

## Crimean Tatars in detention in the Russian Federation: solitary confinement, arbitrary punishments and inadequate medical care

Since 2014, the United Nations Human Rights Monitoring Mission in Ukraine has documented human rights violations perpetrated against Crimean residents and specifically Crimean Tatars. These include poor conditions of detention for Crimean residents who are detained in Crimea and are often forcibly transferred to the Russian Federation — in violation of international humanitarian law — to stand trial and serve their prison sentences there. We have documented the arbitrary use of solitary confinement and punishment cells, restriction on family visits and other communication with the outside world, and lack of adequate medical care.

We spoke to Diliara Abdullaieva, a Crimean Tartar mother of two detainees, Uzeir Abdullaiev and Teimur Abdullaiev, who were forcibly transferred to the Russian Federation in 2018. This is her story.



*Diliara Abdullaieva with a photo of her sons Uzeir Abdullaiev and Teimur Abdullaiev. Photo: OHCHR/Oleksandr Katerusha*

**Tell us about your sons. What were they doing? What were they interested in?**

My children — Uzeir and Teimur Abdullaiev — grew up in Baku, and then we moved to Crimea, where they began to work as sports coaches. Together they were at the forefront of the launch of the Taekwondo UTF Olympic sport in Crimea. They devoted 20 years to coaching and trained many athletes who later participated in high-level sporting events.

**What happened on 12 October 2016? Why were your sons detained?**

On 12 October 2016, my world divided into a 'before' and an 'after'. Masked armed groups surrounded my sons' homes. They broke into their houses and Teimur was immediately laid on the ground, kicked with boots, and handcuffed. They searched everywhere, and forced the small

children into a corner with machine guns. The search went on for seven hours, and no one was allowed to enter while it was happening. Teimur was taken out with a sack on his head, dragged into a car and taken to the FSB.

A special forces soldier burst into Uzeir's house, and shouted "Everyone stay where you are! We are allowed to shoot." Who would they have shot at when there was only my daughter-in-law, my son and four small children in the room?

They were not allowed to see lawyers. It was only after three hours that Emil Kurbedinov (lawyer-ed.) could see Teimur, and Uzeir was not able to see a lawyer.

On 12 October 2016, five Crimean Tatar men were arrested in Simferopol district in Crimea on charges of affiliation with the Muslim movement 'Hizb ut-Tahrir'. Hizb ut-Tahrir is banned in the Russian Federation, but legal under Ukrainian legislation. The arrests followed a series of house searches carried out on the same day in Simferopol. Later the same day, the FSB stated they had 'eliminated' a Hizb ut-Tahrir cell in Crimea. Diliara's sons were two of those five.

The next day, there was a court hearing and my sons were placed in a pre-trial detention centre (SIZO). The investigation while they were in the Simferopol SIZO took over two and a half years. When the investigation was over, the case was sent to the military prosecutor's office in Rostov-on-Don.

In 2018, the defendants were forcibly transferred to Rostov-on-Don to stand trial in the Severo-Kavkazskiy circuit military court. This constitutes a violation of article 49 of the Fourth Geneva Convention, which prohibits the deportation of a protected person outside the occupied territory.

The first judge sent the case of the "Simferopol Five", two of those are my sons, back to the Crimean prosecutor's office... Another judge took the case and sentenced my sons to prison: Uzeir to 13 years, Teimur to 17.

On 18 June 2019, the Severo-Kavkazskiy circuit military court found all five defendants guilty as charged. They were sentenced to imprisonment from 12 to 17 years.

### **What do you know about Teimur and Uzeir's conditions of detention?**

Teimur has been in prison for five years now. He spent a year and a half of this time in a SHIZO (punishment cell – ed.). Nobody can visit him (there – ed.). There are restrictions on receiving packages and family visits. Only lawyers are allowed visit him.

OHCHR has reported on the systematic use of disciplinary cells by penitentiary authorities in the Russian Federation to punish Crimean detainees for arbitrary reasons. They are often placed in solitary confinement, combined with restrictions on visits and inadequate medical assistance (including in the context of the COVID-19 pandemic). Relatives of detainees have voiced concerns that the punishment has adversely impacted the mental health of the detainees.

Solitary confinement may only be imposed in exceptional circumstances as a last resort, for as short a time as possible and subject to independent review, and only with the authorization of a competent authority (United Nations Standard Minimum Rules for the Treatment of Prisoners, rules 43(1), 45(1).

On 25 May 2021, I had a short four-hour meeting with Teimur. My son looked exhausted, as if he was living in a concentration camp. Compared to last time I saw him, in 2020, he had lost 15 kilograms, and has become thin and hollow-cheeked, had red eyes.

A punishment cell (SHIZO) is a small solitary cell in a basement. There is no space to move around, no place to sit, no place to lie down. At 5 a.m. the bedding is taken away, and the iron bunk bed is fastened to the wall until 10 p.m.

The solitary cell greatly impacts him, creating great psychological pressure. It must seem to Teimur that the whole world has forgotten about him, especially as he only receives his mail once every six months. He hasn't received many of my letters - they have kept him in such a void.

Persons deprived of liberty should be allowed to communicate at regular intervals with family and friends through correspondence and by receiving visits. (United Nations Standard Minimum Rules for the Treatment of Prisoners, rule 58. Communication No. 74/1980, Estrella v Uruguay, Views adopted by the Human Rights Committee on 29 March 1983, para. 9.2.) This right is not to be denied for "more than a matter of days". (Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, principle 15.)

I haven't spoken much about Uzeir, my eldest son. Despite the fact that he is also put in a SHIZO every six weeks, he at least comes out to the general prison, to the barracks. There, he can drink hot tea, eat, and communicate with the other prisoners. And that's why I'm talking more about Teimur.

### **Do you know why your sons are sent to the SHIZO?**

I received a document about the disciplinary action. It states that he [Teimur] didn't say hello to the officials who came in, or said hello too quietly; or that one of his buttons was unbuttoned, or something like that. The internal rules of conduct in the penal colonies is written in such a way that it's impossible not to violate it.

International human rights standards recommend that prison authorities only use disciplinary measures on an exceptional basis and only when other methods to resolve disputes cannot maintain proper order. In any case, prison administrations shall ensure proportionality between a disciplinary sanction and the offence for which it is established. (United Nations Standard Minimum Rules for the Treatment of Prisoners, rules 36-39)

### **Do you happen to know where Teimur is being held now?**

On 9 June 2021, Teimur was transferred to a cell with strict conditions of detention [known under Russian acronym SUS - ed.]. This is a separate cell, outside the penal colony, which is surrounded by fences. There are only 12 beds for 30 people. You cannot lie down or sleep during the day, and if you sit on a bed at the "wrong" time, you get punished. You are also punished if you don't sleep after "lights out" [10 PM]. I don't know how they sleep there, probably in turns, they must be very sleep-deprived.

Teimur also showed me the mosque. I asked him if he was ever able to go there. He said: "No, I never had the chance. This is only allowed for those who are being held under the general conditions of detention".

However, for Teimur, compared to a SHIZO, the SUS is much better. There, he can communicate with other detainees, he can drink hot tea, eat, have a shower and go for a walk.

In the SHIZO, he wasn't allowed to communicate with other prisoners. If he greeted someone during a walk, his time in the SHIZO was extended. And if the other detainee responded or greeted him, then that one would be placed in the SHIZO as well. And 'a walk' means inside, in a similarly-covered cell, only bigger. The sky is not visible there...

## Do your sons have the opportunity to read books and magazines, or watch TV?

I tried to send magazines and newspapers to Teimur, but they were not accepted. Maybe there is a library there, but I didn't ask him honestly, so I don't know. There is no television, no radio.

Uzeir is allowed to receive five kilos of stationery. I send newspapers for him, magazines (those that are allowed in Russia), crossword puzzles, things like that.

## How are your sons doing, healthwise?

Teimur's health is getting worse. He still suffers from the complications of his COVID-19 infection. His body is dehydrated, his blood pressure is constantly increased - 240 to 110. Doctors only visit the SHIZO when a prisoner has a complaint. In general, people in penal colonies can wait for doctors for months. Basically, they have one treatment for all diseases - paracetamol for pain and fever. But they [her sons, - editor] take medication, I buy them and pass it through the medical unit.

Uzeir, my eldest son, has problems with his vascular system. The whole world helped to save his life when he was in the Simferopol SIZO. Now, he lives on the medication that I send every month to him.

All persons deprived of their liberty retain the right to enjoy the highest attainable standard of physical and mental health. (ICESCR art. 12 (1)) Authorities should monitor and address health issues of detained persons, even if an individual has not specifically requested medical assistance. (Communication No. 763/1997, Lantsova v Russian Federation, Views adopted by the Human Rights Committee on 26 March 2002, para. 9.2)

Sick prisoners, whose treatment cannot be facilitated within the prison, should be transferred to a civilian hospital or specialist prison hospital. (United Nations Standard Minimum Rules for the Treatment of Prisoners, rule 27 (1).)

## How is your family doing now?

I don't know if this can even be called 'living'. I just exist. I do not give up because I want to obtain my son's release. All of this is of course a psychological trauma for my grandchildren. They're being treated by psychologists. These children have seen real terror. They saw their fathers being taken away in handcuffs, they suffered a lot of stress. It is impossible to explain all of this to a child...

## If you had the opportunity to address the global community, what would you say?

I would like to raise the issue of the release of Ukrainian prisoners in Crimea. The issue of prisoners in Donbas is on the agenda in all negotiations. And people detained in Crimea are simply forgotten. I would like this issue to be resolved.

We need to talk about this constantly, to shout about this, we cannot be silent.