



Dzhemil Gafarov / Photo: Crimean Solidarity

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ARTICLES

## **“And only Allah will help us in this.” Convict in Russia’s crackdown on Crimean Tatars dies in pre-trial detention**

On 10 February, Dzhemil Gafarov, a 60-year-old resident of Crimea convicted in the Hizb ut-Tahrir case, died in a pre-trial detention center in the Rostov Region. The prisoner had a Group II disability due to chronic kidney disease and related heart disease. In January he was sentenced to 13 years. Here is an insight into how the Russian authorities persecute Crimean Tatars.

*Текст на русском*

### **WHAT HAPPENED**

On February 10, Dzhemil Gafarov, a 60-year-old defendant in the second Hizb ut-Tahrir case, **died** in a Novocherkassk pre-trial detention center. He had Group II disability and had suffered a heart attack in November. According to preliminary **reports**, his death was the result of a heart attack.

Gafarov, along with the other defendants in the case, was detained back in March 2019 following broad searches. Since then, he remained in custody on charges of participating in the activities of an extremist organization (part 2 of Article 205.5 of the Criminal Code) and preparing to seize power (Article 278 of the Criminal Code, with the application of part 1 of Article 30 of the Criminal Code). In January 2023, the Crimean citizen was sentenced to 13 years of imprisonment—two years in prison and another 11 in a maximum security penal colony. An appeal in the case did not manage to take place.

«Perhaps, the Almighty allowed things to unfold this way to save him from further torment and suffering in a trumped-up case, leaving no possibility for the system to convict him. The sentence has not and now never will enter into force», Gafarov's attorney Rifat Yakhin **commented** on his Facebook page.

Before the imprisonment, Gafarov had been classified to Group III disability due to chronic kidney disease and related heart disease. However, in February 2020, after an examination at the Simferopol Medical and Social Expertise Bureau, he was reclassified to a more severe Group II disability.

«We kept our fingers on the pulse all the time and constantly demanded the detention center to conduct an adequate medical examination. [...] And we kept requesting the court to change his preventive measure», said Emil Kurbedinov, Gafarov's other attorney.

Citing attorneys, the Crimean Solidarity movement **reported** that in January the prisoner's health was getting worse every day: he suffered from constant burning in his heart area, a headache, heavy breathing, and could no longer stand up on his own. The attorney Edem Semedliaev was told by a paramedic in the pre-trial detention facility that the prisoner was faking his condition.

On the day of Dzhemil Gafarov's death, Semedlyaeв was denied his request to take the prisoner out for a medical examination. The letter from the head of the pre-trial detention center stated that Gafarov was «under a dynamic observation of the health center.» However, the defense had already signed a contract with a medical facility and paid for a comprehensive examination of Gafarov. Semedlyaeв was offered to also «appeal this response in court.»

## **SIMFEROPOL'S SECOND «HIZB UT-TAHRIR» CASE**

In March 2019 law enforcement officers **conducted** searches at dozens of addresses in Simferopol and other districts of Crimea that led to more than 20 Crimean Tatars being detained in Crimea and Rostov Oblast. Three more were put on the wanted list.

«Masked men broke into our house and took away our father, all our dreams and faith in the future. Our father Dzhemil Gafarov is a very honest, fair, and kind person, and they are trying to accuse him of terrorism», **wrote** the detainee's daughter Sefae Gafarova on her Facebook page a year later.

The defendants in the case were charged with organizing or participating in the activities of a terrorist organization (parts 1 and 2 of Article 205.5 of the Criminal Code) and preparing to seize power (Article 278 with the application of part 1 of Article 30 of the Criminal Code). The accusation was based on the testimony of a «secret witness» and the

conclusions of a religious expert. The materials include audio recordings of the defendants' discussions on religious and political topics—allegedly proving the committing of a terrorist crime. No weapons, explosives, or ammunition were found in the possession of the convicted individuals.

On January 11, the Southern Military District Court of Rostov-on-Don **announced** the verdict—five defendants in the case, including Dzhemil Gafarov, were sentenced to 13 years of imprisonment in a strict-regime penal colony. All of them also received from one to one and a half years of additional restriction of freedom after serving the main sentence.

Another convicted individual, a 62-year-old Servet Gaziev, suffered a microstroke in 2021. He was then briefly **placed** in a prison hospital, but was soon returned to the pre-trial detention center. «According to his relatives, his speech is severely impaired, part of his face is distorted, and he has problems with blood pressure and gout in the legs. In addition, he experiences pain in his arms, legs, and back. He has lost a lot of weight, and suffers from chronic hypertension and headaches», **wrote** the Crimean Solidarity human rights organization.

During their trial, the defendants asked the court to give them one day to prepare their final statements. However, the court considered the request a refusal to speak.

**According to** Crimean Solidarity, a total of 29 people are charged in the second Simferopol case. Most of them have already been sentenced to terms ranging from 12 to 19 years, and three of them are wanted. The whereabouts of another one are unknown.

**«AND ONLY ALLAH WILL HELP US IN THIS»**

Hizb ut-Tahrir al-Islami is an Islamist party that was recognized as a terrorist organization by the Supreme Court of Russia in 2003. Its followers get charged and sentenced to prison terms for holding meetings in apartments, reading religious literature, and recruiting new members. According to the «SOVA Center for Information and Analysis» and the «Support for Political Prisoners. Memorial» project, the party has been recognized as terrorist illegally.

«The decision [to recognize the organization as terrorist] contains no evidence of terrorist actions conducted by Hizb ut-Tahrir. However, in recent years hundreds of Muslims have been convicted on the charge of involvement in this organization. The punishments are becoming more and more severe each year», **notes** Support for Political Prisoners.

«The fact that Hizb ut-Tahrir preaches the idea of creating a world-wide Islamic Caliphate in and of itself does not provide any reason to accuse its followers of planning a violent seizure of power in Russia», **claims** SOVA.

Alongside Hizb ut-Tahrir, in 2003 the Supreme Court **prohibited** the activities of the radical Islamist association Taliban which seized power in Afghanistan in 2021 as a result of military action and which has repeatedly **claimed** responsibility for terror attacks. However, Russian authorities **continue to maintain** diplomatic relations with the representatives of this organization and even **invite** them to Russia.

According to the **data** provided by the «Support for Political Prisoners. Memorial» project, at least 334 people are being prosecuted for their participation in Hizb ut-Tahrir (data as of February 10, 2023). 252 of them have already been convicted, out of whom 222 have been sentenced to 10 years or more. Memorial has recognized 280 defendants in similar cases as political prisoners.

«[Such prosecutions in Russia] are, on the one hand, intended to suppress independent, ideologically motivated associations such as Jehovah's Witnesses. On the other hand, they are meant to create and maintain a certain bogeyman of Muslim terrorist threat», explains Sergey Davidis, head of the project «Support for Political Prisoners. Memorial» project and co-chairman of the Memorial Human Rights Center.

However, according to Davidis, «in Crimea [unlike in Russia] prosecutions are linked not so much to the participation in this organization, but rather to national identity and civil activity. [...] The predominant goal [of political pressure] is the suppression of the Crimean Tatars' national movement.»

The human rights advocate adds that «a large part of those oppressed in Crimea are participants of the Crimean Solidarity movement that helps people prosecuted before. [...] It results in a 'chain of repression' where new waves of charges for participating in Hizb ut-Tahrir affect those who expressed solidarity with, organized care packages for, and helped the families of those initially arrested.»

An activist of the Crimean Solidarity movement, journalist and human rights advocate Lutfie Zudieva claims that the reasons for the persecution of Crimean Tatars are the desire of officers of the security forces to move up the «social ladder», as well as Russia's attempt to justify its presence in the Crimea with the «myth of Islamic terrorism.» Crimean Solidarity was founded in 2016, after the authorities had initiated the first criminal cases for political reasons on the peninsula. The movement provides legal assistance to political prisoners, does reporting on judicial processes, and supports the families of those imprisoned.

Zudieva notes that the Russian state has historically persecuted Crimean Tatars. Specifically, in the 19th century during the Crimean War, hundreds of thousands of local residents were forced to leave the peninsula. Later,

in 1944 Stalin signed a decree on the deportation of Crimeans. «Therefore, few Crimean Tatars met 2014 with enthusiasm. They understood that events of the previous centuries would most likely repeat and Crimean Tatars would be persecuted again. While in 1944 they used to be labeled as traitors, in the modern time they have been stigmatized as terrorists», says the human rights advocate.

The first criminal case for an involvement in Hizb ut-Tahrir in the Crimea was **initiated** in early 2015, less than a year after the annexation of the peninsula. At the same time, under Ukrainian law the party's activities are legal. «It means that these people became criminals not even because of their choice, but because the Russian Federation arbitrarily introduced its laws in the Crimea», says Davidis.

In addition, according to Russian law, only military courts can consider cases of terrorism charges. Therefore, Crimeans are driven from the peninsula to Rostov-on-Don where the nearest such court resides. However, according to the Geneva Convention, «persons against whom prosecution is carried out shall not be deported from the occupied territories», recalls the human rights advocate.

Sick and elderly Crimean Tatars and other local Muslims are also affected by the repressions. In February, an appellate court **confirmed** a decision to sentence a disabled Crimean man with heart disease Amet Suleymanov to 12 years of imprisonment in a high-security penal colony. In January, a prosecutor **asked** to sentence a blind Muslim named Alexander Sizikov to 18 years in prison. In March 2021, a court **sentenced** a 64-year-old Oleg Prikhodko to five years in prison on charges of intending to blow up the administration building of the city of Saki in order to force the Crimean authorities «to integrate the peninsula into Ukraine» and of preparing to set on fire the Russian consulate in Lviv. In 2022, another case **was opened** against him—this time for insulting Federal Security Service officers and the prosecutor.

«Our socially active people in the religious and political areas have always been of various ages—both young activists as well as elder veterans of the national movement. [...] The whole pain and complexity of the situation consists in the fact that while young political prisoners have the strength and patience to fight the bureaucracy of the Russian penitentiary system, the older ones lack the time and physical resources for that. They fight for their lives in these institutions every day while waiting for their release», explains Zudieva.

## More to read



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