

# **Joint Statement on the case of Igor Sutiagin**

**To the Parliamentary Assembly of the Council of Europe**

**By Amnesty International, Human Rights Watch, the International Helsinki Federation for Human Rights, and the Moscow Helsinki Group**

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Igor Sutiagin, a researcher at the Institute of USA and Canada Studies of the Russian Academy of Science, is the target of politically-motivated treason charges. The Russian authorities are depriving him of his rights to a fair trial and to be free of arbitrary detention. The signatories call on the Parliamentary Assembly of the Council of Europe to appoint a rapporteur on his case, and to call for a fair trial and his immediate release pending completion of his trial.

Sutiagin has been in pretrial custody for more than four years. Russia's Federal Security Service (FSB) has accused him of collecting materials on a variety of issues relating to Russia's weapons systems and other military issues, and passing them on to U.S. military intelligence officers. Sutiagin maintains that he gathered information, using only open sources, for a U.K.-based consultancy firm on the basis of a legal freelance contract. If convicted, Sutiagin faces twelve to twenty years in prison.

In the course of the criminal investigation, the FSB has committed gross violations of his right to a fair trial. Its charges against Sutiagin were so vaguely formulated that, in December 2001, a court observed that they were "impossible to understand" and therefore violated "his right to defense." The FSB has also refused to examine the defendant's claims that all information provided to foreign contacts came from the public domain. It has used secret military decrees in its case against Sutiagin to which he was denied access, and has publicly asserted his guilt prior to any court verdict.

Sutiagin's case is part of a pattern of arbitrary prosecutions of independent scientists, journalists and environmentalists in Russia who work on sensitive topics. The FSB committed similar procedural violations in investigations against, among others, environmentalist Alexander Nikitin and journalist Grigory Pasko. The Parliamentary Assembly of the Council of Europe has previously appointed rapporteurs on both these cases.

Sutiagin's continued detention violates Article 5(3) of the European Convention of Human Rights, which guarantees those detained on a criminal charge the right to trial within a reasonable time or to be released pending trial. It also requires "special diligence" in the conduct of proceedings in cases where defendants spend a long period in pretrial detention (*Toth v Austria*, judgment of December 12, 1991, para. 77). Despite the

FSB's lack of diligence in this case, judicial authorities in Russia have repeatedly prolonged Sutiagin's pretrial detention.

Finally, we draw attention to the fact that Sutiagin's prosecution is at odds with Russia's commitments to the Council of Europe upon accession. Russia promised to bring the FSB "in line with European principles and standards" within one year of accession (paragraph 10(xvii) of Opinion 193 (1996)). Subsequent resolutions assessing Russia's honoring of its obligations and commitments have "strongly urged" stripping FSB of its powers to conduct criminal investigation and of its jurisdiction over pretrial detention centers. The FSB started its investigation against Sutiagin in 1999, three years after Russia's admission to the Council of Europe, and Sutiagin continues to be held in a FSB-run detention center to this day.