



Photo Source: Amnesty USA

CLOONEY FOUNDATION FOR JUSTICE STATEMENT ON MEDICAL CARE FOR CRIMEAN ACTIVISTS ON TRIAL IN RUSSIA

CHARGE

Membership in a terrorist organization; conspiring to seize power

STATUS

Detained

VIOLATIONS

Lack of medical treatment

TRIALWATCH MONITOR

Human Rights Embassy

The following statement can be attributed to a spokesperson for CFJ:

MARCH 31, 2020

The Clooney Foundation for Justice’s (“CFJ”) TrialWatch initiative has been monitoring the trial in Russia of Server Mustafayev, a human rights defender, and other Crimean Tatar activists on trial for terrorist offences in Russia.

Although the trial is still ongoing, CFJ is alarmed by Russia’s refusal to provide Mr. Mustafayev and other defendants appropriate medical treatment despite their concerns—expressed repeatedly in court—that they are sick and have potentially contracted COVID-19. This violates Russia’s obligation under international law to treat detainees humanely and ensure that they can effectively participate in their trial. CFJ calls on Russia to provide Mr. Mustafayev and his co-defendants adequate medical care, including testing for COVID-19 and, if necessary, to take steps to prevent others from becoming infected.

Additionally, due to the pandemic, the Supreme Court of Russia has announced that court proceedings will be closed to the public until April 10, 2020. While safety and security are critical, CFJ calls on Russia to consider alternative ways to facilitate public participation in the criminal justice system, which is essential to ensuring fairness in criminal trials.

BACKGROUND

Mr. Mustafayev is a human rights defender, journalist, and the coordinator of Crimean Solidarity, a civil society initiative established following the 2014 Russian occupation of Crimea. Based on his alleged involvement in Hizb ut-Tahrir, an Islamic political group which Russia has classified as a terrorist organization but which is legal in Ukraine, Mr. Mustafayev has been charged with “membership in a terrorist organization” under Article 205.5.2 of the Penal Code of the Russian Federation and with “conspiring to seize power” under Article 278 of the Penal Code. He has been detained since May 21, 2018. If convicted, Mr. Mustafayev faces up to 25 years in prison.

Human Rights Embassy has been monitoring the proceedings against Mr. Mustafayev as part of CFJ’s TrialWatch initiative since the trial began on November 15, 2019. Trial monitors report that on March 2, Mr. Mustafayev’s co-defendant, Seiran Saliev, requested a break in the proceedings because he was feeling unwell. He spent part of that hearing lying on a bench and said that he had a sore throat, fever, and runny nose. In response to Mr. Saliev’s request for an adjournment, the prosecutor did not object and indeed added: “I am only for the health of the defendants.” The court, however, denied the request after calling a paramedic to testify about Mr. Saliev’s condition without allowing the defendants or their counsel to ask this witness any questions.

On numerous other occasions, the court employed similarly deficient procedures to assess the defendants’ health, relying on untested testimony of paramedics or medical examinations that the defendants described as cursory and unprofessional. The court has also suggested that the defendants might not be entitled to necessary care, saying “life is life, maybe in a pre-trial detention center medical services are not provided as you would like.”

Because of pandemic-related courtroom closures, monitors were unable to attend hearings that took place on March 19 and 23. Mr. Mustafayev was reportedly excused from the March 19 hearing because he had a fever, but the proceeding against his co-defendants continued, and Mr. Mustafayev was forced to wait at the courthouse until it ended.

ABOUT THE CLOONEY FOUNDATION FOR JUSTICE’S TRIALWATCH INITIATIVE



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The Clooney Foundation for Justice's [TrialWatch](#) initiative monitors and grades the fairness of trials of vulnerable people around the world, including journalists, women and girls, religious minorities, LGBTQ persons and human rights defenders. Using this data, TrialWatch advocates for victims and is developing a Global Justice Ranking measuring national courts' compliance with international human rights standards.