

EXTERNAL

AI Index: EUR 46/20/97

UA 223/97 Incommunicado Detention / Fear of ill-treatment/
Health concern

21 July 1997

RUSSIAN FEDERATION Larisa KHARCHENKO, 50

Amnesty International is concerned for the safety of Larisa Kharchenko who has reportedly been held incommunicado in pre-trial detention centre (SIZO) No.6 in Moscow since her arrest on 8 July 1997.

According to her family and defence lawyers, Larisa Kharchenko has not been allowed a visit by her husband or a lawyer of her choice. She apparently suffers from a serious form of high blood pressure and heart disease for which she requires daily medication and attention from a doctor. This has also been denied to her.

Larisa Kharchenko, from St Petersburg, was reportedly taken to Moscow on 7 July for questioning in connection with allegations of misuse of office by the former Mayor of St Petersburg, Anatoly Sobchak, for whom she previously worked as consultant on real estate matters in the city administration. She was subsequently arrested, on the order of the Office of the Procurator General of the Russian Federation, and allegedly charged under Article 170 of the old Russian Criminal Code (abuse of power and misuse of office) and Article 290, part 2 of the current Criminal Code (receiving bribes).

Larisa Kharchenko has apparently been questioned regularly over the past year and a half by officials of the Office of the Procurator of St Petersburg in connection with her work as a consultant to Mayor Sobchak. During this period she was also threatened repeatedly with her own and her daughter's imprisonment in order allegedly to force her confession.

While Amnesty International does not take a position regarding the criminal charges against Larisa Kharchenko, the organization is gravely concerned for her safety in view of her ill-health and fears that she may be subjected to ill-treatment while detained incommunicado.

BACKGROUND INFORMATION

Prompt access to a defence lawyer of one's choice is recognized as an essential safeguard in international standards. This is outlined in Principles 15, 17 and 18 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (Body of Principles) and Principle 7 of the UN Basic Principles on the Role of Lawyers.

The circumstances of the arrest and detention of Larisa Kharchenko appear to violate Article 22 of the Russian Constitution. This provides that a person may not be held for more than 48 hours before a court rules on the legality of the detention. Article 9 of the International Covenant on Civil and Political Rights states that "anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful".

Under Russian law evidence obtained through violation of legal proceedings has no legal force, (Article 50(2) of the Constitution. Article 20(3) of the Code on Criminal Procedure prohibits soliciting statements from the accused or a suspect by the use of force, threats or other illegal means). Such actions

are punishable by imprisonment). Nevertheless, Amnesty International continues to receive reports of torture and ill-treatment of detainees in order to obtain confessions, which are not excluded as evidence in court, in some cases leading to the death penalty. This practice violates the provisions of Article 15 of the Convention against Torture.

RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in Russian or your own language:

- urging the authorities to provide Larisa Kharchenko immediate access to a lawyer of her choice, and urging them to implement the recommendation of the United Nations Committee against Torture to the Russian Government of November 1996 that "unimpeded access to counsel should be safeguarded at all times";
- expressing serious concern about Larisa Kharchenko's health and urging that she be granted access to all necessary medical care in accordance with Principle 24 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment which states that "a proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to the place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary";
- urging that she be allowed to receive visits by members of her family;
- urging the authorities to investigate promptly and impartially allegations that Larisa Kharchenko was reportedly threatened by law enforcement officials in an attempt to force her confession and if anyone is found guilty to take the appropriate disciplinary actions.

APPEALS TO:

Procurator General of the Russian Federation, Yury Skuratov
 Rossiyskaya Federatsiya
 103793 g.Moskva K-9
 ul. B. Dmitrovka, 15a
 Prokuratura Rossiyskoy Federatsii
 Generalnomu prokuroru Skuratovu Yu.

Telegrams: Generalnomu prokuroru Skuratovu, Moskva, Rossiya

Faxes: +7095 921 4186

Salutation: Dear Procurator General

Procurator of St Petersburg, Vladimir Ivanovich Yeryomenko
 Rossiyskaya Federatsiya
 190000 g. St-Peterburg
 ul. Yakubovicha, 4
 Gorodskaya prokuratura
 Prokuroru EREMENKO V.I

Telegrams: Prokuroru EREMENKO V.I, St. Peterburg, Rossiya

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Salutation: Dear Procurator

President of the Russian Federation, Boris Yeltsin
 Rossiyskaya Federatsiya
 g. Moskva, Kreml
 Prezidentu Rossiyskoy Federatsii
 Yeltsinu B.N.

Telegrams: Prezidentu Yeltsinu, Kreml, Moskva, Rossiya

Faxes: +7095 206 5173

Salutation: Dear President

COPIES TO:

Foreign Minister of the Russian Federation, Yevgeny Primakov
Rossiyskaya Federatsiya
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Ministerstvo inostrannykh del RF
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and to diplomatic representatives of the RUSSIAN FEDERATION accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 1 September 1997.