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Prosecutor General of the Russian Federation
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Prosecutor General's Office
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Russian Federation

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Dear Prosecutor General,

We write to you on behalf of two international human rights organisations, to express our concern about the unfounded criminal prosecution and imprisonment of Emir-Usein Kuku, an ethnic Crimean Tatar human rights defender from Crimea, and his five co-defendants – Muslim Aliev, Vadim Siruk, Enver Bekirov, Arsen Dzhapparov and Refat Alimov. They were convicted and sentenced on 12 November 2019 to prison terms ranging from seven to 19 years on groundless terror-related charges. On 22 June 2020, their appeal against the decision will be considered by the Military Court of Appeals.

All six men should be immediately and unconditionally released, with their convictions and sentences quashed, and we call on you to take all necessary measures in your authority to ensure this happens.

This case exemplifies the persecution of human rights defenders and other activists in Crimea.

Amnesty International considers Emir-Usein Kuku, who has been sentenced to 12 years in prison, and all his co-defendants prisoners of conscience.

The terrorism-related charges against Emir-Usein Kuku and his co-defendants stem from accusations of membership of Hizb ut-Tahrir, an organization banned as "terrorist" in the Russian Federation (Article 205.5 of the Criminal Code of the Russian Federation), but not in Ukraine. All six have also been accused of conspiring to seize power by violent means (Article 278 of the Criminal Code of the Russian Federation).

No reliable evidence was presented during their trial that any of them has been involved in any internationally recognizable crimes. Representatives of Amnesty International have closely followed the trial and were present during the court hearings on 14 and 15 February 2018 in Russia. They were able to hear the prosecution's indictment and testimony of the case investigator from the Federal Security Service (FSB).

The FSB investigator acknowledged during the hearing that the FSB does not have any evidence that Kuku and his co-defendants planned any violent acts or have any links to Hizb ut-Tahrir. The

investigation has claimed that Enver Bekirov and Muslim Aliev led a Hizb ut-Tahrir cell in which their four co-defendants allegedly participated and that both men were reporting to “a higher authority”. However, the FSB investigator acknowledged in court that the state could not establish who that “higher authority” is, how the defendants allegedly got instructions, how and when they communicated, and the like. Likewise, when asked in court, the investigator acknowledged that they could not identify or document a concrete plan by the defendants to commit violent acts.

Emir-Usein Kuku is a member of the Crimean Human Rights Contact Group – a grassroots initiative created to monitor investigations into enforced disappearances in Crimea. As a human rights defender, Emir-Usein Kuku was continually harassed and threatened by the Russian authorities prior to the launch of the criminal proceedings against him, an indication that his prosecution is politically motivated and intended to stop his legitimate human rights activities.

When Emir-Usein Kuku joined the Crimean Human Rights Contact Group in October 2014, his activities soon brought him to the attention of the FSB, and according to him one of their officers unsuccessfully tried to recruit him as an informant on several occasions. The officer allegedly threatened Emir-Usein Kuku with reprisals, including criminal prosecution, for his refusal to cooperate.

On the morning of 20 April 2015, several FSB officers attacked Emir-Usein Kuku from behind while he was on his way to work, and severely beat him. They repeatedly kicked and punched him in the head, torso and kidney area. Then, in front of witnesses, they placed him in a vehicle and drove him to the local FSB headquarters where he was interrogated. He was later released without charge and they brought him back to his house.

On 11 February 2016, FSB officers arrested Emir-Usein Kuku at his house and detained him for questioning. On 12 February, Emir-Usein Kuku was charged under Article 205.5 of the Criminal Code of the Russian Federation (“membership of a terrorist organization”) and placed on remand. Kuku has been in detention since that date – over four years and four months.

On the same day, the FSB detained Muslim Aliev, as well as Vadim Siruk and Enver Bekirov, who are accused of membership of the same group. On 18 April 2016, the FSB detained Arsen Dzhapparov and Refat Alimov as part of the investigation of the same case. All six deny any involvement with Hizb ut-Tahrir and the charges against them.

The FSB has a recording allegedly obtained covertly during a private gathering in a private home, which they claim offers evidence that Emir-Usein Kuku and his co-defendants are members of Hizb ut-Tahrir. Emir-Usein Kuku maintains that in the recording in question, he and Vadim Siruk, Enver Bekirov and Muslim Aliev were discussing history and the political situation in Crimea. The transcript of the allegedly incriminating conversation was classified during the pre-trial stage of the investigation, and released to the defence team only shortly before the initial trial hearing in February 2018.

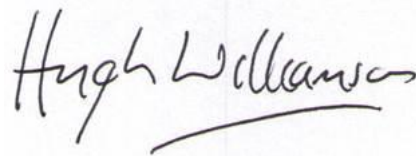
In early 2017, a further charge was brought against Emir-Usein Kuku and his five co-defendants, that of conspiring to seize or retain power by violent means, under Article 278 of the Russian Criminal Code. We understand that this charge has been brought solely because the defendants are accused of membership in a terrorist organization. We further understand that the defendants are not accused of committing any other actions that would serve as grounds for the charge under Article 278.

On various dates between 15 December 2017 and 10 January 2018, Emir-Usein Kuku and his five co-defendants were transferred from Simferopol, in Crimea, to Rostov-on-Don, a violation of international humanitarian law, which prohibits the occupying power, which Russia is under international law, from carrying out such transfers. Under international fair trial norms, civilians should not be tried before military courts.

We call on you to take all necessary steps to address the human rights violations suffered by Emir-Usein Kuku and his co-defendants, Muslim Aliev, Enver Bekirov, Vadim Siruk, Arsen Dzhapparov and Refat Alimov, including harassment, their transfer from Crimea to the Russian Federation in violation of the international humanitarian law, and their ultimate unsound and wrongful conviction following an unfair trial. Emir-Usein Kuku and his five co-defendants must be immediately and unconditionally released, with their convictions and sentences quashed.



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