

URGENT ACTION

DETAINED RIGHTS DEFENDER'S FAMILY AT RISK

The family of the Crimean Tatar human rights defender Emir-Usein Kuku is facing threats and harassment as a way to intimidate him. After his arrest, his son has been threatened by a man who said he worked for the Russian security service. The *de facto* authorities in Crimea have accused Emir-Usein Kuku of failing to protect his son and initiated an inquiry that could lead to him losing custody of him.

Emir-Usein Kuku is a human rights defender and prominent member of the local Crimean Tatar community in the Yalta region, southern Crimea. After the Russian occupation of Crimea in 2014, he joined the Crimean Human Rights Contact Group. He exposed members of the Russian Federal Security Service (FSB) repeatedly attempting to recruit him as their secret informant. After he refused, the FSB raided his home on two occasions. In February 2016 he was arrested under an unfounded accusation of being a member of Hizb ut-Tahrir, an Islamist movement that is banned as "extremist" in Russia, but is not illegal in Ukraine. Kuku denies any involvement with this movement. He is currently being held in pre-trial detention.

An FSB officer visited Emir-Usein Kuku in detention shortly after he was arrested and attempted to recruit him again. After he refused, his family has been subjected to further harassment. On 2 March, and on at least one other occasion, a man approached Emir-Usein's nine year-old son, **Bekir Kuku**, at his school when no adults were present. The man told Bekir Kuku that he worked for the FSB and that his father would "rot in prison" for being uncooperative. On 3 March, **Meriem Kuku**, Bekir Kuku's mother, complained about the incident to the local police. Her complaint was registered but she has never heard back about any progress in the investigation.

Instead, on 26 September, the local police inspector for juvenile cases informed Meriem Kuku that an inquiry had been initiated by the Investigative Committee (responsible for investigating serious crimes) about Emir-Usein Kuku for failing to protect his son from strangers. Meriem Kuku fears this may lead to legal action against the family and worries the *de facto* authorities may seek official custody of her son. Her fear grew even further when the police inspector for juvenile cases repeatedly attempted to question Bekir Kuku at school without adult supervision.

Please write immediately in Ukrainian, Russian or your own language to the *de facto* authorities in Crimea:

- Urging them to carry out a prompt, impartial and effective investigation into the threats and harassment against Bekir Kuku and his family;
- Ensuring that the local police service is not misused to target Emir-Usein Kuku and demanding that harassment of the Kuku family by members of the *de facto* authorities, including the FSB, police and the Investigative Committee immediately stops;
- Calling for the criminal prosecution of Emir-Usein Kuku under unfounded charges to end, and for him to be immediately and unconditionally released.

PLEASE SEND APPEALS BEFORE 30 NOVEMBER 2016 TO:

Acting Prosecutor of Crimea

Andrei Fomin

Fax: +7 365 255 03 10

Salutation: Dear Prosecutor

Email: sekretar@rkproc.ru

Director of Federal Security Service for Crimea

Viktor Palagin

Fax: +7 365 225 60 31

Email: fsb@fsb.ru

Salutation: Dear Lieutenant General

And copies to:

Human Rights Commissioner in Crimea

Lyudmila Lyubina

Email: upchvrk@mail.ru

No postal addresses are provided for this Urgent Action as a number of countries are currently not providing a postal service to Crimea. Please send only faxes and emails according to the details provided.

The targets of this Urgent Action are the authorities of the Russian Federation, as the occupying power in Crimea.

When sending copies to diplomatic representatives please send them to those of the Russian Federation.

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**



URGENT ACTION

ENCARCERATED RIGHTS DEFENDER'S FAMILY AT RISK

ADDITIONAL INFORMATION

Prior to the Russian occupation and illegal annexation of Crimea in 2014, Emir-Usein Kuku worked at the local administration in the coastal towns of Haspra and Yalta. Following the annexation, several ethnic Crimean Tatars and other pro-Ukrainian activists went missing, and strong evidence emerged that they were forcibly disappeared by members of the pro-Russian paramilitary groups or of the *de facto* authorities. Emir-Usein Kuku quit his job and joined the Crimean Human Rights Contact Group, an initiative set up by relatives of the missing persons to seek jointly an effective investigation into their disappearances. He was repeatedly harassed by the Russian Federal Security Service (FSB) and exposed their attempts to recruit him as their secret informer. Members of the FSB repeatedly raided his home.

At around 8:30 am on 20 April 2015, as Emir-Usein Kuku was leaving home for work, two unknown men approached him from behind, threw him on the ground and repeatedly kicked and punched him on his head, torso and in the kidney area. Then, in front of numerous witnesses, the men dragged Emir-Usein Kuku into a minivan and drove off. About an hour later, two minivans carrying dozens of armed men in balaclavas arrived at the family's house, bringing Emir-Usein Kuku with them. One of the men introduced himself as an FSB officer and presented a search warrant. The men seized electronic equipment such as tablets and mobile phones, and several religious books. After the search, Emir-Usein Kuku was taken to the FSB offices in Yalta and questioned, and asked to become their secret informant. He was released later that day. Emir-Usein Kuku visited a medic to have his injuries documented, and tried to file a complaint with the local police about his beating the following day. On 1 May, the police informed Kuku that they had no case to investigate in relation to his complaint in the "absence of elements of a crime" (*za otsutsviem sostava prestupleniya*). In August 2015, Emir-Usein Kuku was summoned by the Investigative Committee in Yalta and informed about a counter-claim from the FSB alleging he had assaulted two of their officers.

On 11 February, at around 6:30 am, the FSB raided the Kuku family's home again. Having searched the house for about four hours, they again confiscated electronic equipment and religious books. Emir-Usein Kuku was taken away "for further questioning", and pronounced a criminal suspect on account of him purportedly being a member of Hizb ut-Tahrir. On 12 February the Kyivskiy District Court in the Crimean capital Simferopol approved his pre-trial remand. If convicted, he may face up to 20 years in prison.

Emir-Usein Kuku denies being a member of Hizb ut-Tahrir. Irrespective of this, while membership of Hizb ut-Tahrir is a criminal offence in Russia, it is not in Ukraine. International humanitarian law requires that Russia, as the occupying power in Crimea, prosecutes any defendants in the peninsula in civilian courts under Ukrainian law. Emir-Usein's prosecution and arrest under the charge of membership of an extremist organization is unfounded and appears intended solely as a reprisal for his human rights work and his refusal to cooperate with the *de facto* authorities.

Amnesty International has documented an escalating clampdown on human rights in Crimea since its annexation by Russia in March 2014 (see: <https://www.amnesty.org/en/documents/eur50/1129/2015/en/>). The ethnic Crimean Tatar community, many of whose members have openly opposed the annexation, has been particularly affected by the newly imposed restrictions on the exercise of the rights to freedom of expression, association and peaceful assembly. Several ethnic Crimean Tatars, as well as some other pro-Ukrainian activists, have been forcibly disappeared. In the latest instance, Crimean Tatar activist Ervin Ibragimov went missing near his house on 24 May (see: <https://www.amnesty.org/en/documents/eur50/4121/2016/en/>). Footage from a nearby camera showed a group of men forcing him into a van and then driving away. Neither his, nor any other enforced disappearance in Crimea has been effectively investigated. One of the victims, Reshat Ametov, was forcibly taken away by pro-Russian Crimean Self-Defence paramilitaries when he was picketing the Crimean Council of Ministers on 3 March 2014. On 15 March, his dead body was found, bearing signs of torture and other ill-treatment. A video showing the moment of his abduction is widely available on the internet, where his abductors can be clearly seen. None of them have been identified, and this crime remains unresolved. The fate and whereabouts of other victims of enforced disappearances in Crimea are still unknown. There have also been a number of suspicious deaths of ethnic Crimean Tatars who too, may have been victims of abductions but the circumstances of their deaths, reported as suicides or fatal accidents, have never been effectively investigated.

Name: Bekir Kuku (m), Meriem Kuku (f) and Emir-Usein Kuku (m).

Gender m/f: both

UA: 229/16 Index: EUR 50/4953/2016 Issue Date: 17 October 2016