



RUSSIAN APPEALS COURT MUST REVERSE CONVICTION OF CRIMEAN TATAR ACTIVIST AND RELEASE HIM

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CHARGES

'Membership in a terrorist organization';
'conspiring to seize power'

CONDUCT

Alleged possession of publications,
participation in meetings at mosques

OUTCOME

Fourteen years imprisonment,
additional year of restriction of freedom

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Russia is arbitrarily detaining a Crimean Tatar human rights defender in violation of international law, the UN Working Group on Arbitrary Detention has [found](#). The Working Group ordered Russia to release and compensate Server Mustafayev, who is serving a 14-year prison sentence in a maximum-security facility following his conviction in 2020.

The decision comes after the Clooney Foundation for Justice (CFJ) and Gibson, Dunn & Crutcher LLP [brought Mr. Mustafayev's case to the Working Group](#), based on monitoring of his trial by Human Rights Embassy as part of CFJ's TrialWatch initiative. The monitoring uncovered [multiple fair trial violations](#), which the Working Group concluded made Mr. Mustafayev's detention arbitrary. The Military Court of Appeal currently considering Mr. Mustafayev's case should reverse his conviction and set him free.

The Working Group agreed that Mr. Mustafayev's trial before a military court for involvement in the group Hizb ut-Tahrir, which is banned in Russia but legal in Ukraine, was "marred by a number of procedural irregularities." In particular, the Working Group highlighted that "the court failed to act as an impartial tribunal" and "Mr. Mustafayev's right to legal assistance was not respected." It went on to emphasize that Mr. Mustafayev's case is not an isolated incident.

"The Working Group confirmed a 'striking similarity' between Mr. Mustafayev's case and other cases of Crimean activists arrested by Russia," said Stephen Townley, Legal Director of CFJ's TrialWatch Initiative. "Russia must stop this targeting of critics of its occupation of Crimea."

Russia has systematically silenced Crimean Tatar human rights activists since its occupation of the peninsula in 2014. Dozens of Crimean Tatars are currently serving lengthy prison sentences on "terrorism charges" for alleged involvement with Hizb ut-Tahrir.

“Mr. Mustafayev has been detained for almost 4 years in deplorable conditions following an unfair trial absent basic due process guarantees. The Russian Government must immediately take steps to release Mr. Mustafayev and compensate him for the gross human rights violations he has endured,” said Marrayum Kahloon, Associate at Gibson, Dunn & Crutcher LLP.

BACKGROUND

Server Mustafayev, a Crimean Tatar human rights defender and civic journalist, was brought across the border from Crimea in September 2019 and tried by a Russian military court on terrorism-related charges along with seven co-defendants. The charges were based on allegations of involvement in Hizb ut-Tahrir, an Islamic political group that is banned in Russia but operates legally in Ukraine. In September 2020, he was convicted and sentenced to fourteen years in prison. Six of his co-defendants were also convicted of similar offenses and received sentences of between 13 and 19 years.

The TrialWatch [Report](#) on the case found that the trial “entailed severe rights violations at both the pretrial and trial stages.” On the basis of this monitoring, CFJ and Gibson Dunn filed a [communication](#) with the UN Working Group in April 2021 advocating for Mr. Mustafayev’s release. The Working Group found in Mr. Mustafayev’s favor in an [opinion published last month](#).

Mr. Mustafayev’s appeal is currently being heard by the Military Court of Appeal in Vlasikha, Moscow region, with a decision expected by the end of the month.

ABOUT THE CLOONEY FOUNDATION FOR JUSTICE’S TRIALWATCH INITIATIVE



TrialWatch is an initiative of the Clooney Foundation for Justice. Its mission is to expose injustice, help to free those unjustly detained and promote the rule of law around the world. TrialWatch monitors criminal trials globally against those who are most vulnerable — including journalists, protesters, women, LGBTQ+ persons and minorities — and advocates for the rights of the unfairly convicted. Over time, TrialWatch will use the data it gathers to publish a Global Justice Ranking exposing countries’ performance and use it to support advocacy for systemic change.