

URGENT ACTION

RIGHTS DEFENDER IMPRISONED AND ILL-TREATED

Human rights defender Server Mustafayev from Russian-occupied Crimea has been in detention since May 2018, under false terrorism-related charges. On 12 September he was transferred from Crimea to southwest Russia. He is awaiting further transfer from Krasnodar to Rostov-on-Don where he will face military court. His detention in shared four-square meter cell, with appalling sanitation, amounts to inhuman and degrading treatment. He has been targeted solely for his human rights activism.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

*Prosecutor General of the Russian Federation
Yuriy Yakovlevich Chaika
Prosecutor General's Office
Ul. B. Dmitrovka, d. 15a
125993 Moscow GSP-3
Russian Federation
Fax: +7495 987 58 41/ +7495 692 17 25
Twitter: @Genproc*

Dear Prosecutor General,

*I am writing concerning the case of **Server Mustafayev**, a human rights defender from Crimea, who is being prosecuted under trumped-up charges. Since 13 September, he has been held in conditions that amount to inhuman and degrading treatment, in SIZO-1 in Krasnodar. According to the detention centre's paperwork he should be held in a dorm-type cell. In fact, it is a small, four square meter cell which he at times shares with another inmate. He does not have regular access to water and the toilet in his cell periodically floods the floor of the cell with faeces. Server Mustafayev is a practicing Muslim, and is forced to stay hungry all day, whenever pork is served in the detention centre. He filed three complaints over his detention conditions, yet all of them have been ignored.*

The trumped-up terrorism-related charges have been levied against Server Mustafayev in retaliation for his human rights work in support of victims of human rights violations in Crimea. His transfer from Crimea is a violation of international humanitarian law. He is currently in Krasnodar, en-route to Rostov-on-Don, 700 km from his home in Crimea, where he will stand trial in a military court in violation of his right to a fair trial.

In light of the above, I urge you to ensure that:

- Server Mustafayev is not subjected to torture or other ill-treatment, including conditions that amount to inhuman and degrading treatment;*
- The charges against Server Mustafayev are dropped, and he is released immediately and unconditionally, as he is a prisoner of conscience prosecuted solely for his human rights activism.*

Yours sincerely,

ADDITIONAL INFORMATION

People who have opposed the Crimean Peninsula's occupation and illegal annexation by Russia and human rights violations committed there since 2014 have faced persecution, including harassment, prosecution under trumped-up charges and enforced disappearances. International human rights monitors do not have access to Crimea and independent media are either banned or forced to shut down.

Server Mustafayev is the founder and coordinator of the grassroots movement Crimean Solidarity in Russian-occupied Crimea. The movement was created on 9 April 2016 in response to political and religious persecution of Crimean Tatars and others by the Russian authorities. The movement brings together activists, lawyers and relatives of those who have been arrested and prosecuted, to ensure they can access legal aid, financial, medical and other vital support. In the absence of free media and in light of persecution of all dissenting voices in Crimea following its illegal annexation by Russia in 2014, the movement also seeks to raise awareness on the ongoing human rights violations taking place in Crimea.

On 21 May 2018, Server Mustafayev's house in Bakhchisaray, a town in southern Crimea, was searched by members of the Russian security service (FSB). He was then taken to the local FSB headquarters in Simferopol, the capital of Crimea, and charged with "membership of a terrorist organisation" (part 2 of Article 205.5 of the Russian Criminal Code) over his alleged links to Hizb ut-Tahrir, an international Islamic organisation that is banned as "terrorist" in Russia but is legal in Ukraine. Its members have not engaged in, nor advocated violence, in Crimea neither before nor after the peninsula's occupation in 2014. Alleged membership of Hizb ut-Tahrir has been used by the Russian authorities in occupied Crimea as a pretext for prosecution of dissenting voices, including [human rights defender Emir-Usein Kuku](#).

On 22 May, the court in Simferopol ordered Server Mustafayev's pre-trial detention, which has been prolonged repeatedly since. Server Mustafayev's lawyer told Amnesty International that the only evidence against him is an audio-recording of his brief remarks including a question he asked during a religious lecture held at a mosque in Bakhchisaray on 2 December 2016. He asked if one can love a person "in general" yet hate the same person for a particular action and elaborated his point, without anything that could be seen as inciting hatred or violence. The lecture was attended by about 70 other people and was advertised openly in advance. Yet the investigation concluded that Server Mustafayev was taking part in a secret Hizb ut-Tahrir gathering. On 22 February, Server Mustafayev was additionally charged with "conspiring to seize power by violent means" (Article 278 of the Russian Criminal Code). The investigation has failed to provide any evidence of him having committed any internationally recognised crime. Server Mustafayev denies he was involved in any "terrorist" activities. The charges against him carry up to 25 years in prison.

Seven other men were charged with terrorism-related charges as part of this case. Marlen Asanov, Timur Ibragimov, Server Zekeryayev, Seyran Saliyev, Ernest Ametov and Memet Belyalov were detained on 11 October 2017. Edem Smailov was detained on 21 May 2018. All of them are incriminated on the basis of recordings of their attendance at the December 2016 lecture in Bakhchisaray mosque and other meetings.

The first court hearing in Server Mustafayev's case was scheduled to take place on 17 September 2019 in North Caucasus District Military Court in Rostov-on-Don, southwestern Russia. On 12 September 2019, Server Mustafayev was transferred from Crimea to Russia, but instead of Rostov-on-Don he was delivered to the city of Krasnodar and placed in the detention centre SIZO-1 on 13 September. By transferring prisoners from an occupied territory to Russia, trying them under Russian law and making them stand trial in a military court, the Russian authorities are violating international humanitarian and human rights law.

PREFERRED LANGUAGE TO ADDRESS TARGET: Russian or English.

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 17 December 2019

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Server Mustafayev (he/him), Server Mustafayev's lawyer (she/her), Marlen Asanov (he/him), Timur Ibragimov (he/him), Server Zekeryayev (he/him), Seyran Saliyev (he/him), Ernest Ametov (he/him), Memet Belyalov (he/him), Edem Smailov (he/him).