

22 September 2020

## **Crimea: Server Mustafayev sentenced to fourteen years in strict-regime correctional colony**

On 16 September 2020, the Southern District Military Court in Rostov-on-Don sentenced human rights defender Server Mustafayev to fourteen years in a strict-regime correctional colony. Server Mustafayev was detained in May 2018 on charges of “membership of a terrorist organisation”. Later the charge of “planning to violently seize state power” was also added to his case.

[Server Mustafayev](#) is a Crimean Tatar human rights defender and the coordinator of Crimean Solidarity, a civil society initiative created after the annexation of the Crimean peninsula by the Russian Federation. Crimean Solidarity, created by the relatives and lawyers of victims of politically motivated persecution in the region, has expanded quickly. It monitors human rights violations, observes trials, and provides legal and financial aid to families of arrested individuals. Crimean Solidarity focuses mainly on providing support to the Crimean Tatar community, which has been a particular target of the Russian authorities.

Server Mustafayev was detained on 22 May 2018 at his home in Bakhchisaray. Before the detention a search was conducted at his home where electronic equipment and documents were seized. His lawyer was denied permission to observe the search at the time.

On 16 September 2020, the Southern District Military Court in Rostov-on-Don found Server Mustafayev guilty of membership of the Islamic group Hizb ut-Tahrir and “planning to violently seize state power” under part 2 of Articles 205.5.2 and 278 of the Criminal Code of the Russian Federation respectively. He was sentenced to 14 years in a strict-regime correctional colony and after which he would have certain rights and freedoms restricted for one year. The restrictions include a ban on travel outside Crimea and an obligation to periodically report to the police. Hizb ut-Tahrir has been recognised as a terrorist organisation in Russia since 2003, but is not prohibited in Ukraine and most other European countries.

During the trial, which involved seven other defendants, there were numerous violations of Server Mustafayev and the others’ right to defence and breaches of procedural rules, such as refusal to consider petitions, refusal to consider recusation of the judges and prosecutors, refusal to question witnesses and the removal of the defendant (Server Mustafayev) from the courtroom for alleged breach of order.

On 11 August 2020, when the judge refused to question a number of witnesses, Server Mustafayev silently raised his hand to contest the decision. The judge unexpectedly announced that Mustafayev was to be removed from the trial until the end of the judicial investigation; “Due to the numerous violations of the rules of the trial by the defendant Mustafayev, and the ineffectiveness of the measures taken by the court to enforce order in the trial, the presiding judge must intervene to remove the defendant Mustafayev until the end of the trial”.

On 24 August 2020, at the court hearing when the judge asked if Mustafayev and other defendants on trial were going to testify, the defendants and their lawyers asked the court to consider their numerous petitions first. The judge reportedly considered this response a refusal and announced that it would proceed to the parties’ presentations. In reality, the court had not allowed the defendants sufficient space to respond.

Server Mustafayev's lawyers, who have appealed the court's decision, emphasise that there is no proof of any terrorist or violent activities performed by Server Mustafayev. Amnesty International and Russian Memorial Human Rights Centre recognise Server Mustafayev as a prisoner of conscience.

Before the announcement of the verdict of the court, on 15 September 2020, Server Mustafayev's mother staged a one-person picket in Bakhchisaray, against the criminalisation of her son. Since then, she has also faced persecution—two administrative cases were opened against her on 22 September 2020. She is accused of “violation of the rules for holding a mass public event” and “violation of the quarantine rules prohibiting the holding of mass public events” – despite undertaking the demonstration alone.

Front Line Defenders is deeply concerned by the Southern District Military Court's decision to sentence human rights defender Server Mustafayev to fourteen years in a strict-regime correctional colony. Front Line Defenders believes that the conviction of Server Mustafayev constitutes a deliberate misuse of anti-terrorist legislation aimed at the prosecution and deterrence of human rights defenders' work in Crimea. Front Line Defenders reiterates its call to the Russian authorities to quash Server Mustafayev's conviction and facilitate his immediately release.

### **Front Line Defenders urges the authorities in Russia to:**

1. Immediately and unconditionally release Server Mustafayev, and quash his conviction, as Front Line Defenders believes that he is being held solely as a result of his legitimate and peaceful work in the defence of human rights;
2. Drop all charges against Mr. Mustafayev's mother, as Front Line Defenders believes that she is being targeted for exercising her right to peacefully demonstrate.
3. Guarantee in all circumstances that all human rights defenders in Crimea are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment.

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