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Russian Federation: Prisoner of conscience Grigory Pasko denied proper defence

The military court trying Grigory Pasko in Vladivostok appears to be denying him proper representation in court, Amnesty International said today, commenting on the dismissal of his main defence lawyer.

“This poses serious concerns as to the fairness of the trial, which is taking place behind closed doors,” the organization said.

The judge of the Russian Pacific Fleet military court yesterday disqualified Karen Nersesyan, a Moscow-based attorney of the Russian PEN Centre, from representing the case 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 raises questions about its independence and impartiality,” Amnesty International said.

According to reports, the two “people assessors” (lay judges) -- who are not professional judges -- are officers of the coastal border guard troops. They are therefore under the command of the Russian Federal Security Services (FSB), the body which brought charges of treason against Grigory Pasko.

According to the defence team, the judge has been allegedly preventing the defence from launching a proper examination of witnesses since the beginning of the hearing. The judge previously gave several notifications to lawyer Karen Nersesyan, in what he believed was an attempt

to eventually bar him from representing Grigory Pasko in court. The lawyer insisted that the court allow audio-recording of the hearing, which could be later used to establish the fairness of the procedures.

Amnesty International believes that Grigory Pasko is a prisoner of conscience -- detained for peacefully exercising his right to freedom of expression. "He should therefore be released, and all charges against him should be dropped," the organization said.

Background

Grigory Pasko -- a military reporter for *Boyevaya Vakhta* (Battle Watch), the newspaper of the Russian Pacific Fleet -- faces charges of espionage and revealing state secrets (Article 275 of the Criminal Code) in a closed military trial which began on 21 January in Vladivostok. If found guilty, he faces up to 20 years' imprisonment. He is now held in solitary confinement in a pre-trial detention centre in Vladivostok. The FSB has classified the case a state secret, making it difficult for his lawyers to mount a proper defence.

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 far eastern Russia. In this film and a series of articles printed in the military newspaper *Boyevaya Vakhta* and the Japanese daily newspaper *Asahi Shimbun*, Grigory Pasko showed the threat to the environment caused by accidents in Russia's decaying nuclear submarine fleet. According to the articles and the broadcast, 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. He is accused of passing classified information to Japanese agents. Although officials have admitted that none of the documents they confiscated from Grigory Pasko were classified, they claim that, as a whole, the series of articles and TV programmes, published and aired over three years, posed a threat to national security.

The right to a fair trial is provided for in Article 14(1) of the International Covenant on Civil and Political Rights, to which the Russian Federation is a party. Article 10 of the Universal Declaration of Human Rights also states: "Everyone is entitled in full equality to fair and public hearing by an independent and impartial tribunal". ENDS.../

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