

Statement by Derek Evans

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Saint Petersburg , 25 May 1998

He is one of the most unlikely prisoners of conscience one could think of: a 46-year-old retired naval captain. Yet, Aleksandr Nikitin has found himself at the centre of one of the most controversial criminal cases in Russia since the collapse of the Soviet Union. He faces up to 20 years in prison for what the Russian authorities describe as an act of treason, and what Amnesty International and the international human rights movement call his right to freedom of expression.

Aleksandr Nikitin has become victimized because of his own conscience as a human being. Through his professional activity of writing on the environment, he has also fallen victim to unsubstantiated allegations by a Federal Security Service that appears more concerned with putting him in jail than with establishing the truth through a fair judicial process.

The Nikitin case is reminiscent of Soviet times in many respects. By making unsubstantiated allegations against Aleksandr Nikitin -both in the course of the investigation and in the public media -by obstructing him from preparing an adequate defence, the Federal Security Service has undermined his rights, guaranteed by the Universal Declaration of Human Rights.

“Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal,” reads Article 10. “Everyone has the right to freedom of opinion and expression,” Article 19.

It is under the pretext of protecting state secrets that Aleksandr Nikitin is being prosecuted. However, a careful and exhaustive examination of his case, and of relevant aspects of Russian and international law, has led Amnesty International to conclude that Aleksandr Nikitin’s writing cannot constitute a threat to Russian national security in any way that would justify a restriction of his right to freedom of expression.

Furthermore, the Russian Federal Law on State Secrets clearly states that no information on the conditions of the environment or on extraordinary incidents that endanger human life and health may be classified as state secrets. Similar provisions are contained in the Federal Law on Information.

These provisions reflect the awareness that the lack of openness during the Soviet period was one of the main factors leading to the disastrous degradation of the natural environment in Russia, and that this should never be allowed to happen again.

Although Amnesty International recognizes the right of states to restrict freedom of expression when the protection of certain legitimate national security interests so requires, we believe that this right is

subject to strict limitations. Such limitations are provided in international law on freedom of speech, but also in national legislation.

By including in his writing only those details on nuclear submarines of immediate importance for a clear understanding of the dangers for the environment and human life, Aleksandr Nikitin has not violated Russian legislation on state secrets. Should he be convicted, further arbitrary prosecutions of innocent people by the Federal Security Service may follow.

This is what makes Aleksandr Nikitin's case so crucial, and one of the reasons behind Amnesty International's decision to highlight it as part of its world campaign to raise awareness on the importance of the Universal Declaration of Human Rights. Aleksandr Nikitin is being denied rights that the world has said should never be violated. Aleksandr Nikitin was imprisoned for eleven months for wanting to alert people in Russia and in Europe, about the dangers on their life.

If condemned, Aleksandr Nikitin will miss 20 years of his own life; 20 years of his daughter's life. On his behalf, and of behalf of many others facing injustice in the Russian Federation today, Amnesty International has called on its membership worldwide to write to President Boris Yeltsin, asking for all criminal charges against Aleksandr Nikitin to be dropped. He has committed no criminal offence in peacefully exercising his right to freedom of expression.

Fifty years ago, the world said "never again" to the atrocities of the Second World War. It declared that all human beings, wherever they live and whoever they are, have rights that must be respected in all circumstances. These rights were set out in the Universal Declaration of Human Rights. Today, on behalf of Aleksandr Nikitin and all other human rights defenders in the Russian Federation -on behalf of freedom of expression in Russia -Amnesty International asks the Russian people to also say "never again".