

IPHR Statement on the illegal sentencing of seven Crimean Tatars

On 16 September 2020, the Southern Military Regional court in the city of Rostov-on-Don rendered its judgment on the case of the 'second Bakhchisaray group of Hizb ut-Tahrir'. Seven men - Marlen Asanov, Memet Belyalov, Timur Ibragimov, Seyran Saliyev, Server Mustafayev, Server Zekiryayev, and Edem Smailov - were sentenced to terms of imprisonment ranging from 13 to 19 years. An eighth defendant, Ernes Ametov, was acquitted and released on the same day.

Two of the defendants were arrested in May 2018 while the others were arrested in October 2017, and spent nearly three years in prison awaiting trial. On 16 September 2020, all seven were found guilty of 'participating in and organising the activities of a terrorist organisation and an attempt to forcibly seize power', for being members of the transnational Islamic movement Hizb ut-Tahrir, which has been banned in Russia since 2003 as being terrorist but is legal in Ukraine and most European countries.

All defendants in the case of the "second Bakhchisaray group of Hizb ut-Tahrir" are Crimean Tatar activists and members of the Crimean Solidarity movement, which provides support to victims of political prosecution and their families. All of them were recognized as political prisoners by the international civil rights society Memorial. One of the defendants, Server Mustafayev, was recognized as a prisoner of conscience by Amnesty International. We strongly believe that these Crimean Tatar activists were targeted solely because of their political and religious beliefs and ethnic origin. All of the defendants maintained that they were innocent throughout the trial.

IPHR is concerned that the defendants were tried in proceedings that failed to meet minimum fair trial standards. Firstly, as civilians with no links to armed conflict these men should not have been tried by a military court. Secondly, the defendants' human rights were violated as they were held in arbitrary detention for nearly three years before being brought to trial. Thirdly, the blatant lack of credible evidence and the prosecution's reliance on fabricated testimonies and hearsay represent a clear obstruction of the basic requirement of criminal justice. Finally, the defendants were convicted on charges which were not considered as criminal in the territory and at the time they were allegedly committed. Indeed, as Article 64 of the Fourth Geneva Convention stipulates, penal laws of an occupied territory must remain in force and not be substituted by the laws of an occupying state. Furthermore, the alleged acts were not criminalized under Ukrainian law as the Russian Supreme Court judgement designating Hizb ut-Tahrir as a terrorist organisation had not been officially disseminated in Crimea at the time of the alleged events.

The accused and their legal representatives were consistently obstructed in exercising their rights and IPHR strongly condemns these gross fair trial violations and the lengthy sentences handed down.

IPHR considers this case to be part of the Russian authorities' disproportionate and arbitrary targeting of Crimean Tatars and others who have openly opposed Moscow's annexation of Crimea since 2014. This persistent campaign of oppression has stripped these individuals of their fundamental freedoms of expression, association and assembly. Furthermore, IPHR joins other human rights groups in expressing concern that their rights have been violated on the grounds of religion, ethnicity and perceived political opposition to the Russian annexation of the Crimean Peninsula. The reliance on terrorist charges represents the political instrumentalisation of the non-Muslim population's fear of Crimean Tatars, aiming to further ostracise the community. IPHR strongly condemns this state policy of discrimination which is in clear contravention of Russia's international obligations.

IPHR calls upon the Russian authorities to overturn these illegal convictions and release the seven men immediately and unconditionally.