



Current issues and good practices in prison management

The case of the temporarily occupied Crimea and the non-provision of medical assistance to political prisoners in detention

The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984, the European Convention of 1950, and also the case-law of the European Court of Human Rights regulated that non-provision of proper level of medical aid to prisoners could be qualified as a form of ill-treatment, taking into account the severity of consequences and to the health conditions of a person and his/her affiliation to some vulnerable groups.

Repression against Crimean political prisoners has significantly intensified since the beginning of the full-scale invasion. Right now, there are at least [186 Crimean political prisoners](#)¹ in temporarily occupied Crimea and on the territory of the Russian Federation.

Their rights are constantly violated by prison officials: prisoners are denied urgent hospitalisation despite the acute need, they are not provided with the necessary medical care in the penitentiary system facilities, they are denied access to medicines, administrations do not respond to requests for medical examinations and ignore the complaints of prisoners about the non-provision of medical care.

There are at least 28 elderly Crimean political prisoners and 45 political prisoners with chronic diseases, disabilities, and serious illnesses which in some cases have been acquired during their stay in detention, due to torture (which is especially popular in pre-trial detention facility № 2 in Simferopol, Crimea, where it is forbidden to sit or lay down for 16 hours and physical violence by guards is practiced) and lack of treatment.

There are [21 Crimean political prisoners](#)² who need immediate medical attention. Some of them are at risk of not being released and dying. Such a tragic event has already happened to two Crimean political prisoners – [Dzhemil Hafarov and Kostiantyn Shyring](#)³ – who died in places of detention in Russia in February 2023.

During her stay in detention in Simpheropol SIZO, Iryna Danylovych lost hearing in her left ear, constantly experiences headaches, has problems with coordination of movements, and suspects that she suffered at least one microstroke in prison. Currently, [Iryna Danylovych](#)⁴ needs urgent

¹ “Invaders in Crimea illegally imprison 186 Ukrainian citizens” by Ukrinform based on information from the Mission of the President of Ukraine in the Autonomous Republic of Crimea: <https://www.ukrinform.net/rubric-society/3754269-invaders-in-crimea-illegally-imprison-186-ukrainian-citizens.html>

² Report of Human Rights Centre ZMINA “The Hafarov-Shyring list: rescue of Crimean political prisoners at risk”: https://zmina.ua/wp-content/uploads/sites/2/2023/08/zmina2023-listofafarov-shyringen_v03-1-1.pdf

³ Statement by human rights organizations regarding the death of Ukrainian prisoners of the Kremlin Kostiantyn Shyring and Dzhemil Hafarov in Russian prisons: <https://zmina.ua/en/statements-en/statement-by-human-rights-organizations-regarding-the-death-of-ukrainian-prisoners-of-the-kremlin-kostiantyn-shyring-and-dzhemil-hafarov-in-russian-prisons/>

⁴ Statement on Russia’s deportation and imprisonment of Ukrainian rights activist Iryna Danylovych: <https://zmina.ua/en/statements-en/statement-on-russias-deportation-and-imprisonment-of-ukrainian-rights-activist-iryna-danylovych/>

assistance. Now, she is detained in “Penal Colony № 7 of the Directorate of the Federal Penitentiary Service of the Russian Federation” in Zelenoumsk town.

This issue about non-provision of medical assistance to Iryna Danylovysh has already been raised by [Ministry of Foreign Affairs of Ukraine](#)⁵, OSCE Representative on Freedom of the Media [Teresa Ribeiro](#)⁶, UN Special Rapporteur on Human Rights Defenders Mary Lawlor on [21/03/2023](#)⁷ and [11/07/2023](#)⁸, UN Special Rapporteur on Violence Against Women and Girls [Reem Alsalem](#)⁹, PACE Rapporteur on Political Prisoners [Sunna Ævarsdóttir](#)¹⁰, [EU Delegation to Ukraine](#), [Tom Lantos Commission on Human Rights](#)¹¹, as well as many influential organisations, including [Committee to Protect Journalists](#)¹², Amnesty International [28/03/2028](#)¹³ and [17/07/2023](#)¹⁴, [Reporters Without Borders](#)¹⁵ and others.

[Amet Suleimanov](#)¹⁶ is neither provided with vital medical aid. He has serious heart disease and 2nd degree arthrosis of legs. A man needs an urgent heart valve replacement. Amet’s disease is included in the government’s list of diseases, the presence of which prevents detention. However, he is held in detention, his medicines, tonometer, and pulse oximeter were taken from him. The food does not meet his health condition requirements. In October, he was forcibly transferred from the temporarily occupied Crimea to the territory of the Russian Federation: to the prison in Vladimir.

Numerous statements about state of health of Amet Suleimanov have also been made, in particular, by [PACE rapporteurs](#) on Human Rights Defenders and Whistleblowers, and on Political Prisoners, of the Parliamentary Assembly of the Council of Europe, Emanuelis Zingeris and Sunna

⁵ Comment of the Ministry of Foreign Affairs of Ukraine regarding the inhumane treatment of Iryna Danylovysh by the Russian occupiers: <https://mfa.gov.ua/en/news/comment-ministry-foreign-affairs-ukraine-regarding-inhumane-treatment-iryna-danylovysh-russian-occupiers>

⁶ Follow-up to decisions and resolutions adopted by the Executive Board and the General Conference at their previous sessions, part I : Programme issues, F. Follow-up of the situation in the Autonomous Republic of Crimea (Ukraine), page 48: <https://unesdoc.unesco.org/ark:/48223/pf0000386692>

⁷ Tweet by Mary Lawlor: <https://twitter.com/MaryLawlorhrds/status/1638211329772199937>

⁸ Tweet by Mary Lawlor: https://twitter.com/MaryLawlorhrds/status/1678702506350714880?fbclid=IwAR0uGxj-TiQijkIQEwdG9E85BVG-BcqmdX02Lbowosm_aDAae5DwV5aOQfk

⁹ Tweet by Reem Alsalem: <https://twitter.com/UNSRVAW/status/1675833721042206720>

¹⁰ Tweet by PACE Legal quoting Sunna Ævarsdóttir: https://twitter.com/PACE_LegalHR/status/1668976120190861315

¹¹ Web-page about Iryna Danylovysh by Tom Lantos Commission on Human Rights: <https://humanrightscommission.house.gov/defending-freedom-project/prisoners-by-country/Russia/Crimean-Journalists/Iryna-Danylovysh>

¹² Web-page about Iryna Danylovysh by Committee to Protect Journalists: <https://cpj.org/data/people/iryna-danylovysh/>

¹³ Russia Federation: Imprisoned nurse, Irina Danilovich denied healthcare by Amnesty International: <https://amnesty.ca/urgent-actions/russia-crimea-detention-healthcare-concerns-nurse/>

¹⁴ RUSSIA/UKRAINE: IMPRISONED NURSE’S CONDITION DETERIORATES by Amnesty International: <https://www.amnesty.org.uk/urgent-actions/imprisoned-nurses-condition-deteriorates>

¹⁵ The Russian authorities’ isolation of Ukrainian journalists : Iryna Danilovych has been transferred from Crimea to Russia by Reporters Without Borders: <https://rsf.org/en/russian-authorities-isolation-ukrainian-journalists-iryna-danilovych-has-been-transferred-crimea>

¹⁶ Human rights defenders call for the release of a citizen journalist Amet Suleymanov, who has a heart disease: <https://zmina.ua/en/statements-en/human-rights-defenders-call-for-the-release-of-citizen-journalist-amet-suleymanov-who-has-a-heart-disease/>

Ævarsdóttir¹⁷, as well as by [Tom Lantos Commission on Human Rights](#)¹⁸ and the [US Commission on International Religious Freedom](#)¹⁹.

There is also a political prisoner [Nariman Dzelyal](#)²⁰ who has swelling and varicose veins, and chronic problems with spine – intervertebral hernias. The doctors didn't come to see him, only did a formal examination in a sanitary unit, and when he asked for his medicines for back pain, he was laughed at and given nothing. Currently, he is reportedly being transferred from the temporarily occupied Crimea to East Siberia to serve a 17 years unlawful prison sentence, however, there have been [no news](#)²¹ about him for 7 weeks.

A political prisoner [Emir-Useyin Kuku](#)²² was tortured in detention. In 2015, during the first detention, FSB representatives beat off the political prisoner's kidneys and broke his lumbar spine. These injuries, which are not treated in the colony conditions, have become chronic. After the beating, doctors warned that a spinal injury would lead to problems with the entire skeletal system. In 2019, a lump in his kneecap and a swollen leg appeared. In 2023, Kuku was taken to the hospital with an attack of kidney pain and he underwent emergency surgery. After a few days, he was returned to the colony, without providing him with information about what kind of surgery he had undergone and any recommendations. Now, he is being held in “Federal State Institution Penal Colony № 16 of the Main Directorate of the Federal Penitentiary Service of the Russian Federation” in Salavat town of the Russian Federation.

There are dozens of Crimean political prisoners who suffer from non-provision of medical assistance in the detention. In addition, the majority of them receive long prison terms and face forcible transportation from Crimea to the territory of Russia. The detailed description can be found in a [report](#)²³ by Human Rights Centre ZMINA.

By deliberately not providing medical care to civilians protected by the Geneva Convention relative to the Protection of Civilian Persons in Time of War, Russia continues to violate its obligations under international law, and the officials of the occupation administration of Crimea and the Russian Federation committed and continuously committing a crime provided for in Article 438 (Violation laws and customs of war) of the Criminal Code of Ukraine, as well as Article 8(2)(a)(ii) of the Rome Statute of the International Criminal Court.

¹⁷ PACE rapporteurs raise concerns over health of imprisoned Crimean Tatar journalist Amet Suleymanov: <https://pace.coe.int/en/news/9184/pace-rapporteurs-raise-concerns-over-health-of-imprisoned-crimean-tatar-journalist-amet-suleymanov?fbclid=IwAR3I4ZwsjLwDBbn4uaTODBFq9Fk4Nin4lYUT7jpdz4BD5xrPsNpekhFvB4>

¹⁸ Web-page about Amet Suleimanov by Tom Lantos Commission on Human Rights: <https://humanrightscommission.house.gov/defending-freedom-project/prisoners-by-country/Russia/Crimean-Journalists/Amet-Suleimanov>

¹⁹ Web-page about Amet Suleimanov by the US Commission on International Religious Freedom: <https://www.uscirf.gov/religious-prisoners-conscience/forb-victims-database/amet-suleymanov>

²⁰ Human rights defenders reacted to the sentence for Nariman Dzhelial and the Akhtemov brothers: <https://zmina.ua/en/statements-en/human-rights-defenders-reacted-to-the-sentence-for-nariman-dzhelial-and-the-akhtemov-brothers/>

²¹ Tweet by EU Delegation in Ukraine: <https://twitter.com/EUDelegationUA/status/1725150217098408283>

²² When thoughts are already a crime: The wife of Crimean Tatar Emir-Usein Kuku speaks about the fight for his freedom by Amnesty International: <https://www.amnesty.org/en/latest/campaigns/2020/02/when-thoughts-are-already-a-crime-emir-usein-kuku/>

²³ The Hafarov-Shyring list: rescue of Crimean political prisoners at risk: https://zmina.ua/wp-content/uploads/sites/2/2023/08/zmina2023-listofgafarov-shiringen_v03-1-1.pdf

Detention conditions in prisons and illegal places of detention in temporary occupied territories of Kharkiv and Kherson region, combined with use of tortures and ill-treatment

Human Rights Centre ZMINA's documentators conducted four monitoring visits to de-occupied settlements of Kherson region (Kherson city, Bilyaivka, Lyubimivka settlements) and five visits to Kharkiv region (Kupyansk, Balakliia, Izium, Pisky Radkivski settlements) in period between February – November 2023 and collected testimonies of more than 60 civilians, who had experienced detention in different places of detention (both police units, temporary detention premises, buildings of schools, other administrative buildings). Duration of such deprivation of freedom could last from a few hours to 10 months. Some of civilians were transferred between several places of detention located both within one settlement and in several settlements.

Among the methods of physical impact on civilians being illegally detained, were the following: use of electric shocks, beating with hands or feet, as well as with specially adapted objects or improvised means, sexualised violence, use of injections of unknown chemicals. Civilians were also subjected to various forms of psychological pressure, such as imitation of execution, observing the suffering of friends or cell mates or threatening them with torture, or even some cases when cell mates died as a result of torture, release on the condition of filming in a propaganda video and other forms of ill-treatment. We also documented as minimum one case in Kupyansk when a detained man, being under psychological pressure, committed an attempt of suicide, as he was subjected to severe tortures, and he was sure that he will die soon. He was beaten again for this attempt and he was punished by replacment to the coldest cell in the premise.

All civilians both from Kherson and Kharkiv region reported about extremely poor detention conditions - cells were overcrowded, there were no windows, no ventilation and lighting, and not proper separation of a toilet zone. Due to the overcrowding of the cells and the lack of proper ventilation, civilians suffered from extremely high temperature and some of them even lost consciousness. According to the ex-detainees, they were almost not fed. The situation with drinking water was critical. Even in case if temporary detention centre had some living conditions, due to overcrowdness and jeopardising of rights of detained for food, water and hygiene conditions, the detention conditions could be qualified as ill-treatment. The hygiene conditions in illegal places of detention were also inadequate, since the room was not adapted for keeping people in them. The detailed description can be found in [reports by](#)²⁴²⁵²⁶ Human Rights Centre ZMINA²⁷.

These systemic practices of illegal, arbitrary detentions and torture are also evidenced by: purposefulness and a significant number of detentions; repetition of torture practices; coordination of the «work» of various places of illegal detention (this is indicated, in particular, by threats to detainees to move them to other torture chambers, where their situation will worsen; indirect coordination of the work of places of detention indicates the preservation of the informal «status» of individual

²⁴ https://zmina.ua/wp-content/uploads/sites/2/2023/07/women_kherson_eng_web.pdf

²⁵ https://zmina.ua/wp-content/uploads/sites/2/2023/07/lost_people_eng_web_03.pdf

²⁶ https://zmina.ua/wp-content/uploads/sites/2/2023/04/torture_web_eng.pdf

²⁷ https://zmina.ua/wp-content/uploads/sites/2/2023/08/prison_eng-fin_zmensch.pdf

detainees (for example, civilians who were detained to «find out the identity» were not subjected to physical torture and interrogations).

Representatives of the Russian Federation consciously and purposefully combined physical and psychological torture in such a way as to achieve a synergistic effect and increase the suffering of the detainees.

Thus, Russia, as a state that seized part of the territory of Ukraine and which is a party to an international armed conflict, defiantly ignores the norms of international humanitarian law, including the prohibition of torture and ill-treatment (Article 32, Article 147 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, Article 75 (2) Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts).

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