

Press Release, 15 February 2016

THE SIMFEROPOL DETAINEES –
AKHTEM CHIYGOZ, ALI ASANOV AND MUSTAFA DEHERMENDZHI –
ARE POLITICAL PRISONERS, SAYS MEMORIAL

The men being held as part of the “26 February 2014” Case are political prisoners, in the view of the Memorial Human Rights Centre (Moscow).

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Two years ago, on 26 February 2014, there were clashes in Simferopol outside the Crimean Republic’s Supreme Soviet (legislative assembly). Representatives of the Majlis, the Assembly of the Crimean Tatar Nation, were protesting against the incorporation of the Crimea into the Russian Federation and were attempting to prevent a sitting of the Supreme Soviet which was capable of taking such a decision.

Participants of two rallies, one in support of Russia, one in support of Ukraine, confronted one another and over an extended period of time there were clashes between them. Sometimes flag-poles, chair legs and tear-gas sprays were used during the violence.

Two of those taking part were killed; thirty people were injured. Some Crimean Tatars forced their way into the building but left after learning that the sitting had been postponed.

The Russian investigation

The Russian authorities began to investigate the events, even though they took place on Ukrainian territory before the annexation of Crimea by the Russian Federation.

These incidents were described as “mass disturbances” and the fact that at least two of the 79 individuals named as being injured were Russian citizens was used as an excuse for the intervention of the investigators from Russia. We believe that this interpretation was artificially promoted to permit extensive political harassment and persecution.

This view is supported by the following circumstances:

- One, neither of the named Russian citizens sought medical aid and it is doubtful that their injuries were genuine (this doubt extends to more than half of the remaining so-called victims);
- Two, the Russian investigators charge the accused [1] with causing damage to a Ukrainian administrative building (the supposed pogrom perpetrated within the walls of the Crimean Supreme Soviet), and [2] disobeying the demands of those acting on behalf of the Ukrainian Ministry of Internal Affairs. They even claim that the accused violated Ukrainian legislation about the holding of rallies. This demonstrates that the investigators completely disregarded the sovereign status of Ukraine.

Political motives

Only supporters of the Crimean Tatar Assembly (or Majlis) who demonstrated in favour of the Euro-Maidan are being prosecuted, although both sides engaged in similar levels of violence. This reveals very clearly the political motivation behind the investigation.

It should be added that the seizure of the administrative building with which the accused are charged was repeated the very same night by unidentified persons wearing masks. This second event, however, was regarded by the Russian authorities not as a pretext for a criminal investigation but as part of the preparations for a “legitimate” referendum.

The men and the charges they face

AKHTEM CHIYGOZ is the deputy leader of the Mejlis or Assembly of the Crimean Tatar Nation. He is accused of “organising mass disturbances” (part 1, Article 212, Criminal Code of the Russian Federation) and if convicted faces a term of imprisonment from 8 to 15 years.

ALI ASANOV, MUSTAFA DEHERMENDZHI and a number of other individuals not presently under arrest (Eskender Kantemirov, Eskender Emiraliyev and Arsen Yunusov), are charged with “participation in mass disturbances” (part 2, Article 212 of the RF Criminal Code). The punishment envisaged for such an offence is up to 8 years’ imprisonment. Tayat Yunusov and Eskender Nebiyev, who earlier admitted their guilt, were given a suspended sentence of 30 months’ imprisonment for the same offence.

We have our doubts about the organised character of the violence which took place on the square in front of the Crimean Supreme Soviet on 26 February 2014. In our view accusations of an “organised crush” is speculative, since the crush that develops in the centre of any crowd is equally dangerous to both parties involved and is a consequence, rather, of the conflict.

The suggestion that the mass release of tear-gas was deliberate and took place on someone’s orders is also doubtful. Once again it was a threat, equally, to all then present on the square.

The evidence of witnesses (including those who remain unidentified) that Chiygoz was supposedly involved in organising these disturbances appears contradictory and often improbable. Sergei Aksyonov, the chairman of the Crimean Supreme Soviet, says that Chiygoz used a loudspeaker to urge all to behave in a peaceful manner while quietly issuing orders to engage in violence. If that is the case it is hard to understand how his orders could have been heard on such a noisy occasion. Meanwhile, the investigators have ignored extant video recordings of the event that show how Chiygoz called on people to behave in a peaceful manner and tried to separate those who were fighting.

Asanov and Dehermendzhi are accused of minor acts of violence. The former struck a blow with his fist, the latter kicked someone. They do not deny their involvement in the fighting.

Neither of the participants of the pro-Russian rally who later claimed to be injured sought medical assistance. There is no evidence that they were unable to work as a result. Such a level of violence is classified, under the RF Criminal Code, as “assault” (Article 116) or the “infliction of minor injury” (Article 115). The highest penalty for these offences, when exacerbated by hooliganism or driven by hatred, is two years’ imprisonment. Such crimes, furthermore, do not usually require pre-trial custody.

Asanov and Dehermendzhi, however, have been detained since April or May 2015 and are charged with “serious” offences.

The international dimension

As concerns the protection of civilians in wartime The 1949 Geneva Convention (Article 70) states that occupying forces cannot detain, prosecute or convict individuals for actions or thoughts committed or voiced before the occupation of the territory or during the temporary cessation of that occupation. The only exceptions concern violations of the laws and customs of war.

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The Memorial Human Rights Centre DEMANDS

- The immediate release of all those arrested as part of the “26 February Case”;
- An end to all investigations into the mass disturbances outside the Crimean Republic Supreme Soviet on 26 February 2014.

The recognition that an individual is a political prisoner or that someone is being persecuted for political reasons does not signify that the Memorial Human Rights Centre shares the views and statements of that person or that it approves of his or her statements and actions.