

Memorial says Tatar activist Danis Safargali is a political prisoner

Danis Safargali, a ship's captain and chief engineer, head of the Tatar Patriotic Front "Altyn Urda," has been charged under **Article 115, Section 2, of the Russian Criminal Code** ("*Intentionally causing minor injury motivated by hooliganism*"), **Article 116, Section 2** ("*Inflicting physical injuries motivated by hooliganism*"), **Article 213, Section 2** ("*Hooliganism by a group of persons with prior agreement*"), and **Article 282, Section 1** ("*Incitement of hatred and hostility using the Internet*"). Safargali has been held **on remand** since 21 October 2016.

Danis Safargali is a victim of a campaign against opposition-minded activists from the Tatar National Movement, who are opposed to the current authorities. Since 2014 a series of criminal prosecutions have been brought against them. One of those convicted, Rafis Kashapov, has been recognized by Memorial as a political prisoner.

Not one of the 15 materials posted by Danis Safargali, with regard to which he has been charged under **Article 282, Section 1, of the Russian Criminal Code**, calls for violence or presents any significant danger to the public. The materials in question are not even specifically Tatar nationalist in nature, because in the main their contents criticize the foreign policy of the Russian Federation and its authorities.

The prosecution has not specified the charges, has not indicated which materials allegedly incited interethnic conflict, nor what provoked hatred to this or that social group. The final charges not only did not show which materials posted by Safargali allegedly incited hatred, but did not even indicate how the crime was committed. The investigation did not establish the nature of the device the defendant used to access the internet and post the materials with which he has been charged, nor whether he actually posted the materials in question.

The independent expertise that identified evidence of an offence in the materials posted by Safargali under **Article 282, Section 1, of the Russian Criminal Code**, was, as the defence has shown, conducted with crude violations of the law.

Memorial Human Rights Centre considers the accusation against Safargali that the "*materials posted contain negative descriptions and evaluations of groups of persons based on their being members of specific social groups – President of Russia, governmental bodies of Russia, media, and the state structure of the Russian Federation as a whole*" is absurd and its formulation inept. Representatives of the government do not constitute a separate social group. Still less can unidentified representatives of "*the state structure of the Russian Federation as a whole*" be considered as members of a particular social group. In the same way, the President of the Russian Federation cannot be categorized as a member of a particular social group.

The charges brought against Safargali under Articles **115, 116 and 213 of the Russian Criminal Code** are probably not politically motivated. Nonetheless, the criminal investigation into these charges was also conducted with violations of the right of the accused to a fair trial.

We demand that the charges against Danis Safargali under **Article 282, Section 1, of the Russian Criminal Code** be dropped, that there be an objective consideration by the court of the fight in which Safargali was allegedly involved, and that he be immediately released from custody.

Recognition of an individual as a political prisoner, or of a prosecution as politically motivated, does not imply that Memorial Human Rights Centre shares or approves the individual's views, statements or actions.

For more information about the case of Danis Safargali, see [here](#).

PayPal – an e-wallet for giving help to all Russian political prisoners helppoliticalprisoners@gmail.com.