

# URGENT ACTION

## JUDGEMENT DUE IN KALININGRAD ACTIVISTS' CASE

The trial of the three men who raised the German flag over an official building in Kaliningrad on 4 March 2014 is likely to come to a close on 11 June, when the judgement is expected. The prosecution has asked for sentences of up to two years for the three defendants, who have already spent over a year in detention.

**Mikhail Feldman, Dmitry Fonarev and Oleg Savvin** have been on trial since 16 March 2015, charged under Article 213 part 2 of the Russian Criminal Code with "premeditated act of hooliganism committed by an organized group on the grounds of political hatred against a social group". The trial will be coming to an end on 11 June when the court is expected to deliver its judgment. The prosecution is pushing for a two-year prison term for the three activists, who have already been in detention for more than a year.

Investigators in the case repeatedly reformulated the charges against the activists before the Prosecutor's Office approved the indictment. Initially, the investigators maintained that raising the German flag amounted to calls for secession of Kaliningrad Region from the Russian Federation (it had been part of Germany until after the end of World War II). The second iteration of the indictment stated that raising the German flag had insulted war veterans. According to the final indictment, the three men had shown disrespect to state institutions and war veterans. All three maintain their innocence.

Mikhail Feldman has also been charged with illegal possession of explosives. He claims the explosives were planted on him when he was arrested by security officials. Mikhail Feldman's lawyer told Amnesty International that his client and the two co-defendants had been under police and security service surveillance long before their arrest in connection with their political activism. They were arrested on 11 March 2014 on charges of hooliganism for "swearing in a public place". Mikhail Feldman was sentenced to 10 days of administrative detention while Dmitry Fonarev and Oleg Savvin were sentenced to 15 days each. Mikhail Feldman and Dmitry Fonarev's sentences were extended by a further seven days for allegedly smoking cannabis in their cells. They both deny committing this offence. After serving their administrative sentences, the three men were released but rearrested in late April 2014 as criminal suspects.

### Please write immediately in Russian or your own language:

- Expressing concern that Mikhail Feldman, Dmitry Fonarev and Oleg Savvin are prisoners of conscience, detained solely for peacefully exercising their right to freedom of expression, and urging the authorities to release the three men immediately and unconditionally;
- Calling on them to respect the right to freedom of expression for all people in the Russian Federation.

### PLEASE SEND APPEALS BEFORE 17 JULY 2015 TO:

Prosecutor's Office, Kaliningrad Region  
 Prosecutor of Kaliningrad  
 Sergei V. Tabelskii  
 Ul. Gorkogo, d. 4  
 236040 Kaliningrad  
 Kaliningrad Region  
 Russian Federation  
 Fax: +7 4012 576 898; +7 4012 576 860  
**Salutation: Dear Prosecutor**

Prosecutor General of the Russian Federation  
 Yurii Yakovlevich Chaika  
 Prosecutor General's Office  
 ul. B. Dmitrovka, d.15a  
 125993 Moscow GSP- 3  
 Russian Federation  
 Fax: +7 495 987 5841/+7 495 692 1725  
**Salutation: Dear Prosecutor**

### Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the second update of UA 254/14. Further information: <https://www.amnesty.org/en/documents/eur46/1187/2015/en/>

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### ADDITIONAL INFORMATION

Mikhail Feldman, Oleg Savvin and Dmitry Fonarev took an active part in protests against the annexation of Crimea by Russia in March 2014. They claimed that the raising of the German flag over the Federal Security Service building in Kaliningrad was a protest against the raising of the Russian flag over Crimea. The peninsula had been part of Russia from the late 18th century until 1954, when it was transferred from the Russian Soviet Socialist Republic to the Ukrainian Soviet Socialist Republic – both part of the Soviet Union at the time. Some people have compared the current fate of Crimea with that of Kaliningrad Region which was part of Germany until 1945, under the name of East Prussia (Kaliningrad was then called Königsberg).

The Russian annexation of Crimea in 2014 took place after the so-called EuroMaydan protest in the Ukrainian capital, Kyiv, which lasted from November 2013 to February 2014 and resulted in the downfall of the government of President Viktor Yanukovich. On 21 February, Viktor Yanukovich fled from Ukraine to Russia, and the parliament in Kyiv voted in an interim government. This, in turn, sparked protests and occupation of government buildings by pro-Russian protesters in Crimea and across the predominantly Russian-speaking eastern Ukraine. In late February-early March 2014, several government buildings in the Crimean capital, Simferopol, including the regional parliament, were seized by organized groups of masked armed men. The parliament elected a new leadership and, in violation of Ukrainian law, voted to hold a “referendum” on 16 March 2014 on secession from Ukraine, following which the Russian and the *de facto* Crimean authorities moved swiftly to sign a “treaty” by which Crimea and the city of Sevastopol (a city in Crimea with a distinct administrative status) were declared parts of the Russian Federation. Since the break-up of the Soviet Union in 1991, Sevastopol had housed the Russian Black Sea Fleet under an agreement with Ukraine, due to which Russia had a permanent military presence on the peninsula.

While these events were unfolding, thousands of people in Russia took to the streets, most welcoming the annexation of Crimea and the government’s policy towards its neighbour, while others protesting against it and against Russia’s military intervention in Ukraine. Hundreds of protesters were detained arbitrarily by police, and some were subsequently fined or sentenced to administrative detention. On several occasions, people were detained solely for wearing blue and yellow clothes, the colours of the Ukrainian flag.

Bringing criminal charges or imposing punishment on anyone solely because, without causing any criminal damage, they have raised a flag or shown other symbols as peaceful expression of their political views, or expressing a view as to the political status of any territory, violates the obligation to respect and protect the right to freedom of expression, set out in Article 19 of the International Covenant on Civil and Political Rights.

Name: Mikhail Feldman, Oleg Savvin, Dmitry Fonarev.  
Gender m/f: m

Further information on UA: 254/14 Index: EUR 46/1815/2015 Issue Date: 5 June 2015