

EXTERNAL

AI Index: EUR 46/39/96

22 August 1996

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

RUSSIAN FEDERATION Alexander Nikitin, aged 44, retired naval officer

Amnesty International is concerned at reports that Alexander Nikitin's health is deteriorating in detention. According to Nikitin, his sight has seriously worsened and he is suffering from frequent and painful headaches. Nikitin's wife, Tatyana Chernova, contacted Amnesty International on 21 August 1996 after she saw her husband during a court hearing. She said that she was shocked to see how he had changed since their last meeting on 1 August 1996. Nikitin has apparently lost weight, and looked exhausted and drawn.

On 5 August 1996, prosecutor Maksimenkov prolonged Alexander Nikitin's term in pre-trial detention until 6 October 1996. Nikitin's lawyer immediately appealed against this decision. All earlier requests for his release from custody have been turned down. Nikitin has now spent more than half a year in detention but the Federal Security Service (FSB) has still not finalized its investigation.

BACKGROUND INFORMATION

Alexander Nikitin, who was working on a report on the dangers of radioactive contamination caused by the Russian Northern Fleet for a Norwegian environmental organization the Bellona Foundation, is charged with disclosing secret information on the Russian nuclear submarine fleet under Article 64 of the Russian Criminal Code ("treason").

Amnesty International is concerned that Alexander Nikitin may have been arrested solely on the grounds of his legitimate activities on behalf of the Bellona Foundation. The Bellona Foundation claims that the information in the report is strictly related to the conditions of the environment and threats to human life and health. Such information cannot be classified as a state secret according to Article 7 of the Russian Law on State Secrets. Furthermore, Bellona insists that all the information provided in the report was taken from publicly available materials and was thus not secret.

The charges against Nikitin are based on an assessment carried out by a group of military experts, which was formed by the prosecutor on 5 December 1995.

The expert committee presented its conclusions on 30 January 1996, saying that six of the eight chapters of the Bellona report contain state secrets.

The committee, however, reportedly refused to look into the claims by the Bellona Foundation and Nikitin that all information in the chapter Nikitin wrote was taken from already published, publicly available sources. A second expert committee, appointed in June 1996, has apparently also refused to look into this issue.

The expert committees have further refused to apply any legislative acts other than two unpublished decrees (No. 052 of 1992 and No. 071 of 1993) issued by the Ministry of Defence in making their assessment. The committees have thus by-passed the Law on State Secrets, which has higher legal force than the decrees, and the provisions concerning the prohibition of classifying information on the ecology and threats to human life and health as state secrets,

which are very unlikely to be restated in the two decrees. The question whether the facts in Nikitin's chapter fall under these provisions has thus almost certainly not been dealt with by the expert committees.

Nikitin has reportedly not been allowed access to public materials to prepare for his defence. Also, visits by his wife have been severely restricted, although Russian law establishes the right to two visits per month.

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

- expressing concern at the reported deterioration of Alexander Nikitin's health and calling on the authorities to ensure that he receives appropriate medical attention;
- calling for the release of Alexander Nikitin if he has been detained solely on account of his legitimate activities for the Bellona Foundation.

APPEALS TO:

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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 6 October 1996.