

AI INDEX: EUR 46/22/99
20 July 1999

Russian Federation: All charges should be dropped against freed prisoner of conscience Grigory Pasko

Amnesty International welcomes today's release of journalist and prisoner of conscience Grigory Pasko, but stresses that justice will not be done until all remaining charges against him are dropped and he is fully acquitted.

"Today's decision shows that the Russian military has finally admitted its mistake of imprisoning an innocent man for over one and a half years," Amnesty International said.

Grigory Pasko was released by the Russian Pacific Fleet military court in Vladivostok after it found that the prosecution lacked evidence to support the charges against him of espionage and revealing state secrets. The court also noted irregularities committed during the investigation and gathering of evidence. Yet instead of acquitting him, the court found Grigory Pasko guilty of "abuse of office" under Article 285, part 1, of the Russian Criminal Code, and sentenced him to the maximum term of three years' imprisonment.

Noting that this "abuse of office" had been facilitated by the negligence of Pacific Fleet officials, the court then immediately relieved Grigory Pasko of the obligation to serve the sentence, under the provisions of a recently adopted amnesty law for prisoners and detainees.

"Only a complete acquittal will fully recognize Grigory Pasko's innocence and act as a guarantee against any future persecution by the authorities," Amnesty International said.

Since his detention in November 1997, Amnesty International has maintained that Grigory Pasko's only "crime" was peacefully exercising his right to freedom of expression by reporting on the Russian Navy's illegal dumping of nuclear waste in the Sea of Japan.

The organization is therefore calling for an independent review of his conviction by a higher court, and for the charges of "abuse of office" to be dropped.

"Withholding information about the condition of the environment or on incidents or catastrophes which endanger human life -- precisely the kind of information Grigory Pasko revealed -- violates the Russian Constitution, and is a crime under the Russian Criminal Code punishable by up to five years' imprisonment," the organization pointed out.

"It is therefore profoundly ironic that charges remain against a man who was not only wrongly imprisoned, but who initially only aimed to alert the world to a potential environmental disaster."

Background

In 1993, Grigory Pasko filmed a Russian navy tanker dumping radioactive waste in the Sea of Japan. This film, *Extra-dangerous Zone*, was later shown by the Japanese TV station *Nippon Hoso Kyokai* (NHK), Japan Broadcasting Corporation, and by a TV station in Primorsky Krai, in eastern Russia.

In this film and in a series of articles printed in the Russian Pacific Fleet newspaper *Boyevaya Vakhta* (Battle Watch), and in the Japanese daily newspaper *Asahi Shimbun*, Grigory Pasko showed the threat to the environment caused by accidents in the decaying Russian nuclear submarine fleet. He claimed that because of a shortage of money and high-level corruption in the Pacific Fleet, the Russian navy had illegally dumped liquid and solid nuclear waste off the coast of Vladivostok, endangering the health of the population in the coastal areas of the Russian Federation, Japan and other countries.

Grigory Pasko was arrested in November 1997 by FSB agents at Vladivostok airport when he returned from an officially sanctioned trip to Japan to research a story about Russian sailors in Japan during World War II. FSB officers also searched his apartment and confiscated documents he had gathered for his investigation. He was accused of passing classified information to Japanese agents. Although officials have admitted that none of the confiscated documents were classified, they claim that taken as a whole, the series of articles and TV programmes, published and aired over three years, posed a threat to national security.

Following his arrest Grigory Pasko was held in prolonged solitary confinement in a punishment cell. According to his lawyer his health had deteriorated in detention, and he was not given proper medical treatment despite possibly having contracted tuberculosis.

_oday's verdict follows a closed trial which began on 21 January 1999 and which raised serious questions about its fairness. The Federal Security Services (FSB) classified the case a state secret, making it difficult for his lawyers to mount a proper defence. Moreover, on 27 January the judge of the military court disqualified his attorney, Karen Nersesyan, and accused him and one other lawyer on the defence team, Anatoly Pyshkin, of leaking information on the hearing to the media. The military judge also reportedly ruled to disqualify Karen Nersesyan for his "obstructive behaviour towards the judges". This ruling was reportedly based on the provisions of an old Soviet Federal Law on ensuring the closed nature of a trial.

The composition of the military court also raised questions about its independence and impartiality. According to reports, the two "people's assessors" (lay judges who are not professionally trained) were officers of the coastal border guard troops. They were therefore under the command of the Russian FSB, the body which brought charges of treason against Grigory Pasko.

ENDS.../

For more information please call Mariana Katarova, researcher on the Russian Federation, on mobile tel. +7 095 760 7383, or call Amnesty International's press office in London, UK, on +44 171 413 5566. You can also visit our website at <http://www.amnesty.org>