

UA 294/96

Prisoner of Conscience / Health concern 17 December 1996**RUSSIAN FEDERATION Yury Shadrin, human rights defender**

Yury Shadrin, a respected Russian human rights advocate and public defender, was arrested on 29 November 1996 in the Siberian city of Omsk on the order of the Regional Procurator. He was later charged under three articles of the current Russian Criminal Code: Article 211(1) (a violation of the "rules of traffic safety and operation of transport vehicles"); Article 207 ("a threat of physical force to person or property"), and Article 176(3) ("defamation of judges and people's assessors in the process of their judicial activities").

The current case against Yury Shadrin comprises charges brought against him on three separate occasions between 1992 and 1996 (see **Background Information** below).

Yury Shadrin has represented many human rights organizations from the Omsk Region and has been a public defender in court for many victims of human rights violations. Prior to his arrest, Yury Shadrin was scheduled to participate in the Congress of Russian judges in Moscow on 5 December 1996. He had been planning to speak at the meeting about the numerous violations of the judicial process by a number of Omsk judges and to submit documentary evidence to this effect.

It was reported that on the night of 28 November 1996 Yury Shadrin placed a phone call to the human rights group Moscow Center for Prison Reform, asking them to arrange his identity pass for the Congress. He was arrested the following morning. His defence lawyer, Karinna Moskalenko, and other human rights observers believe that his telephone line was tapped and that the phone call was monitored by the authorities in Omsk, who decided to arrest him and thus prevent him from participating in the Congress of the Russian judges.

On 29 November, after his arrest, Yury Shadrin declared a hunger strike to protest his arrest and the charges against him. It is reported that his health is deteriorating. According to his defence lawyer, the authorities at the pre-trial detention centre (SIZO-53/1) where he is being held are said to be prepared to forcibly feed Yury Shadrin if his life becomes endangered.

Amnesty International believes that Yury Shadrin has been arrested and charged solely for his human rights activities as a public defender and for the peaceful expression of his conscientiously held beliefs. It is believed that the charges against Yury Shadrin are unfounded and that he was singled out by the authorities and arrested to prevent him from continuing with his human rights work and exercising his freedom of expression. This is a clear violation of Article 29 of the Russian Constitution and of Article 19 of the International Covenant on Civil and Political Rights (ICCPR). Amnesty International considers him to be a prisoner of conscience and calls for his immediate and unconditional release from prison and for all charges against him to be dropped.

**BACKGROUND INFORMATION**

In December 1992, while Yuri Shadrin was working on a case about judicial abuse, he was accused of "threat of physical force to person or property" against an Omsk judge, and charged under Article 207 of the Russian Criminal Code. In January 1993 the procurator ruled to close the criminal case against Yury Shadrin for lack of evidence.

In October 1995, after being involved in a car accident with no casualties, Yury Shadrin was charged under Article 211(1), a violation of the "rules of traffic safety and operation of transport vehicles." In December 1995 this criminal case was closed. In October 1996, however, the Omsk Deputy Procurator ordered the case to be reopened, although it was reported that no new evidence had been provided and that Yury Shadrin had previously been questioned only as a witness, not as a defendant.

In July 1996 Yury Shadrin was accused under Article 176(3): "defamation of judges and people's assessors in the process of their judicial activities". The defamation charges relate to Yury Shadrin's statement during the trial regarding violations of the judicial process in a case he was representing. On 16 October 1996 the Deputy Procurator of Omsk region ruled to combine into one the three criminal cases against Yury Shadrin. It was reported that on 1 December Yury Shadrin filed a complaint requesting a court review of the legality of his arrest under Article 220(1) of the Criminal Code. In response to his repeated requests, the prison authorities gave him a document stating that his complaint had been sent to the court on 4 December. In fact, Yury Shadrin's complaint was filed with the court only on 10 December, after his defence lawyer had visited him in detention. This is a clear violation of Article 17(7) and Article 18 of the 1995 federal law governing the detention of persons suspected or accused of having committed offences, and of Article 46 of the Russian Constitution.

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

- calling for the immediate and unconditional release of Yury Shadrin as a prisoner of conscience, held solely for his human rights activities and for the peaceful expression of his right to freedom of expression as guaranteed under Article 29 of the Russian Constitution, Article 19 of the ICCPR and Article 10 of the European Convention on Protection of Human Rights and Fundamental Freedoms;
- expressing serious concern about Yury Shadrin's health as a result of his hunger strike and seeking assurances that on release he will be granted access to all necessary medical care;
- seeking assurances that Yury Shadrin's human rights will not be violated in future because of his activities on behalf of other victims of human rights violations;
- urging the authorities to investigate promptly and impartially Yury Shadrin's allegations of violations of the judicial process by Omsk judges and, if anyone is found guilty, to take the appropriate disciplinary action.

**APPEALS TO:**

Procurator General of the Russian Federation, Yuriy Skuratov

Rossiyskaya Federatsiya

103793 g.Moskva K-31

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Prokuratura Rossiyskoy Federatsii

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**Telegrams: Rossiya, 103793 Moskva, Generalnomu prokuroru Skuratovu**

**Salutation: Dear Procurator General**

Procurator of Omsk region

Rossiyskaya Federatsiya

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Oblastnaya Prokuratura  
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**Faxes: +7381 223 8408**

**Telegrams: Rossiya, Omsk, Oblastnomu prokuroru**

**Salutation: Dear Procurator**

President of the Russian Federation, Boris Yeltsin

Rossiyskaya Federatsiya

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Prezidentu Rossiyskoy Federatsii

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**Faxes: +7095 206 5173**

**Telegrams: Rossiya, Moskva, Kreml, Prezidentu Yeltsinu**

**Salutation: Dear President**

**COPIES TO:**

Foreign Minister of the Russian Federation, Yevgeny Primakov

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

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 28 January 1996.