

15 standards violated by court in Perevalnoe gas pipeline 'sabotage' trial

The experts of the 'Crimean Process' have completed the analysis of the trial against the first deputy head of the Mejlis of the Crimean Tatar people Nariman Dzhelyal and Asan and Aziz Akhtemov and counted 15 standards of access to fair trial that had been violated during the court process under this criminal case. This is reflected in the results of the research presented on the website of the organization.

Most violations were recorded in the issues regarding provision of the court's independence and impartiality, and in the realization of the right to defense. In particular, the impartiality of the court of the first instance could be influenced by criminal cases initiated in Ukraine against two out of three judges of the jury, as well as the inclusion of the third member of the jury into sanction lists. Apart from that, during the process, the analysts highlighted least 7 facts which indicate the court's dependence on the position of the FSB, which was also expressed in a special approach during the interrogation of the officers of the department.

Also, it is noted in the human rights defenders' report that, in the Supreme Court of Crimea, there was a certain aspiration to preserve the publicity of the court process; however, despite this, at least 12 facts and actions which restricted the openness and publicity of the court hearings were recorded in this case. At the same time, consideration of the case in a court of appeal completely contradicted the principles of publicity and was followed with mass detentions of the listeners and the journalists.

Furthermore, the experts recorded violation of the standard of equality of the parties. In particular, during the court investigation in the court of the first instance, the parties raised at least 45 motions that had significance for proving their positions. Out of these, the state prosecutor's motions were denied in 17% of the cases (3 motions out of 15 raised), the defense's motions were denied in 85% of the cases (23 motions out of 27 raised). As a matter of fact, all the defense's motions were denied in the court of appeal while the only motion raised by the state prosecutor was granted.

At this, it is noteworthy that the defense was severely limited both in representation of its evidence and examination of the prosecutor's evidence. The most illustrative episode in this set of violations was interrogation of the so-called secret witnesses. In one case, the court declined 25% of the defense's questions (41 out of 163), most of which regarded verification of the reliability of the witness's evidence and by no means could affect the revelation of their personality (for example, 'say Nariman Dzhelyal's phone number' or 'what is your creed'). The state prosecutor's questions to the witnesses were not declined by the court.

The standards of the defendants' presumption of innocence were violated grossly as well, mostly as a result of a campaign conducted by the media controlled by the Russian authorities. The 'Crimean Process' experts counted at least 37 publications which stated, before the court's ruling was issued, that the defendants were guilty, had connections with terrorists, Ukrainian special services, etc. Numerous statements made by the 'head of the Republic of Crimea' Sergey Aksyonov that the Mejlis is a performer of terrorist activities could have special influence on the court's position.

In summary, the authors of the research come to the conclusion that the multiple violations were aimed at restricting the access to fair trial, and the court persecution itself bears the signs of more large-scale actions directed at intimidation of the pro-Ukrainian community, prevention of Crimeans from participation in events like the 'Crimean Platform', and against Crimean Tatar politicians and their influence on public sentiments of residents of the occupied peninsula in general.