

EXTERNAL

AI Index: EUR 46/48/96

28 October 1996

Further information on UA 33/96 (EUR 46/09/96, 9 February 1996) and follow-ups (EUR 46/22/96, 18 April; EUR 46/39/96, 22 August) - Possible Prisoner of Conscience / Fear of death penalty / Health concern and new concern: Prisoner of conscience

RUSSIAN FEDERATIONAleksandr Nikitin, aged 44, retired naval officer

Aleksandr Nikitin has now been formally charged with treason in the form of espionage (Article 64 of the Russian Criminal Code), release of state secrets (Article 74 part 2) and falsification of documents (Article 196 part 1). However, after careful and exhaustive investigation into the case, Amnesty International has concluded that he is being held solely for the peaceful exercise of his right to freedom of expression, and has adopted him as a prisoner of conscience.

The accusation against Aleksandr Nikitin, who was working for the Norwegian environmental organization "Bellona Foundation", stems from his gathering of material for, and co-authoring of, Chapter 8 of Bellona's report "Sources of radioactive contamination: The Russian Northern Fleet" about accidents on nuclear submarines and consequences for the environment. Nikitin cooperated with the Bellona Foundation out of his belief in the necessity for research and publication on the environmental dangers posed by the Russian nuclear submarine fleet in order to prevent future nuclear disasters. The chapter he collaborated on was based on already publicly available materials.

The Russian Federation, like all governments, has the right to restrict freedom of expression to protect certain legitimate national security interests, but this right is limited under Russian and international law. Amnesty International believes that the publication of the information provided by Aleksandr Nikitin cannot constitute a threat to Russian national security in any way that would justify a restriction of his freedom of expression.

The Federal Security Service (FSB), which has led the investigation into the case, has continuously violated national and international standards of procedure for criminal cases and has appeared to be more concerned in obtaining Aleksandr Nikitin's conviction than in establishing the truth in the case through fair and judicial determination. The investigation has now ended and he was formally charged on 30 September. The charges against him - which run to 5,000 pages - are based on a Ministry of Defence secret decree, number 71 of 1993, which is unavailable to Nikitin and his lawyer.

In October 1996, the Russian authorities denied visas to representatives of the Bellona Foundation who wanted to travel to St Petersburg to meet Aleksandr Nikitin's defence lawyer and provide him with materials for the defence. This refusal to issue visas represents an obstruction to fair trial.

Aleksandr Nikitin's health also continues to be cause for concern. He has now been in detention for more than eight months, and reports during that period have spoken of his deteriorating health.

On a more general level, Amnesty International is concerned that the prosecution of Aleksandr Nikitin reflects the worsening human rights situation in the Russian Federation and that, if he is convicted, further arbitrary prosecutions by the FSB may follow. The organization is calling on the Organization for Security and Cooperation in Europe, the Parliamentary Assembly of the Council

of Europe, and the European Union to urge the Russian authorities to release Aleksandr Nikitin immediately and unconditionally.

For a fuller overview of this case, please refer to *Federal Security Services (FSB) versus prisoner of conscience Aleksandr Nikitin: Return to Soviet practices* (AI Index: EUR 46/42/96, September 1996).

FURTHER RECOMMENDED ACTION: Although this case is now transferring to another AI network for action, UA participants are requested, if possible, to send one last round of letters in Russian or your own language:

- acknowledging the right of states, in circumstances limited by national and international law, to restrict freedom of expression to protect national security, but stating AI's belief that the publication of the information provided by Aleksandr Nikitin in the Bellona Foundation report did not constitute a threat to Russian national security in any way that would justify a restriction of his freedom of expression;
- calling for the immediate and unconditional release of Aleksandr Nikitin as a prisoner of conscience held solely for the peaceful expression of his right to freedom of expression as guaranteed under Russian and international law;
- expressing concern about Aleksandr Nikitin's health and calling on the authorities to ensure that he is well treated and receives appropriate medical attention.

APPEALS TO:

Procurator General of St Petersburg, Vladimir Ivanovich Eremenko
Rossiyskaya Federatsiya
190000 g. St Petersburg
ul. Uakubovicha, 4
Gorodskaya prokuratura
Prokuroru Eremenku V.I.

Faxes: +7812 312 9786

Salutation: Dear Procurator

Procurator General of the Russian Federation, Yuriy Skuratov
Rossiyskaya Federatsiya
103793 g.Moskva K-31
ul. Dimitrovka, 15a
Prokuratura Rossiyskoy Federatsii
Generalnogo prokurora Skuratovu Yu.

Faxes: (7095) 925 1879; (7095) 292 88 48

Salutation: Dear Procurator General

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

Faxes: +7095 206 51 73

Salutation: Dear President

COPIES TO:

Director General of the Russian Federal Security Service, Nikolay Kovalyov

Rossiyskaya Federatsiya
g. Moskva
Federalnaya Sluzhba bezopasnosti
Rossiyskoy Federatsii
Generalnomu direktoru KOVALYOVU N

Director of the Federal Security Service for St Petersburg and the Leningrad
Region, Viktor Cherkasov
Rossiyskaya Federatsiya
191194 St Petersburg
Liteyny Prospekt, 4
Federalnaya Sluzhba Bezopasnosti
Polkovniku Cherkasovu V.

Foreign Minister of the Russian Federation, Yevgeny Primakov
Rossiyskaya Federatsiya
g. Moskva 121200
Smolenskaya-Sennaya pl., 32/34
Ministerstvo inostrannykh del RF
Ministru Primakovu Ye.
Faxes: + 7095 230 21 30

and to diplomatic representatives of Russian Federation accredited to your
country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 20 December 1996.