

*(Translated from Russian)*

PERMANENT MISSION  
OF THE RUSSIAN FEDERATION  
TO THE UNITED NATIONS OFFICE AND  
OTHER INTERNATIONAL ORGANIZATIONS  
IN GENEVA

The Permanent Mission of the Russian Federation to the United Nations Office and other international organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to transmit herewith information from the Russian Federation in response to the joint enquiry from the special procedures of the Human Rights Council of 30 November 2021 (Reference: AL RUS 12/2021) concerning Mr. E.S. Samedlyaev.

The Permanent Mission takes this opportunity to convey to the Office the renewed assurances of its highest consideration.

Enclosed: as mentioned, 8 pages.

Geneva, 26 January 2022

Office of the United Nations High Commissioner for Human Rights  
Geneva

**Information from the Russian Federation in response to the joint request of the  
United Nations Human Rights Council special procedures concerning Edem  
Serverovich Semedlyayev**

*Reference: AL RUS 12/2021 of 30 November 2021*

The Russian Federation does not recognize or consider itself bound by the provisions of the politicized United Nations General Assembly resolutions 68/262, 71/205, 72/190, 73/263 and 74/168.

In accordance with the Constitution of the Russian Federation, the Republic of Crimea and the city of federal significance, Sevastopol, are full subjects of the Russian Federation, and became part of it in accordance with the free expression of the will of the residents of the Crimean peninsula.

The entire territory of the Russian Federation, including the Republic of Crimea and the city of federal significance, Sevastopol, is subject to the laws of the Russian Federation and our country's international human rights obligations, in respect of which the Russian Federation reaffirms its continued commitment.

In this connection, it is counterproductive for special procedures mandate holders of the Human Rights Council to politicize their activities by using confrontational, and therefore intentionally unacceptable to the Russian party, rhetoric in their requests, in this case about the allegedly disputed territorial affiliation of Crimea.

At the same time, guided by considerations of goodwill and the advisability of cooperating with the Council's special procedures in as constructive a manner as possible, the Russian Federation has the honour to report that the competent authorities conducted a verification of the alleged violations of the rights of Mr. Edem Serverovich Semedlyayev, born on 2 April 1982 in Chkalovsk, in the Tajik Soviet Socialist Republic, a citizen of the Russian Federation. The verification determined the following.

On 25 October 2021 at the premises of the Crimean garrison military court located at Uchebny Pereulok 8-a, Simferopol, Republic of Crimea, in accordance with the request of the Southern District Military Court, a criminal case was considered via videoconferencing against citizen R.E., accused of committing a crime under article 205.5 (1) of the Criminal Code of the Russian Federation, and against citizens A.A. and E.A., each accused of committing a crime under article 205.5 (2) of the Criminal Code (organization of and participation in a terrorist group's activities).

In connection with the consideration of this case, a group of people simultaneously carried out a mass sit-in near the building of the Crimean garrison military court in order to express support for the above defendants, in violation of the health norms and rules established by article 10 of Federal Act No. 52-FZ of 30 March 1999 on the health and epidemiological well-being of the population, paragraph 6.2 of Decision No. 9 of the Chief State Medical Officer of the Russian Federation, issued on 30 March 2020, on additional measures to prevent the spread of the COVID-19 disease, and paragraph 4.4 SP 3.1.3597-20, entitled "Prevention of the new coronavirus (COVID-19) infection", adopted by Decision No. 15 of the Chief State Medical Officer of the Russian Federation on 22 May 2020. This created a threat of the spread of cases of the new coronavirus infection, and also interfered with circulation of pedestrians and vehicles.

These were the grounds for taking this group of people to police stations to book them for administrative offences under article 20.2.2 (1) of the Code of Administrative Offences of the Russian Federation.

With regard to Mr. Semedlyayev, at 4.30 p.m. on 25 October 2021, while at the office of the "Central" police department, police station No. 3, of the Russian Ministry of Internal Affairs Department for the city of Simferopol, located at 20 Futbolistov Street, he refused to obey a legal request from [REDACTED], the Head of the Centre for Combating Extremism of the Ministry of Internal Affairs of the Republic of Crimea, who was acting in accordance with article 13 (1) (1) of Federal Act No. 3-FZ of 7 February 2011, the Police

Act. ██████████ ordered him to stop videotaping and audio recording at the high-security facility of the Russian Ministry of Internal Affairs Department for Simferopol. For such acts, administrative liability is provided under article 19.3 (1) of the Code of Administrative Offences of the Russian Federation.

The case file on the administrative offence under article 19.3 (1) of the Code of Administrative Offences of the Russian Federation indicates that Mr. Semedlyayev was at that time and place taking part as a defender in the preparation of procedural documents for Z.A., who was under arrest. While doing so, he heard police officers in the hallway ordering I.V. (another participant in the event) to go into the office to draw up procedural documents and warning him that if he disobeyed he could be held administratively liable under article 19.3 (1) of the Code of Administrative Offences of the Russian Federation.

Mr. Semedlyayev subsequently went out into the hallway, announcing to the police officers that he would make a video recording and turning on his phone, in response to which ██████████, the Head of the Centre for Combating Extremism of the Ministry of Internal Affairs of the Republic of Crimea, ordered him to stop, as the police department building is a high-security facility. Mr. Semedlyayev, considering such demands of a police officer to be illegal, refused to comply.

These circumstances were the basis for booking Mr. Semedlyayev for an administrative offence and for the issuance, on 11 November 2021, of a decision by a judge of the central district court of Simferopol to hold him responsible for the administrative offence under article 1 (1) of the Code on Administrative Offences of the Russian Federation, with a penalty in the form of administrative detention for 12 days, counting the penalty from the date of the administrative arrest.

In this case, ██████████, the Head of the Centre for Combating Extremism of the Ministry of Internal Affairs of the Republic of Crimea, was at the "Central" police department, police station No. 3, legally and in connection with his official duties; his actions were legal and justified and there were no violations by him of the provisions of Federal Act No. 3-FZ, the Police Act, of 7 February 2011. His order to Mr. Semedlyayev to stop recording was made not during the procedure relating to I.V.'s administrative offence, and not in an office where procedural documents were being drawn up, but in the hallway of the building. Consequently, Mr. Semedlyayev's recording was made not in the framework of the proceedings on a case of an administrative offence, so there was no reason to consider it as a record of procedural actions or of the preparation of procedural documents.

During the proceedings on this case of an administrative offence, Mr. Semedlyayev was subjected to administrative detention, and a police officer drew up the corresponding 8210 arrest report, under No. 000305, dated 25 October 2021.

Mr. Semedlyayev's administrative detention was due to such circumstances as his defiant behaviour, which indicated that he might resume his illegal actions, a justified suspicion on the part of the officer that he might fail to appear in court, the need to ensure his personal participation in the procedures in order to carry out the provisions of the Code of Administrative Offences of the Russian Federation and the need to secure the evidence necessary for a full, comprehensive and objective consideration of the case of the administrative offence.

The administrative detention report indicates that Mr. Semedlyayev refused to undergo a personal examination, including the presentation of his clothing, citing his religious beliefs.

Thus, at 5.50 p.m. on 25 October 2021, during his administrative detention, Mr. Semedlyayev, who was at the office of the "Central" police department, police station No. 3, of the Internal Affairs Department of the Russian Federation in Simferopol, located at 20 Futbolistov Street, obstructed the performance of official duties by Mr. Shambazov, the Head of the Centre for Combating Extremism of the Ministry of Internal Affairs of the Republic of Crimea, by refusing to carry out the orders that were issued legally, in accordance with article 13 (1) (16) of Federal Act No. 3-FZ, of 7 February 2011, the Police Act, on the conduct of body searches, and specifically, he refused to present his clothing.

These circumstances were the basis for booking Mr. Semedlyayev for an administrative offence and for the issuance, on 11 November 2021, of a decision by a judge of the central

district court of Simferopol to hold him responsible for the administrative offence under article 1 (1) of the Code on Administrative Offences of the Russian Federation, with a penalty in the form of an administrative fine of 4,000 roubles.

The case file relating to the administrative offence, in particular, the written explanations, police reports and video recording of the administrative offence on 25 October 2021, shows that police officer [REDACTED] informed Mr. Semedlyayev, in the presence of counsel, that a body search would be conducted on him and asked him to remove his clothing and to give them to a police officer. Mr. Semedlyayev responded by refusing, indicating that he could only take off his outer clothing, and that he was willing to be frisked. In response to a repeated order to remove his clothes, Mr. Semedlyayev refused, referring to his religious beliefs. However, the police officers did not demand that Mr. Semedlyayev should strip naked.

A judge of the Simferopol central district court studied and evaluated the case file, and took into account the requirements of article 27.7 (1) of the Code of Administrative Offences of the Russian Federation, as well as the requirements of paragraph 6 of the Regulation on conditions of detention of persons detained for administrative offences, food standards and procedures for medical care for such persons, approved by Government Decree No. 627 of the Russian Federation on 15 October 2003. They stipulate that before sending a detainee to special premises, the official authorized to carry out the administrative detention must search the individual and his or her belongings and either file a report on the search, or make a corresponding recording, to be included in the administrative detention report, while at the same time carrying out questioning and an inspection of the detainee in order to ascertain whether he or she has any psychological disorders or infectious or life-threatening diseases. The judge concluded that Mr. Semedlyayev's refusal to submit to a body search constituted an administrative offence under article 19.3 (1) of the Code of Administrative Offences of the Russian Federation.

The fact that the reports of administrative offences drawn up on 25 October 2021 with their corresponding case files were sent back on 26 October 2021 by decisions of the judges of the central district court of Simferopol in order to correct flaws does not indicate that there was a violation of the procedure for holding Mr. Semedlyayev administratively liable. The flaws were removed in full when the reports of administrative offences were newly drawn up, on 11 November 2021.

Thus, the determination by the judge of the central district court of Simferopol on 26 October 2021 (regarding the case of the refusal to stop the videotaping and audio recording) indicates that the basis for the return of the report on the administrative offence was the improper description of the event and the absence in the report of data on the witnesses, and in the case file, of explanations of the witnesses.

The determination of the judge of the central district court of Simferopol on 26 October 2021 (regarding the case of the refusal to undergo a body search) indicates that the basis for the return of the report on an administrative offence was the improper description of the event, the absence in the report of data on the explanation to Mr. Semedlyayev of his procedural rights and of information on his familiarization with the report and the delivery of copies of the report to him, and the absence in the case file of data on one of the witnesses to the search.

During the consideration of cases against Mr. Semedlyayev, it was established that on 11 November 2021, in order to correct the flaws identified by the judges of the district court in the reports of administrative offences, a police officer, with Mr. Semedlyayev and his counsel, drew up new reports on the administrative offences, erroneously dated 25 October 2021. However, in the light of the explanation contained in paragraph 4 of Decision No. 5 of the Plenum of the Supreme Court of the Russian Federation of 24 March 2005 on certain issues arising in courts of law, this does not indicate that the reports concerned are inadmissible as evidence, as the flaws in question were not substantive and were removed during the consideration of the case.

In consideration of the above, by the decisions of the judges of the Supreme Court of the Republic of Crimea of 18 November 2021 and 20 December 2021, the decisions handed down on 11 November 2021 by the central district court of Simferopol have been upheld.

During the prosecution of Mr. Samedlyayev for administrative liability, no instances have been found where his rights and freedoms were violated; there are no grounds for a prosecutor's office to take action in relation to his case.

Mr. Samedlyayev has already served his sentence of administrative detention.