

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

31 July 2015  
AI Index: EUR 46/2201/2015

### **Russia: The charges of terrorism against two Ukrainians should be withdrawn and all torture allegations investigated**

The charges of terrorism against Ukrainian film director Oleg Sentsov and his co-defendant, ecologist Aleksandr Kolchenko, currently on trial in the military court in Rostov-on-Don in southern Russia, are excessive and should be withdrawn. They are Ukrainian citizens and residents of Crimea who opposed its Russian annexation at the time of their arrest. There are serious concerns that the two men may be targeted solely for their opposition to the Russian intervention in and annexation of Crimea.

The charges against them are based on allegations of two arson attacks leading to limited damage to private property. The charges relating to a “terrorist group” behind these attacks appear to depend on the testimonies of two key witnesses who have refused to testify against the defendants when brought into the courtroom on 30 and 31 July 2015.

The two defendants should face appropriate charges or be released. All allegations of torture and other ill-treatment made by the defendants, witnesses and their lawyers in this case should be immediately, effectively and impartially investigated. The physical and mental safety of both defendants and the two witnesses must be ensured.

#### **Background**

Serious fair trial concerns, and concerns over safety of the defendants and the witnesses, arose in this case during the court hearing on 30 and 31 July, attended by an Amnesty International delegate, after the prosecution’s two key witnesses, Aleksei Chirny and Gennady Afanasiyev, refused to testify against the defendants in the courtroom. Aleksei Chirny referred to his right not to testify against himself. Gennady Afanasiyev retracted his earlier incriminating statement and complained of having been forced to make it. Earlier, Aleksei Chirny’s lawyer raised concern that he may have been forced to incriminate himself, following which the lawyer was removed from the case.

The trial is being held before a military court in Rostov-on-Don, in a remote city in southern Russia, and in a room which is not large enough to accommodate all those wishing to attend. Journalists and others who have attempted to observe the trial, including Amnesty International’s representative, have been forced to rotate for short shifts.

Oleg Sentsov, an internationally renowned film director from Crimea, was arrested by members of the Russian Federal Security Service (FSB) on the night of 10-11 May 2014 at his home, shortly after the Russian annexation of the peninsula. Ecologist Aleksandr Kolchenko was detained on 16 May 2014 in the centre of Simferopol. They were transferred to Moscow on 23 May along with other Ukrainian suspects in this case.

Oleg Sentsov and Aleksandr Kolchenko were denied access to their Russian lawyers until 27 and 28 May, respectively four and five days after their transfer to Moscow, in violation of international fair trial standards and Russian law. Both had taken part in peaceful

demonstrations opposing the Russian intervention in Crimea, and Oleg Sentsov had taken part in the anti-government EuroMaydan demonstrations in Kyiv, Ukraine, as a member of the motorists' protest group "AvtoMaydan".

Oleg Sentsov has been accused of having set up a "terrorist group" and, jointly with Aleksandr Kolchenko, Aleksei Chirny and Gennady Afanasiyev, having committed "terrorist acts" in April 2014. He could face a life sentence if convicted.

His co-defendant Aleksandr Kolchenko stands accused of being a member of the terrorist group and of having committed a "terrorist act". He could face a maximum sentence of 20 years. Both men deny all charges.

The "terrorist acts" which prosecutors accuse the two men of consisted of setting fire to the offices of the United Russia Party in the Crimean capital Simferopol, and to the offices of the Russian Community of Crimea. The offices of the United Russia Party were at the time the offices of the Ukrainian Party of the Regions (the party of ousted President Viktor Yanukovich), and the fire destroyed the kitchen without causing any more damage or injuries. Only the door of the office of the Russian Community of Crimea was damaged. Aleksandr Kolchenko admitted to having been present when the office of the Party of the Regions was set on fire, but denied that this was a terrorist act and claimed that he had been protesting against the party's support of the Russian intervention in Crimea.

Aleksei Chirny and Gennady Afanasiyev, the two key witnesses in the prosecution's case against Oleg Sentsov and Aleksandr Kolchenko, have both been earlier convicted in relation to the same "terrorist acts" and "terrorist group" in so-called special proceedings under Chapter 40 of the Criminal Procedure Code of the Russian Federation. Under these proceedings, the guilty verdict is delivered by the judge in a closed trial without full court hearing, on the basis of a guilty plea and in exchange for a more lenient sentence. At the time of their conviction, concerns were raised about them possibly being ill-treated and otherwise forced into making incriminating statements. At the time of Aleksei Chirny's conviction his lawyer alleged that his client had been subjected to physical violence after his arrest, and expressed concern that Aleksei Chirny may have been forced to incriminate himself (*samoogovor*) following which the lawyer was removed by the judge from the case. During the trial against Oleg Sentsov and Aleksandr Kolchenko, on 31 July 2015, Gennady Afanasiyev retracted his earlier testimony against the two and claimed he had given it under duress.

The prosecution's third witness is a police informant who reportedly had provided fake explosives and spied on the others.

Relatively little detail has been available on the case, as all the defence lawyers were required to sign non-disclosure agreements, the special proceeding court hearings against the two initial defendants-turned-witnesses were closed, and the investigation had proceeded in secrecy.

The "terrorist group" which the prosecution claims the men had been members of, is purportedly a branch of the right-wing Ukrainian nationalist organization Pravy Sektor (Right Sector). However, Pravy Sektor has consistently denied these men had ever been its members, and so did the defendants themselves. Besides, it was not until November 2014 that Pravy Sektor was recognised an extremist organisation and banned in Russia, by the decision of the Supreme Court of the Russian Federation, and the case against Aleksei Chirny, Gennady Afanasiyev, Oleg Sentsov and Aleksandr Kolchenko was used by the Supreme Court in support of its decision.

END/