EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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Multiple violations in case brought by Ukraine against Russia concerning Crimea

The case of Ukraine v. Russia (re Crimea) (applications nos. 20958/14 and 38334/18) concerned Ukraine's allegations of a pattern ("administrative practice") of violations of the European Convention on Human Rights by the Russian Federation in Crimea beginning in February 2014. It also concerned allegations of a pattern of persecution of Ukrainians for their political stance and/or pro-Ukrainian activity ("Ukrainian political prisoners") which had occurred predominantly in Crimea but also in other parts of Ukraine or in the Russian Federation since early 2014.

The Ukrainian Government alleged that those human-rights violations had been part of a campaign of repression, which included in particular disappearances; ill-treatment; unlawful detention; impossibility to opt out of Russian citizenship; suppression of Ukrainian media and of the Ukrainian language in schools; pre-trial detention in overcrowded conditions; prosecution and conviction on fabricated charges without a fair trial in reprisal for any pro-Ukrainian stance; and, transfers from Crimea to prisons in Russia.

In today's Grand Chamber judgment[1] in the case the European Court of Human Rights held, unanimously, that there had been:

violations of Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment), 5 (right to liberty and security), 6 (right to a fair trial), 7 (no punishment without law), 8 (right to respect for private and family life), 9 (freedom of religion), 10 (freedom of expression), 11 (freedom of assembly), 14 (prohibition of discrimination) and 18 (limitation on use of restrictions on rights) of the European Convention on Human Rights, and Article 1 of Protocol No. 1 (protection of property), Article 2 of Protocol No. 1 (right to education) and Article 2 of Protocol No. 4 (freedom of movement) to the European Convention.

It also held, unanimously, that the Russian Federation had failed to comply with its obligations under **Article 38 (obligation to furnish necessary facilities for the examination of the case)** of the Convention.

Lastly, the Court held, unanimously, under **Article 46 (binding force and implementation of judgments)**, that Russia had to take measures as soon as possible for the safe return of the relevant prisoners transferred from Crimea to penal facilities located on the territory of the Russian Federation.

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The Court considered that it had sufficient evidence – in particular intergovernmental and non-governmental organisation reports, corroborated by witness testimony and other material – to conclude beyond reasonable doubt that the incidents had been sufficiently numerous and interconnected to amount to a pattern or system of violations. Moreover, the apparent lack of an effective investigation into the incidents and/or the general application of the measures to all people concerned, among other things, proved that such practices had been officially tolerated by the Russian authorities.

1. Grand Chamber judgments are final (Article 44 of the Convention).
All final judgments are transmitted to the Committee of Ministers of the Council of Europe for supervision of their execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

It emphasised that such practices had taken place within the context of the full-scale application of Russian law in Crimea. That situation was in breach of international humanitarian law (IHL) which provided that there was an obligation to respect the laws already in force on occupied territory, which in this case would have been the pre-existing Ukrainian law. Confirming that IHL was to be taken into account in its assessment of the case, it found that Russia had extended the application of its law to Crimea in breach of the Convention.

Lastly, it found that there had been a pattern of retaliatory prosecution and misuse of criminal law and a general crackdown on political opposition to Russian policies in Crimea, which had been developed and publicly promoted by prominent representatives of the Russian authorities.

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Ukraine has four inter-State cases pending against Russia, including one jointly with the Netherlands, and there are approximately 7,400 individual applications pending before the Court concerning the events in Crimea, eastern Ukraine and the Sea of Azov, as well as Russia's military operations on the territory of Ukraine since 24 February 2022. See Q & A.

The procedure for the processing of cases before the Court involving Russia can be found here.

A legal summary of this case will be available in the Court's database HUDOC (link).

Principal facts and complaints

This inter-State case concerned mostly events in Crimea, which includes the Autonomous Republic of Crimea (the "ARC") and the City of Sevastopol.

The Ukrainian Government maintained that the Russian Federation had been responsible for a pattern ("administrative practice") of human-rights violations under the Convention from 27 February 2014, the date from when they alleged that Russia exercised extraterritorial jurisdiction over Crimea. They argued that that pattern of violations was part of a large, interconnected campaign of political repression aimed at stifling any opposition.

Application 20958/14 specifically covered the following complaints: enforced disappearances and the lack of an effective investigation; ill-treatment and unlawful detention; extending the application of Russian law to Crimea with the result that as from 27 February 2014 the courts in Crimea could not be considered to have been "established by law" within the meaning of the European Convention; impossibility to opt out of Russian citizenship and raids of private dwellings; harassment and intimidation of religious leaders not conforming to the Russian Orthodox faith, arbitrary raids of places of worship and confiscation of religious property; suppression of non-Russian media; prohibiting public gatherings and manifestations of support for Ukraine or the Crimean Tatar community, as well as intimidation and arbitrary detention of organisers of demonstrations; expropriation without compensation of property from civilians and private enterprises; suppression of the Ukrainian language in schools and harassment of Ukrainian-speaking children at school; restriction of freedom of movement between Crimea and mainland Ukraine, resulting from the *de facto* transformation (by Russia) of the administrative delimitation into a border (between Russia and Ukraine); and, targeting of and discrimination against Crimean Tatars.

In application no. 38334/18 the Ukrainian Government complained of various instances of unlawful deprivation of liberty, prosecution, ill-treatment and convictions of Ukrainians for their political stance and/or pro-Ukrainian activity in Crimea since early 2014. They maintained that "after the occupation" the local authorities in Crimea had used Russian legislation against extremism, separatism and terrorism to detain Crimean Tatar and Ukrainian activists. In addition, a number of Ukrainians had been captured by the Russian proxies of "Luhansk people's republic" and "Donetsk people's republic" and handed over to the Russian authorities for prosecution. Lastly, a number of Ukrainians had been lured by the Russian authorities to Russia, Russian-controlled territory or

Belarus, or had entered Russia for various lawful purposes, and had then been detained, tortured for confessions and sentenced by the Russian courts for committing fabricated offences. According to the applicant Government, these individuals were "political prisoners" and numbered at least 71 in June 2018 and 203 in December 2022. The Ukrainian Government argued that the alleged violations in relation to these "Ukrainian political prisoners" had ultimately been aimed at the intimidation of Ukrainians and the suppression of any political opposition to Russian policies.

Some of the complaints raised in both applications overlapped (regarding the system of opting out of Russian citizenship and the transfers of prisoners from Crimea to the territory of the Russian Federation), while others concerned some of the same events or individuals.

In both applications the Ukrainian Government cited a number of individuals, and witness statements, to illustrate the alleged pattern of violations. These individuals included among others Ukrainian military personnel, pro-Ukrainian and Euromaidan activists, protestors, journalists, writers, a film director (Oleg Sentsov), religious figures (in particular the Metropolitan Kliment of Simferopol and Crimea of the Orthodox Church of Ukraine), priests, Crimean Tatars and Muslims living in Crimea. The Government also referred to intergovernmental reports (in particular a report from 2017 by the Office of the United Nations High Commissioner for Human Rights – the "2017 OHCHR report" and another from 2023 by the Council of Europe's Commissioner for Human Rights entitled "Crimean Tatars' struggle for human rights"), reports by non-governmental organisations, other international material and documents provided by the Ukrainian authorities.

In their written submissions, the Russian Government either contested the allegations of the pattern of violations, which they argued were vague and unsubstantiated with little if no recourse to legal avenues at national level having been made, or did not submit any evidence or information at all, notwithstanding the Court's requests in this respect. As concerned the complaints about the judicial system in Crimea since 27 February 2014, they referred to the relevant laws and legal instruments on the basis of which Crimea had been admitted, as a matter of the Russian law, as a constituent entity, into the Russian Federation. They identified in particular the so-called "Accession Treaty", signed on 18 March 2014 when the "Republic of Crimea" and the City of Sevastopol became a part of Russia, federal laws, the Constitution and the relevant legislation and statutory provisions of the Russian Federation. They argued therefore that any measures taken were an integral part of Russia's legal system, which was in full compliance with the European Convention. As concerned the system of opting out of Russian citizenship, they submitted that there was a clear and reasonable procedure to opt out.

In both applications the Ukrainian Government relied on Articles 3, 5, 6, 8, 10 and 11. In application no. 20958/14 they also complained under Articles 2, 9 and 14, and Article 1 of Protocol No. 1, Article 2 of Protocol No. 1 and Article 2 of Protocol No. 4. In application no. 38334/18 they further relied on Articles 7 and 18.

Procedure and composition of the Court

Application no. 20958/14 originated in two applications lodged on 13 March 2014 and 26 August 2015, respectively, which were joined in 2018 under the said number. Application no. 38334/18 was lodged on 10 August 2018.

On 7 May 2018 the Chamber dealing with application no. 20958/14 relinquished jurisdiction in favour of the Grand Chamber[2].

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2. Under Article 30 of the European Convention on Human Rights, "Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber, unless one of the parties to the case objects".

In its decision of 16 December 2020, the Court declared application no. 20958/14 partly admissible. It also decided to give notice to the Russian Government of the complaint in that application concerning the alleged transfer of Ukrainian "convicts" from Crimea to the territory of Russia. Moreover, given the overlap of that complaint with application no. 38334/18, which concerns "Ukrainian political prisoners", it decided to join the latter application to the former and to give notice of it to the Russian Government.

Two hearings have been held in the case, on 11 September 2019 and 13 December 2023. In the first hearing the Court examined the admissibility of application no. 20958/14, while in the second it examined the merits of the complaints already declared admissible and the admissibility and merits of the "Ukrainian political prisoners" application (no. 38334/18) and the transfers of "convicts" complaint (both applications).

Judgment was given by the Grand Chamber of 17 judges, composed as follows:

Síofra **O'Leary** (Ireland), *President*,
Georges **Ravarani** (Luxembourg),
Marko **Bošnjak** (Slovenia),
Gabriele **Kucsko-Stadlmayer** (Austria),
Pere **Pastor Vilanova** (Andorra),
Arnfinn **Bårdsen** (Norway),
Krzysztof **Wojtyczek** (Poland),
Faris **Vehabović** (Bosnia and Herzegovina),
Stéphanie **Mourou-Vikström** (Monaco),
Tim **Eicke** (the United Kingdom),
Lətif **Hüseynov** (Azerbaijan),
Jovan **Ilievski** (North Macedonia),
Gilberto **Felici** (San Marino),
Erik **Wennerström** (Sweden),
Ioannis **Ktistakis** (Greece),
Diana **Sârcu** (the Republic of Moldova),
Mykola **Gnatovskyy** (Ukraine),

and also Søren **Prebensen**, *Deputy Grand Chamber Registrar.*

Decision of the Court

Overall conclusions

Firstly, the Court reiterated its finding at the admissibility stage as concerned application no. 20958/14 that Russia had exercised extraterritorial jurisdiction over Crimea between 27 February 2014, the date from when Russia had had "effective control", until 26 August 2015, the date of lodging of their second application (regarded as the "period under consideration" in so far as application no. 20958/14 was concerned). As there had, in the meantime, been no relevant information to contradict that conclusion, the Court found that it continued to be valid after 26 August 2015 in respect of events which had occurred in Crimea relevant for application no. 38334/18.

It also established that it had jurisdiction to deal with the Ukrainian Government's complaints in both applications in respect of facts that had taken place before 16 September 2022, the date on which Russia ceased to be a contracting Party to the European Convention. As concerned application no. 38334/18 it considered that it had jurisdiction beyond 16 September 2022 for detention which had started before that date.

It then clarified another decisive issue in the case, notably that Russian law could not be regarded as "law" for measures taken in Crimea within the meaning of the Convention, interpreted in the light of international humanitarian law (IHL). Both parties pointed to the wholesale application of Russian law after 18 March 2014 (date of signature of the "Accession Treaty"). However, the relevant rules of IHL clearly provided that there was an obligation to respect the laws in force in the "occupied" territory "unless absolutely prevented". Confirming that IHL was to be taken into account in its assessment of the case, it therefore found that Russia had unjustifiably extended the application of its law to Crimea in breach of the Convention.

It went on to note that the Ukrainian Government's complaints came under the concept of an "administrative practice" of human-rights violations, as outlined in the early inter-State cases, the admissibility decision in the present case, and most recently in the decision in *Ukraine and the Netherlands v. Russia*. This concept means the "repetition of acts incompatible with the Convention" and an element of "official tolerance" by the respondent State.

It emphasised that it was particularly difficult to clarify such important issues and to establish the facts in a case concerning a great number of people and events over a significant period of time and a vast geographical area (Russia and Crimea), with no cooperation from the respondent Government since the submission of its memorial in February 2022 and denial of access to Crimea to Ukrainian officials and/or independent monitoring. Such a lack of participation had been prejudicial for the Court's examination of the case, in breach of the Russian Government's obligations under Article 38 of the Convention.

The Court noted that it could draw all the inferences that it deemed appropriate from that situation, but pointed out that it had to be satisfied on the basis of the available evidence that the claims had been well-founded in fact and in law. It thus carefully analysed the facts established in various sources of evidence – in particular material originating from intergovernmental organisations and non-governmental organisations and first-hand witness testimony – submitted by the Ukrainian Government.

On that basis and in respect of each of the complaints outlined below, it found that the incidents had been sufficiently numerous and interconnected to amount to a "repetition of acts". Moreover, taking into account the apparent lack of an effective investigation into the incidents and/or the general application of the measures to all people concerned, the Court considered that the "official tolerance" element had also been established beyond reasonable doubt. Accordingly, it found that the respondent State had been responsible for a pattern or system ("administrative practice") of violations of the Convention.

Specific findings on the pattern of violations in both applications

Violation of Article 6 (right to a fair trial). The Court reiterated that there had been a wholesale application of Russian law in Crimea, in breach of the Convention in the light of IHL. Such a situation had led to general, regulatory measures applying throughout the territory of Crimea, which were binding for all courts and applied to all judicial proceedings and to all persons concerned. That was sufficient evidence to prove that, after enforcement of the "Accession Treaty", the courts in Crimea could not be considered to have been "established by law" within the meaning of Article 6 of the Convention.

V**iolation of Article 8 (right to respect for private and family life).** IGO and NGO reports referred to multiple obstacles in the process of opting out of Russian citizenship automatically imposed in Crimea, which was only possible within a very short timeframe and in limited locations. There were no clear instructions as to the procedure, unlike the system for obtaining a Russian passport. The deficiencies were so significant that permanent residents of Crimea were prevented from effectively being able to opt out of Russian citizenship.

A further violation of Article 8. The 2017 OHCHR Report noted that "a sizeable number of Crimea's prison population was transferred to the Russian Federation" and that "transfers of pre-trial detainees have also taken place", the key reason being "the lack of specialised penitentiary facilities in Crimea". According to the most recent information from 2022, 12,500 Crimean prisoners had apparently been transferred to penal facilities located on Russian territory. Such transfers entailed long distances from home for certain prisoners, in particular the "Ukrainian political prisoners" referred to by the Ukrainian Government, and therefore hardship because of the separation from their families, in breach of the right to respect for family life.

Specific findings on the pattern of violations (application no. 20958/14) from 27 February 2014 to 26 August 2015

Violations of Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment) and 5 (right to liberty and security). The Court noted that there were 43 documented cases of disappearances between 2014 and 2018 and that the whereabouts of eight abducted individuals was unknown. IGO and NGO reports, corroborated by the first-hand testimony of victims and witnesses, attested to abductions and ill-treatment. The 2017 OHCHR Report noted in particular "multiple and grave violations... such as arbitrary arrests and detention... ill-treatment and torture" which involved "elements of sexual violence. The victims were kept incommunicado, tied blindfolded, beaten up, ... electrocuted..., and threatened with rape". The victims were predominantly Ukrainian soldiers, pro-Ukrainian activists, journalists and Crimean Tatars. Based on the evidence, those responsible had been the Crimean self-defence forces (the CSDF), the Cossacks and the Russian armed forces or secret services (the FSB). Moreover, the authorities had been reluctant to investigate the credible allegations of enforced disappearances and the respondent Government to engage with the complaints of abductions, unlawful detention and ill-treatment. The respondent Government had also failed to submit any records of detention although such material was in their exclusive possession.

Violation of Article 8 (right to respect for the home). IGO reports, along with NGO reports and witness statements, corroborated that large-scale raids and searches of private houses, in particular those of Crimean Tatars, had been carried out by the CSDF, the police and FSB officials. The arbitrary searches, based on Russian anti-extremist legislation which lacked clarity and made it difficult for those concerned to be able to foresee its effects, had often been carried out without search warrants or attesting witnesses.

Violation of Article 9 (freedom of religion). The Court noted that multiple IGO reports, backed up by NGO reports, the Ukrainian authorities and individual witnesses (most notably the Metropolitan Kliment), consistently confirmed the allegations of harassment and intimidation of religious leaders not conforming to the Russian Orthodox faith (in particular Ukrainian Orthodox priests and imams), arbitrary raids of places of worship and confiscation of religious property. Specifically, churches of the Ukrainian Orthodox Church of the Kyiv Patriarchate had been seized, closed or stormed; priests had been banned from entering the churches; residence permits for foreign religious leaders (23 Turkish imams and a Roman Catholic priest) had not been renewed; eight out of the ten Muslim religious schools (madrassas) had been raided and searched; a mosque had been set on fire; and, a Muslim cemetery had been damaged. Such incidents had led to the over 2,000 religious organisations operating in Crimea and Sevastopol before February 2014 declining to just over 800 as of September 2017, statistics confirmed by the Russian Government itself. The material available showed that those responsible for the incidents had been "armed and masked members of the security forces", FSB officers, Cossacks, the CSDF or "local pro-Russian militia". The interferences with the right to religious freedom had been unlawful, and the respondent Government had provided no legitimate aim or justification for them.

Violation of Article 10 (freedom of expression). As confirmed in several IGO and NGO reports, in March 2014 all Ukrainian television channels in Crimea had been shut down and *Krymska* (the only

Ukrainian-language newspaper) had been banned. Practices that had followed included refusing to grant or withdrawing broadcasting licences; failing to allocate broadcasting frequencies; and, issuing of "warnings" to media outlets deemed "extremist" (for using for example the terms "annexation" or "temporary occupation") under the relevant legislation. That had led to a significant decline in the number of media outlets authorised to operate in Crimea, from 3,000 previously registered under Ukrainian regulations to just over 200 in April 2015, as reported by Roskomnadzor, Russia's official media regulatory body. The IGOs and NGOs also reported systematic harassment and intimidation of journalists, who received "warnings" and were detained and prosecuted for allegedly violating the territorial integrity of the Russian Federation. Overall, there had been a pattern of suppressing non-Russian media which had not been lawful and, in any event, had not been necessary in a democratic society.

Violation of Article 11 (freedom of assembly and association). The 2017 OHCHR report noted in particular that "on 23 September 2014, the Prosecutor of Crimea issued a statement that '*all actions aimed at the non-recognition of Crimea as a part of the Russian Federation will be prosecuted*'. Consequently, any assembly demanding the return of Crimea to Ukraine or expressing loyalty to Ukraine has been effectively outlawed." That account was consistent with NGO reporting, and supplemented by individual testimonies from direct protagonists who confirmed that they had been interrogated and detained for participating in public demonstrations. Overall, there had been a pattern of prohibiting public gatherings and manifestations of support for Ukraine or the Crimean Tatar community, as well as intimidation and arbitrary detention of organisers of demonstrations which had not only been unlawful, but also had not been proved to have been necessary in a democratic society.

Violation of Article 1 of Protocol No. 1 (protection of property). The Court found that there had been a systemic campaign of large-scale expropriation/nationalisation of property belonging to civilians and private enterprises in Crimea, which had entailed a conclusive transfer of ownership without compensation. The various reports by international organisations and NGOs were consistent in confirming such an interference with property rights, and also in finding deficiencies in the way in which expropriation had been implemented and the lack of any procedural safeguards or means to appeal the measures. The Court found that the administrative practice under this head had been unlawful and that the Russian Government had not moreover justified such a practice by "imperative military necessity" or "for the needs of the army of occupation", as would be required under the relevant provisions of IHL.

Violation of Article 2 of Protocol No. 1 (right to education). The Court noted multiple concordant pieces of evidence pointing to a significant decline since March 2014 in the number of educational facilities and classes teaching in Ukrainian in Crimea. In particular, a recent judgment by the International Court of Justice noted that "there was an 80 per cent decline in the number of students receiving an education in the Ukrainian language during the first year after 2014 and a further decline of 50 per cent by the following year", while the 2017 OHCHR report stated that "education in the Ukrainian language had almost disappeared from Crimea". Threats and harassment for using the Ukrainian language in the context of education were also noted in that report, as well as in witness statements by the Metropolitan Kliment and a priest, and in an NGO report according to which "the Crimean authorities had created an atmosphere of Ukrainophobia and intolerance to Ukrainian identity, which has influenced the choice of language of instruction". Such a policy or practice had amounted to denying the very substance of the right to education.

Violation of Article 2 of Protocol No. 4 (freedom of movement). The Court noted that the restrictions on freedom of movement between Crimea and mainland Ukraine had not been in dispute between the parties and had been corroborated by all available evidence. It found that the *de facto* transformation of the administrative border line into a State border (between Russia and Ukraine) had not been "in accordance with the law" within the meaning of the Convention.

Violation of Article 14 (prohibition of discrimination), taken in conjunction with Articles 8, 9, 10 and 11 and Article 2 of Protocol No. 4. The Court found that IGO and NGO reports contained consistent information that Tatars in Crimea had been "particularly targeted, especially those with links to the Mejlis[3]" and referred to "acts of intimidation, pressure, physical attacks, warnings as well as harassment through judicial measures, including prohibitions, house searches, detentions and sanctions". Such practices were corroborated by the Ukrainian prosecuting authorities. Furthermore, certain witnesses stated that the Crimean Tatar's television channel had been disconnected and its journalists had been subjected to physical abuse by armed "Cossacks", while Crimean Tatars' houses had been marked with crosses. Local NGOs reported that the resulting effect had been that "between 15,000 and 30,000 Crimean Tatars are believed to have fled the territory of the Crimean Peninsula". The Russian Government had failed to provide the Court with any reason why such evidence could not corroborate the Ukrainian Government's allegations. Nor had they provided any objective or reasonable justification for treating Crimean Tatars differently.

Specific findings on the pattern of violations (application no. 34338/18)

Violations of Article 3 (ill-treatment and investigation) in Crimea and the Russian Federation. The Court reiterated the consistent information before it that there had been "multiple and grave violations of the right to physical and mental integrity" committed by members of the CSDF, various Cossack groups and later by representatives of the Crimean FSB and the police. "Ukrainian political prisoners" had been subjected to beatings, the use of electric shocks, mock executions and the administration of unknown drugs in order to obtain information, extract confessions about crimes or testimony about acts carried out by others, or inflict punishment or intimidation. The severity of such treatment taken together with the element of intent warranted its classification as torture. Other types of conduct, such as, for example, threats of ill-treatment or psychological pressure amounted at least to inhuman or degrading treatment Those allegations were corroborated either by direct testimony of victims or their lawyers, by IGO and NGO reports and by the Ukrainian prosecuting authorities. The severity of the ill-treatment had caused the "Ukrainian political prisoners" undeniable mental and physical suffering. There had been a lack of proper investigations into the allegations and those responsible had not been brought to account.

A further violation of Article 3. The Court found that the evidence submitted – by detainees, their lawyers, local NGOs and IGOs – showed that the "Ukrainian political prisoners" had been held in inadequate conditions of detention in the Simferopol SIZO, the only pre-trial detention facility in Crimea up until the Autumn of 2022. Those conditions, in particular the severe overcrowding, had been degrading. The scale and systemic nature of the problem had been the result of overall shortcomings in the organisation and functioning of the Crimean prison system.

Violations of Articles 5 and 7 (no punishment without law). The Court noted that the Ukrainian Government had submitted a body of information and evidence from many different sources describing arrests, placement in pre-trial detention and conviction of members of different groups of Ukrainians by the courts established in Crimea by the Russian Federation. The sources of the evidence included, importantly, case material from the criminal proceedings against the prisoners in question. Such prosecutions and convictions had been based on the application of Russian law in Crimea, which the Court had already found could not be regarded as "law" within the meaning of the Convention. In addition, it had found that the courts in Crimea could not be considered to have been "established by law" within the meaning of Article 6 of the Convention. Moreover, among other shortcomings, the subject of certain proceedings had taken place before the Russian Federation had established effective control over Crimea (on 27 February 2014), the application of the Russian criminal law being in breach of the principle of the non-retroactivity of the criminal law enshrined in Article 7, as interpreted in the light of IHL. Lastly, in some instances the Russian criminal

3 The high representative and executive body of Crimean Tatars People.

law had been extended in an unforeseeable manner, contrary to the object and purpose of that same Article.

Violations of Articles 10 and 11. The wealth of evidence available contained information about the arrest and prosecution of political opponents accused of extremism or terrorism, of Ukrainians who had participated in the Euromaidan protests, of Crimean activists, of Crimean Tatars linked to the Mejlis, of practising Muslims accused of belonging to banned Islamic groups, and of journalists or individuals posting messages on social media expressing dissent or critical of the Russian authorities. Reiterating its previous findings concerning the extension of Russian law to Crimea, the Court found that such a practice, which started in 2014 and is continuing, could not be regarded as "lawful".

Violations of Article 18 (limitation on use of restrictions on rights) in conjunction with Articles 5, 6, 8, 10 and 11. The Court noted that the alleged persecution had not been random, but had been directed against Ukrainian activists and journalists, and Crimean Tatars perceived as supporters of Ukraine. Furthermore, political and non-governmental organisations in Crimea perceived as having "extremist" views and the Meljis itself had been banned, while the population at large had been encouraged to identify and report anyone who opposed Russia's interests and policies. The Court concluded that the prosecution and conviction of the "Ukrainian political prisoners" referred to by the Ukrainian Government had had an ulterior motive which was to punish and silence any political opposition. Indeed, the case of the "Ukrainian political prisoners" was emblematic of a pattern of retaliatory prosecution and misuse of criminal law and a general crackdown on political opposition to Russian policies in Crimea. The Russian authorities ultimately sought to suppress political pluralism, which pluralism formed part of "effective political democracy" governed by "the rule of law", both being concepts to which the Preamble to the Convention referred. That pattern had been developed and publicly promoted by prominent representatives of the Russian authorities.

Article 41 (just satisfaction)

The Court held that the question of just satisfaction was not ready for decision.

Article 46 (binding force and implementation)

Lastly, the Court held that Russia had to take measures to ensure, as soon as possible, the safe return of the relevant prisoners transferred from Crimea to penal facilities located on the territory of the Russian Federation.

The judgment is available in English and French.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.