

Memorial considers Rafis Kashapov a political prisoner

The chairman of the Naberezhnochelinsky Tatar Public Centre, Rafis Kashapov, has been charged under part 1, article 282 (inciting hatred or enmity), which envisages a punishment of up to four years in prison. Since December 2014 he has been in custody in Kazan.

Kashapov is accused of publishing three texts and a photo collage on his page on the social network VKontakte that sharply criticised Russia's foreign policy, above all in relation to Ukraine, and, in particular in connection with the annexation of Crimea. According to the investigation, he incited hatred "among members of the Turkic peoples towards Russia and the Russian government", and additionally in the published texts there are signs of enmity towards "the category 'They/The aggressor' ('the new unrecognised authorities on the peninsula'), 'Russian punishers', 'Vladimir Putin', 'Russia', 'Russian citizens', 'ethnic Russians'), expressed in a combination of ways..." (in the phraseology of the analysis used by the investigation).

After analysing the circumstances of the criminal case, the Memorial Human Rights Centre found grounds to recognise Rafis Kashapov as a political prisoner: the prosecution is being undertaken exclusively in connection with his exercising of his right to free expression of his opinion; in the texts incriminating Kashapov there are no calls for violence or discrimination; imprisonment as a precautionary measure is incommensurate with the possible public danger of posts on VKontakte; when examining the motions of the investigation on the choice of and extension of pre-trial conditions the principle of openness was violated; and the investigation is putting psychological pressure on Kashapov and his wife.

In the texts "Crimea and Ukraine will be free of occupiers", "Yesterday – Hitler and Danzig; today – Putin and Donetsk!" and "We are defending Ukraine and the entire Turkic world", Putin's policies are compared with the actions of Stalin and Hitler, the abductions and murders of Crimean Tatars in Crimea are described, and also the mass searches conducted among them and the anti-Putin protest actions that members of the Turkic peoples have been holding in different countries.

The publication "Where Russia is, there's death and tears" is a photo collage depicting the consequences of military conflicts in the countries of the former USSR, in which there are neither conclusions nor calls for action.

A citizen of Russia has the right to criticise the current government and to gather and publish information about violations of human rights by the authorities. According to a ruling of the Plenum of the Supreme Court, such criticism may not be a basis for the use of anti-extremist legislation.

There are no calls for violence in the publications incriminating Kashapov. His call for members of the Turkic nations to unite should be heard in the context of the formation of international public opinion, which is not loyal to the Russian state, and the holding of peaceful anti-Putin demonstrations in different countries.

The formulation of the charge is absurd and based on an arbitrary interpretation of article 282 of the Criminal Code. The definition of the social category "They/The aggressor" could relate to an unlimited number of people, Russia cannot be considered a group of people or be included in a group of people; Kashapov himself is part of the category of "Russian citizens"; including Vladimir Putin in this category without mention of his social or ethnic affiliations is ineligible, and so on. This formulation indicates an attempt to artificially and groundlessly create a group for the basis of a politically-motivated case. The investigation's approach to the evaluation of Kashapov's statements directly contradicts the position expressed in **the Instruction of the Plenum of the Supreme Court of the Russian Federation of June 28, 2011 No. 11 "On legal practice in criminal cases on crimes of an extremist nature"**.

We consider the criminal prosecution of Rafis Kashapov illegal and politically motivated, and he himself to be a political prisoner. We demand the immediate closing of his case and release of Kashapov.

More detailed information is available [here](#).

Recognising a person as a political prisoner does not mean that the Memorial Human Rights Centre agrees with the views and statements of the persons recognised as political prisoners, and nor does it mean approval of their statements or actions.