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Public Statement

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Russian Federation: Concerns about scientists, journalists and lawyers being targeted through criminal cases concerning treason and divulging state secrets

On the occasion of the forthcoming debate of the Parliamentary Assembly of the Council of Europe (PACE) on ***Fair trial issues in criminal cases concerning espionage or divulging state secrets*** (Report by Rapporteur Christos Pourgourides, Committee on Legal Affairs and Human Rights at PACE, Doc. 11031), Amnesty International highlights its longstanding concerns about the targeting of scientists and journalists in the Russian Federation for having exchanged information that was alleged to be publicly available as well as their professional opinions with foreign contacts. Amnesty International is also concerned about cases of apparent targeting of independent lawyers, including for seeking to make public findings relating to their work. The prosecution and convictions of scientists Igor Sutiagin and Valentin Danilov and of lawyer Mikhail Trepashkin, detailed in the report to PACE, have long been of concern to Amnesty International. All three men are currently serving prison sentences after having been convicted of treason or divulging state secrets. The organization is concerned at reports that the charges against them were politically motivated and that their rights to a fair trial were violated in the course of the proceedings against them.

Any allegations that an individual has violated the law, including by engaging in treason, espionage or divulging state secrets, should be promptly and impartially investigated and persons reasonably suspected of recognizably criminal conduct should be tried in proceedings which fully comply with international standards. While recognizing the legitimate interest of a state to classify certain information, however, Amnesty International has urged the Russian government to ensure that the law is applied in such a way as to respect the right of individuals to the peaceful exercise of their rights to freedom of expression and association.

Igor Sutiagin, a nuclear scientist with the Russian Institute for USA and Canada studies, has been imprisoned for more than six years following his conviction for treason (Article 275 of the Russian Criminal Code). According to the information available to Amnesty International, the investigation and trial were marred by violations of international fair trial standards and the proceedings raised serious concerns that the case was brought for political reasons. Igor Sutiagin was arrested in 1999, on grounds that he had passed on sensitive information about Russia's weapons system to US military intelligence officers. Throughout the proceedings Igor Sutiagin maintained that the information he passed on to a consultancy firm based in the UK was publicly available, and that he had exercised his right to freedom of expression by analysing and commenting on this information. In his first trial he was acquitted, the court concluding that the allegations were vague and it was impossible to understand what information had allegedly been passed on. Following further investigation by the Russian Federal Security Service (FSB), new charges were brought in July 2002 and a new trial began in November 2003. The second trial, which was closed to

the public and was characterized by a lack of judicial independence, lasted until April 2004, when Igor Sutiagin was convicted and sentenced to 15 years' imprisonment. By then he had already spent more than four years in detention, raising concerns about the respect for the right of detainees to trial within a reasonable time. Amnesty International has called for Igor Sutiagin to be retried in proceedings which meet international standards, and for his release pending such a re-trial.

Valentin Danilov, the head of the Thermo-Physics Centre at Krasnoyarsk State Technical University, was sentenced in 2004 to 14 years' imprisonment after conviction for allegedly providing classified information to China. His colleagues and his lawyers claimed that the information he had passed on had been declassified in 1992, long before Valentin Danilov had shared it. As in the case of Igor Sutiagin, his first trial ended in acquittal; the court concluded that the prosecution had not established violations of the law by Valentin Danilov. In June 2004, the Russian Supreme Court quashed the verdict of acquittal; following a second, closed trial, Valentin Danilov was convicted of treason (Article 275 of the Russian Criminal Code) and sentenced to 14 years' imprisonment in November 2004. Human rights organizations in Russia and lawyers have expressed great concern about several procedural violations during his re-trial.

In both cases, the prosecution reportedly had difficulties in clarifying what classified information had been passed on in violation of the law. Both the accused men, as well as human rights activists, in Russia had provided documents to the courts which reportedly showed that the information shared was already in the public domain. Amnesty International is concerned that, if that was the case, the conviction of these scientists was a violation of their rights to freedom of expression and association, and may also have a chilling effect on colleagues and the scientific community as a whole.

Mikhail Trepashkin, a lawyer and former officer of the KGB and its successor, the FSB, has been in detention since 2003. Prior to his arrest he had been working as a lawyer for relatives of a woman who was killed during the bombing of apartment buildings in Moscow in 1999. Mikhail Trepashkin, who also worked with an independent commission which investigated the apartment bombings, claimed publicly that the FSB was behind the bombing. He was convicted on charges of "divulging state secrets" and "illegal possession of ammunition" (Articles 283 part 1 and 222 of the Russian Criminal Code) following closed proceedings in a military court in May 2005. Amnesty International has questioned whether the military court which heard his case met the international standards of independence and impartiality and has concluded that the Russian authorities did not meet the burden of justifying the exclusion of the public from all of the proceedings against him. Since his arrest Mikhail Trepashkin has consistently maintained that the charges were fabricated. There are strong grounds to consider that the criminal charges against him were politically motivated, in order to prevent him continuing his investigative and legal work related to the 1999 apartment bombings in Moscow and other cities. Amnesty International has called on the Russian authorities to ensure that Mikhail Trepashkin is re-tried in proceedings that meet international standards of fairness and that he is released pending such a re-trial.

Other concerns in this case include the reported denial by the prison administration of adequate medical treatment for Mikhail Trepashkin, who suffers from serious asthma. Amnesty International has urged the Russian authorities (pending his release and re-trial) to transfer him to a hospital, where he will be able to receive adequate medical care and treatment.

Background

The report entitled *Fair trial issues in criminal cases concerning espionage or divulging state secrets* prepared by the Parliamentary Assembly of the Council of Europe's Committee on Legal Affairs and Human Rights will be debated during the forthcoming winter part-session of the Assembly, which will take place in Strasbourg from 22- 26 January. The report is available at: <http://assembly.coe.int/main.asp?Link=/documents/workingdocs/doc06/edoc11031.htm>

In addition to the cases highlighted by Amnesty International above, the report also mentions the prosecutions in Russia of Grigorii Pasko and Aleksandr Nikitin, two former prisoners of conscience on whose behalf Amnesty International has campaigned. Aleksandr Nikitin, a former officer of the Northern

Fleet of the Russian Federation, provided information to the Norwegian environmental organization Bellona on the risks Russia's aging nuclear submarines may cause to the environment. He was charged with treason and espionage in 1996 and faced 20 years' imprisonment. In 2000 he was acquitted by the Supreme Court of the Russian Federation. Since then he continued to publish environmental information. Grigorii Pasko, a Russian Navy journalist for the newspaper of the Russian Pacific Fleet, was detained in 1997 on the accusation that he had passed on allegedly "sensitive information" to Japanese media, and was charged with treason in the form of espionage. He was initially acquitted on these charges but convicted of "exceeding official authority" (charges which were not originally included in the charge sheet). This verdict was quashed on appeal. However, after a re-trial, he was again convicted of "exceeding official authority" and sentenced to four years' imprisonment. He was released in 2003.

For further information see:

Amnesty International: *Russian Federation: Joint statement on the case of Igor Sutiagin*. AI Index: EUR 46/046/2004, at <http://web.amnesty.org/library/index/engneur460462004>

Amnesty International: *Russian Federation: Concerns and recommendations in the case of Mikhail Trepashkin*. AI Index: EUR 46/012/2006, at <http://web.amnesty.org/library/index/engneur460122006>

Amnesty International: *Concerns in Europe July – December 2001*. AI Index: EUR 001/002/2002, at <http://web.amnesty.org/library/index/engneur010022002>