

17 August 2017 No. 1001-17

To the Head (Regiment Commander)
Of the State-funded Institution of the Republic of Crimea "Crimean Republican Headquarters of the People's Militia – the People's Guard of the Republic of Crimea"
S.N. Dimov

In the context of the necessity according to the inspection material of the Crime Reports Registration Book No. 1001 of 31 December 2014, on the basis of Part 4 of Article 21 of the Criminal Procedural Code of the Russian Federation, Article 7 of the Federal Law "On the Investigative Committee of the Russian Federation", you are kindly asked to provide us with information about the employees of the people's militia who on 11 March 2014 patrolled Karla Marksa Street of Simferopol and streets adjacent to it.

Thank you in advance for your cooperation!

Senior Investigator
Of the Investigative Department
Lieutenant of Justice (signed) E.A. Kozlova
Phone number […], […]

# Annex 339

Directorate for Supervision of Criminal Procedural and Operative Search Activities of the Prosecutor's Office of the Republic of Crimea, Letter No. 15/1-382-2016/On4261-2017, 29 August 2017

Translation

Amnesty International Gruppe

(to be declared to all applicants)

info@amnesty-2349.de

*(handwritten: 382-16)*

*29 August 2017 No. 15/1-382-2016/On4261-2017*

The Prosecutor's Office of the Republic considered the collective application from the supporters of the Amnesty International regarding the results of investigation of the criminal case in connection with E.U. Ibragimov's disappearance.

It was established that an inspection was carried out by the Investigative Department for the Bakhchisaray District of the Main Investigative Directorate of the Investigative Committee of Russia for the Republic of Crimea in connection with E.U. Ibragimov's disappearance, following which a decision was made to initiate a criminal case.

Preliminary investigation in the criminal proceedings is being carried out by the Main Investigative Directorate of the Investigative Committee of Russia for the Republic of Crimea.

E.U. Ibragimov's whereabouts have not been established.

No specific facts suggesting that a crime was committed in relation to E.U. Ibragimov in connection with his political views or ethnicity were obtained in the course of the investigation.

The preliminary investigation is ongoing, a range of investigative and operative search activities are being carried out to establish E.U. Ibragimov's whereabouts and the circumstances of the incident.

There are no grounds for any response measures based on the arguments set out in the application.

You have the right to appeal against the decision adopted to a superior prosecutor or in court.

Head of the Directorate
for Supervision of Criminal Procedural
and Operative Search Activities
of the Prosecutor's Office of the Republic /Signed/ A.S. Morozov

*[Illegible; Ibragimov]*

/Signed/ /Signed/
[Prosecutor's Office of the Republic of Crimea
No. 15/1-382-2016/On4261-2017]

# Annex 340

Simferopol Clinical Hospital of Emergency Medical Care No. 6 of the Republic of Crimea, Letters No. 1499/01-11, 29 August 2017

Translation

(Coat of Arms)

**MINISTRY OF HEALTHCARE OF THE REPUBLIC OF CRIMEA**
**State Budgetary Healthcare Institution of the Republic of Crimea**
**"Simferopol Clinical Hospital of Emergency Medical Care No. 6"**
(Simferopol Clinical Hospital of Emergency Medical Care No. 6)

15 Gagarina Str., Simferopol, 295026, phone number: 0(3652) 22-03-22,
e-mail: chief medical's officer's office bolnica6@mail.ru; accountant department klinika-6@mail.ru
OKPO 00807180, PSRN 1149102170854, TIN 9102963951, KPP 910201001

29 August 2017 No. 1499/01-11
to Ref. No. 1001-17 of 17 August 2017

To the Senior Investigator of the Investigative Department for the Zheleznodorozhny District of Simferopol
**E.A. Kozlova**

*Information on request for the citizen M.V. Vdovichenko*

**Mikhail Valeryevich Vdovichenko** born on 10 August 1972 did not apply to the trauma polyclinic during at the specified period in March 2014 up to the present.

**Chief medical officer** **(signed)** **A.S. Dyakov**

Executed by Isaev
[phone number]

/Seal:
Ministry of Health of the Republic of Crimea
State Budgetary Healthcare Institution of the Republic of Crimea
"Simferopol Clinical Emergency Hospital No. 6"
PSRN (Primary State Registration Number) 1149102170854
TIN (Individual Taxpayer Number) 9102963951/

/Stamp:
MAIN INVESTIGATIVE DIRECTORATE OF THE INVESTIGATIVE COMMITTEE OF THE RUSSIAN FEDERATION
FOR THE REPUBLIC OF CRIMEA
Investigative Department for the Zheleznodorozhny District of Simferopol
REGISTERED IN THE INCOMING DOCUMENTS RECORD BOOK
3 October 2017
No. (illegible)-2456-2017/

Annex 340

(Coat of Arms)

**MINISTRY OF HEALTHCARE OF THE REPUBLIC OF CRIMEA**
**State Budgetary Healthcare Institution of the Republic of Crimea**
**"Simferopol Clinical Hospital of Emergency Medical Care No. 6"**
(Simferopol Clinical Hospital of Emergency Medical Care No. 6)

15 Gagarina Str., Simferopol, 295026, phone number: 0(3652) 22-03-22,
e-mail: chief medical's officer's office bolnica6@mail.ru; accountant department klinika-6@mail.ru
OKPO 00807180, PSRN 1149102170854, TIN 9102963951, KPP 910201001

29 August 2017 No. 1499/01-11

to Ref. No. 1001-17 of 17 August 2017

To the Senior Investigator of the Investigative Department for the Zheleznodorozhny District of Simferopol
**E.A. Kozlova**

*Information on request for the citizen M.V. Vdovichenko*

**Mikhail Valeryevich Vdovichenko** was not hospitalized in the period from 1 January 2014 to the present.

He did not request medical help at the hospital reception during the specified period of time.

**Chief medical officer** **(signed)** **A.S. Dyakov**

A.A. German
[phone number]

/Seal:
Ministry of Health of the Republic of Crimea
State Budgetary Healthcare Institution of the Republic of Crimea
"Simferopol Clinical Emergency Hospital No. 6"
PSRN (Primary State Registration Number) 1149102170854
TIN (Individual Taxpayer Number) 9102963951/

/Stamp:
MAIN INVESTIGATIVE DIRECTORATE OF THE INVESTIGATIVE COMMITTEE OF THE RUSSIAN FEDERATION
FOR THE REPUBLIC OF CRIMEA
Investigative Department for the Zheleznodorozhny District of Simferopol
REGISTERED IN THE INCOMING DOCUMENTS RECORD BOOK
3 October 2017
No. (illegible)-2457-2017/

# Annex 341

Crimean Republican Headquarters of the People's Militia – the People's Guard of the Republic of Crimea, Letter No. 02-04/823, 29 August 2017

Translation

**(Coat of Arms)**

**THE STATE-FUNDED INSTITUTION OF THE REPUBLIC OF CRIMEA**

**"CRIMEAN REPUBLICAN HEADQUARTERS OF THE PEOPLE'S MILITIA – THE PEOPLE'S GUARD OF THE REPUBLIC OF CRIMEA"**

**26 a Kirova Str., room 27-49, Simferopol, the Republic of Crimea, 295011, phone number: (3652) 60-70-60, email: bereg_022@mail.ru**

29 August 2017 No. 02-04/823

to Ref. No. 1001-17 of 17 August 2017

**To E.A. Kozlova, the Senior Investigator of the Investigative Department for the Zheleznodorozhny District of Simferopol, Lieutenant of Justice**

The State-Funded Institution of the Republic of Crimea "Crimean Republican Headquarters of the People's Militia – the People's Guard of the Republic of Crimea", in response to your request Ref. No. 1001-17 of 17 August 2017, inform you that, as at the date of 11 March 2014, the Institution did not exist. The Institution has no information on employees of the people's militia who on 11 March 2014 patrolled Karla Marksa Street of Simferopol and streets adjacent to it.

**Head (Regiment Commander)** */Signed/* **S.N. Dimov**

**Executant O.I. Ovsyany**

[phone number]

/Stamp:
MAIN INVESTIGATIVE DIRECTORATE OF THE INVESTIGATIVE COMMITTEE OF THE RUSSIAN FEDERATION
FOR THE REPUBLIC OF CRIMEA
Investigative Department for the Zheleznodorozhny District of Simferopol
REGISTERED IN THE INCOMING DOCUMENTS RECORD BOOK
1 September 2017
No. (illegible)-2222-2017/