

URGENT ACTION

DETAINED RIGHTS DEFENDER DENIED MEDICAL CARE

Server Mustafayev, a human rights defender from Crimea currently standing trial before a Russian military court, is being denied adequate medical care. He is suffering from high fever and a viral respiratory infection, similarly to two of his co-defendants. Despite their condition, they were forced to attend lengthy court hearings, without water or food.

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

Military Prosecutor, Lt.-Gen. Sergei Kolomiyets
Southern Military Region
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Dear Military Prosecutor,

I am writing concerning the case of **Server Mustafayev**, a human rights defender from Crimea, who is currently standing trial before the Southern Region Military Court and facing up to 25 years in jail if convicted. He and two of his co-defendants, **Memet Belyalov** and **Seyran Saliyev**, have recently developed the symptoms of a viral respiratory infection (VRI). Despite this, they were brought to the court and forced to spend there several hours, suffering from their medical condition and without food or water, while their hearing was ongoing. They are being denied adequate medical care.

On 3 March, Server Mustafayev felt ill during the court hearing but the court denied his repeated requests for medical attention. On 4 March, he had high fever and VRI symptoms which he reported to the penitentiary administration. He was given an injection to bring down his temperature and transferred to the court. In court, he continued to feel ill but his requests to adjourn the hearing were denied. Moreover, he and other co-defendants were not given food or water during the hearing, which lasted more than 9 hours.

The failure to provide adequate medical care to prisoners may violate the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment, including under Article 7 of the International Covenant on Civil and Political Rights. This is particularly true when such failure is the result of a deliberate act by officials.

Server Mustafayev is the founder and coordinator of the grassroots movement Crimean Solidarity, created to provide solidarity and support to victims of political and religious persecution that followed Russian occupation of Crimea. The charges against Server Mustafayev are trumped up and have been levied in retaliation for his human rights work. He is a prisoner of conscience and should be freed immediately and unconditionally.

I urge you to take all the necessary steps to ensure that:

- **Server Mustafayev is released immediately and unconditionally, and all charges against him are dropped;**
- **In the meantime, he and his co-defendants are urgently provided with adequate medical care in accordance with international human rights standard, in particular the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).**

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, English.

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 17 April 2020

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/his)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/eur46/1470/2019/en/>