

№ 08/02  
«15» April, 2020

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**Materials for EMRIP in the framework of the call for submissions for the report on  
“Repatriation of ceremonial objects and human remains under the UN Declaration on the  
Rights of Indigenous Peoples**

Crimean Tatars are the indigenous people of the Crimean peninsula, formed in the XIII – XV centuries. In May 1944, the Crimean Tatar people were subjected to total deportation from their homeland by the authorities of the former USSR. Crimean Tatars were deported in crowded wagons intended for livestock transportation, and were practically starved. People were deported to Central Asia, the Urals and Siberia, in places of deportation they lived in inhuman conditions. A part of the Crimean Tatars died on their way to the places of deportation, their families were not given the opportunity to bury them. Information about the death toll was carefully hidden, so the Crimean Tatars were forced to independently census their own people. According to the Crimean Tatar national movement, as a result of forced deportation and in the first years of residence in places of deportation, more than 46% of the total number of the deportees died. This crime is consistent with violations of Articles 7, 8 and 10 of the UNDRIP.

Crimean Tatars were forbidden to return to their homeland until 1989. Thus, representatives of the Crimean Tatar people were forced to be born, live and die in exile for about 45 years. On November 14, 1989, the Supreme Soviet of the USSR adopted the Declaration “On recognition of repressive acts against peoples subjected to forced resettlement as illegal and criminal...”. This document provided for the political rehabilitation of the Crimean Tatar people and the abolition of legal acts of the repressive and discriminatory nature, recognized the legal right of the Crimean Tatar people to return to Crimea, and to restore the autonomy of Crimea. To implement the approved proposals, a new commission of the Supreme Soviet of the USSR was formed, however, the collapse of the USSR interrupted its work.

Since 1989, the Crimean Tatar people began to return en masse to their homeland. In Ukraine, there were state programs for the resettlement and accommodation of deported Crimean Tatars and individuals of other nationalities who returned to live in Ukraine, their adaptation and

integration into Ukrainian society. On March 20, 2014, the Verkhovna Rada (Parliament) of Ukraine adopted Decree No. 1140-VII, in which Ukraine recognized the Crimean Tatar people as the indigenous people of Ukraine and joined the UNDRIP. In April 2014, the Law of Ukraine "On the restoration of the rights of persons deported on ethnic grounds" was adopted, this law states that "the state promotes the voluntary return of deported persons to Ukraine, their adaptation and integration into the Ukrainian society, creates conditions for their settlement, ensuring land, housing, employment, education, preservation and development of ethnic, cultural, linguistic and religious identity." By the Decree of the Verkhovna Rada of Ukraine of November 12, 2015 No. 792-VIII, the deportation of the Crimean Tatar people was recognized as genocide.

According to Part 2 of Article 12 of the UNDRIP, states have the responsibility to ensure that the remains of the deceased can be returned to their homeland through fair, transparent and effective mechanisms developed jointly with the indigenous peoples concerned. However, none of the abovementioned legal acts adopted by the Ukrainian authorities regulates the issue of the return to the homeland the remains of deported Crimean Tatars, who are buried in foreign lands.

Crimean Tatars seek to preserve and transmit information about the burial places of their ancestors to their children, as well as to ensure that the graves of their ancestors are looked after, as this is an important part of the religious and cultural tradition of the Crimean Tatar people. However, the issue of returning the remains of the deceased from the places of deportation of the Crimean Tatars is especially relevant now, when representatives of the new generation of the Crimean Tatar people were born and live in their homeland, they have never been to the graves of their ancestors and do not know where they are and what they look like. Those who returned to their homeland do not have the opportunity to care for the graves and perform the necessary rituals in accordance with their religious and cultural traditions.

This led to the fact that some of the graves of the Crimean Tatars in the places of deportation were destroyed, not all relatives have information about the condition of the graves of their ancestors. For example, at the mass grave of the Crimean Tatars - the 10th kilometer, Suslonger, the Republic of Mari El - only one tombstone has been preserved. This territory turned into a field after the Crimean Tatar deportees returned to Crimea. In the future, a similar situation threatens that the Crimean Tatars will have no idea where their ancestors are buried, since every year the number of people who know exactly where their family members are resting becomes smaller. As a result, an increasing number of graves of representatives of the Crimean Tatar people in places of deportation will be abandoned, and places of their mass burial will turn into wasteland or these territories will be used for other purposes, which will be a desecration of the memory of deported Crimean Tatars.

Without state policy and support, this issue cannot be resolved, since there are a number of legislative restrictions. Today, this process is even more complicated as since March 2014 Crimea is occupied by the Russian Federation. On April 21, 2014, Presidential Decree No. 268 "On measures for the rehabilitation of the Armenian, Bulgarian, Greek, Italian, Crimean Tatar and German people and state support for their revival and development" was issued. By this decree, the indigenous Crimean Tatar people were equated with other ethnic minorities who were deported in 1944, this decree and subsequently documents developed on its basis did not take into account the issue of returning the remains of deceased from the places of deportation of Crimean Tatars to Crimea.



Moreover, in violation of Articles 5, 18, 19, 20 of the UNDRIP in September 2016, by the decision of the Supreme Court of the Russian Federation, the Mejlis of the Crimean Tatar people (the representative body of the Crimean Tatars) was recognized as an extremist organization, and its activities were prohibited in the territory of Crimea. Thus, the indigenous people of Crimea in their homeland were left without a representative body that is authorized to coordinate mechanisms for the return of the remains of deceased ancestors to their homeland.

Based on the aforementioned, we recommend the states of Ukraine, Uzbekistan, Kyrgyzstan, Tajikistan, the Russian Federation and Kazakhstan in cooperation with the Mejlis of the Crimean Tatar people and the Crimean Tatar Resource Center and in accordance with Part 2 of Article 12 of the UNDRIP to gather information, conduct an inventory checking of burials, create a register, ensure their preservation on the lands, and also develop a mechanism for the return of the remains of deported Crimean Tatars to their homeland in Crimea.

In accordance with Articles 2, 3, 4, 30 of the UNDRIP, the Russian Federation is obliged to stop the temporary illegal occupation of the Crimean Peninsula, the homeland of the indigenous Crimean Tatar people, as one of the main factors hindering the realization of the right of the Crimean Tatar people to return the remains of deported Crimean Tatars to their homeland.

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