



Human Rights
Institute



The Law Society
of England and Wales



International
Commission
of Jurists

Statement on the continued harassment of Crimean human rights defenders and lawyers Rustem Kyamilev and Lilia Hemedzhy

15 November 2024

Lawyers for Lawyers, the Observatoire International des Avocats en Danger, the International Bar Association's Human Rights Institute, the International Commission of Jurists, the Law Society of England and Wales, the Fédération des Barreaux d'Europe, Front Line Defenders, and the Alliance for Lawyers at Risk strongly condemn the violent raid on 7 November on the home of Crimean human rights defenders and lawyers Lilia Hemedzhy and Rustem Kyamilev, resulting in the arbitrary arrest and detention of Rustem Kyamilev. The incident marks the latest in a pattern of harassment apparently aimed at pressuring them into ceasing their human rights work.

Despite being formally [disbarred](#) by the Chechen Bar Association on 15 July 2022 over their alleged violation of a transfer procedure from one bar association to another, both lawyers have continued to defend the rights of people from the Crimean Tatar minority population and political prisoners in Russian occupied-Crimea.

We were informed that in the early hours of 7 November, ten officers of the Centre to Counteract Extremism conducted a search of the home of human rights lawyers Lilia Hemedzhy and Rustem Kyamilev, based on an 'inspection' warrant issued by the Kyivskiy District Court of Simferopol. Such inspections, while formally distinct from searches, allow authorities to enter premises in the absence of the legal grounds required by an official search warrant.

During the raid, the officers seized various documents and devices containing privileged information related to the legal defence of political prisoners. Despite apparent compliance from Lilia Hemedzhy and Rustem Kyamilev, the officers reportedly used unnecessary force, leaving Lilia Hemedzhy with multiple bruises on her arms and hands. Rustem Kyamilev and the couple's son were forced to the ground, struck in the face, and restrained, while Lilia Hemedzhy and the family's daughters were intimidated and refused the opportunity to get dressed. When Lilia Hemedzhy attempted to change clothes, the officers threatened to charge her with 'disobedience of lawful orders of the police' (Article 19.3 of the Russian Code of Administrative Offences) and place her under administrative arrest. Lilia Hemedzhy's repeated requests for water to relieve disorientation linked to an existing medical condition were denied until the situation neared the

point of requiring an ambulance. Ultimately, Rustem Kyamilev was arrested and detained, after which he was brought to the Centre to Counteract Extremism in Simferopol.

Rustem Kyamilev was charged with two administrative offences and sentenced to 10 days of administrative detention for the 'display of prohibited symbols' on his social media pages, along with a fine of 50,000 RUR (480 EUR) for 'discrediting the Russian army', allegedly violating Articles 20.3(1) and 20.3.3(1) of the Russian Code of Administrative Offences respectively. On 12 November, the Kyivskiy District Court rejected the appeal and upheld the decision on the administrative arrest and detention.

Both charges relate to Rustem Kyamilev's exercise of his right to freedom of expression, protected under international and Russian law. The first charge concerns a Facebook post by human rights initiative Crimean Solidarity, reposted by Rustem Kyamilev, which features Oleh Prykhodko, a Ukrainian activist and political prisoner, holding an image of the Ukrainian trident. According to the Kyivskiy District Court the image depicted the symbol of the 'Right Sector', a Ukrainian nationalist organisation banned in Russia since 2014. The second charge relates to a different Facebook post by political opposition figure Grigory Yavlinsky from 2017, also reposted by Rustem Kyamilev. In a comment, Yavlinsky characterised Russia's involvement in the conflicts in Syria and Ukraine as an "ethical catastrophe for Russia which will not be forgotten for a decade, perhaps a century".

These actions by the Russian de facto authorities against Rustem Kyamilev, Lilia Hemedzhy, and their family are part of an ongoing pattern of harassment and persecution targeting lawyers in occupied-Crimea. The systematic attacks on the legal profession have a significant chilling effect on the work of lawyers in Crimea. They leave their clients, who often face spurious prosecutions undertaken for political reasons, without effective legal representation, in violation of their right to liberty and to a fair trial.

As a State party to the International Covenant on Civil and Political Rights (ICCPR), the Russian Federation, including while acting through its occupying authorities in Crimea, has the extraterritorial obligation to refrain from any unlawful, excessive or arbitrary use of force during law enforcement operations, to ensure that no-one is subjected to arbitrary arrest or detention or is deprived of their liberty except on such grounds and in accordance with such procedures as are established by law, and to ensure that anyone charged with a criminal offence is brought to trial in proceedings which meet international fair trial standards.

Furthermore, they must respect Principle 16 of the UN Basic Principles on the Role of Lawyers ('Basic Principles'), which states that '*Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (...) and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics*'. According to Principle 22 of the Basic Principles, '*Governments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationship are confidential*'. Irrespective of whether the disbarment of Lilia Hemedzhy and Rustem Kyamilev was legitimate, the Basic Principles remain

applicable in principle to those exercising the function of lawyer without having the formal status, as stated in its Preamble.

In the view of above, the undersigned organisations call on the responsible authorities to:

- 1) Immediately and unconditionally release Rustem Kyamilev, in the absence of credible evidence of a cognizable crime, as the use of administrative sanctions solely to deprive an individual of their liberty is non-compliant with international human rights law;
- 2) Refrain from any actions that may constitute harassment, persecution, or undue interference in the work of lawyers, including disciplinary or criminal proceedings on improper grounds, such as the nature of the cases in which the lawyer is involved;
- 3) Guarantee that all lawyers and human rights defenders in Russia and territories under the effective control of the Russian Federation, including Crimea, are able to carry out their legitimate professional activities without fear of reprisals and free of all restrictions including judicial harassment, arbitrary arrest, deprivation of liberty, or other arbitrary sanctions; and
- 4) Reinstate the membership in the regional Bar Association of Lilia Hemedzhy and Rustem Kyamilev.

SIGNATORIES:

Lawyers for Lawyers (L4L)

Observatoire International des Avocats en Danger (OIAD)

International Bar Association's Human Rights Institute (IBAHRI)

International Commission of Jurists (ICJ)

The Law Society of England and Wales (LSEW)

Fédération des Barreaux des d'Europe (FBE)

Front Line Defenders (FLD)

Alliance for Lawyers at Risk (ALR)