

URGENT ACTION

TATAR ACTIVIST CHARGED FOR 'INSTIGATING HATRED'

A Tatar rights activist was arrested in the Republic of Tatarstan, Russian Federation, on charges of "instigating hatred" for criticizing the Russian government's policies towards Ukraine on the social network VKontakte. He is currently in pre-trial detention in Kazan.

Rafis Kashapov, director of the NGO Tatar Public Centre in Naberezhnye Chelny, Republic of Tatarstan, was detained at his home by ten armed men in civilian clothing on 28 December 2014 at 6am. He was taken to Kazan, the capital of the Republic of Tatarstan, and placed in the pre-trial detention facility (SIZO) No.1. A notification from the Investigative Committee of the Republic of Tatarstan issued on 28 December and sent to his home after he was remanded, stated that on 27 December a criminal case had been opened against him for alleged "instigation of hatred or hostility and the abasement of human dignity".

In a decision issued on 30 December and handed in to Rafis Kashapov's lawyer, the Investigative Committee specified that the criminal charges against Rafis Kashapov related to four posts on his personal page on VKontakte (a Russian social networking site). In these posts, Rafis Kashapov harshly criticized President Vladimir Putin and the Russian government for their policies towards Ukraine and denounced persecution of ethnic Crimean Tatars in the occupied Crimea. The Investigative Committee claimed that as a result of a complex text analysis it established that the posts were "modelling language of hostility and intending to instigate hatred between groups". The Investigative Committee insisted that Rafis Kashapov be remanded because he had no permanent sources of income and, if remained free, he could again "engage in criminal activities". The activist's detention was approved by a judge on 29 December.

On 19 January Rafis Kashapov went on hunger strike in protest against his arrest and unlawful prosecution. A member of the local Public Monitoring Commission who visited him in SIZO told Amnesty International that the activist is suffering from a pre-existing medical condition, and complains of being subjected to pressure by a number of law enforcement officials.

Please write immediately in Russian, English or your own language calling on the authorities to:

- Immediately and unconditionally release Rafis Kashapov, stressing that he has been detained solely for peacefully exercising his right to freedom of expression;
- Pending his release, ensure that he is given an immediate access to adequate medical care, in accordance with the international rules on the treatment of prisoners;
- Respect the right to freedom of expression of all individuals in the Russian Federation.

PLEASE SEND APPEALS BEFORE 4 MARCH 2015 TO:

Head of Investigation Directorate
Investigative Committee of the Republic
of Tatarstan
Pavel Nikolaev
Ulitsa Bolshaya Krasnaya, 39
Kazan 420015
Republic of Tatarstan
Russian Federation
Fax: +7 843 221 7405
E-mail: orgotdel_16@mail.ru
**Salutation: Dear Head of the
Investigation Directorate**

Chairman of the Investigative Committee
of the Russian Federation
Aleksandr Bastrykin
Tekhnicheskii Pereulok, d.2
Moscow 105005
Russian Federation
Fax: +7 499 265 9077
Salutation: Dear Chairman

And copies to:
Kazan, pre-trial detention facility No.1
Fax: +7 843 231 7326

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Rafis Kashapov's critical posts in the social media fall within the scope of the right to freedom of expression and do not amount to advocacy of hatred according to international human rights law, including the International Covenant on Civil and Political Rights, to which Russia is a party. Moreover, even if his statements could be considered defamatory, defamation should not be a criminal offence.

Amnesty International has documented repeated recent instances in which Russian activists were harassed by the authorities, arrested and in some cases criminally prosecuted for expressing solidarity with Ukraine and opposing Russian occupation and annexation of Crimea (for instance, see UA 254/14 <http://www.amnesty.org/en/library/info/EUR46/049/2014/en>, UA 64/14 <http://www.amnesty.org/en/library/info/EUR46/022/2014/en> and the report *Russian Federation: A right, not a crime: violations of the right to freedom of assembly in Russia*, <http://www.amnesty.org/en/library/info/EUR46/028/2014/en>).

Russian occupation of Crimea followed the ousting of Ukraine's President Viktor Yanukovich after months of protests in Kyiv. On the night of 26 to 27 February, buildings belonging to the local authorities in Crimea were blocked by armed paramilitaries calling themselves "self-defence forces". Jointly with members of regular Russian forces they blocked Ukrainian military installations across the peninsula, while the Crimean parliament elected a new leadership in the presence of armed men. A "referendum" was called on 16 March on the status of Crimea, with participants overwhelmingly voting in favour of unification with Russia and opponents boycotting it. On 18 March, the de facto authorities of Crimea signed a "treaty" in Moscow resulting in its annexation by Russia.

Since then, Russia's restrictive laws were applied in Crimea and used to suppress the rights to freedom of assembly, association and expression there. Local residents were declared Russian citizens. Those wishing to retain Ukrainian citizenship were required to notify the authorities.

Crimean Tatars are an ethnic group indigenous to Crimea. In 1944 the entire Crimean Tatar population was deported from Crimea to remote parts of the Soviet Union. Ethnic Crimean Tatars were not allowed to return to their homeland until the late 1980s. Since the Russian occupation, numerous members of the Crimean Tatar community have been subjected to persecution by the de facto authorities, including arbitrary restrictions on their rights to freedom of movement, expression, assembly and association, for the public expression of pro-Ukrainian views. Two of the most prominent leaders of the Crimean Tatar community, veteran human rights defender Mustafa Dzhemiliev and activist Refat Chubarov, have been forcibly exiled and banned from entering Crimea by the de facto authorities. In Crimea, many ethnic Crimean Tatars have suffered violence from the "self-defence" paramilitary groups. Not one such incident has been effectively investigated, including well-documented cases of enforced disappearance. Thus, Reshat Ametov who held a one-man protest in front of the Crimean Council of Ministers building in the region's capital, Simferopol, on 3 March, was led away by three men from the 'self-defence' forces. His body was found almost two weeks later, showing signs of torture. A criminal case has been opened, but no progress in the investigation has been reported. (See *Ukraine: Harassment and violence against Crimean Tatars by state and non-state actors*, <http://www.amnesty.org/en/library/info/EUR50/023/2014/en>).

Name: Rafis Kashapov

Gender m/f: m

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