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RUSSIAN FEDERATION

GRIGORY PASKO

PRISONER OF CONSCIENCE

Amnesty International's concerns

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. The Federal Security Services (FSB) have classified the case state secret, making it difficult for his lawyers to mount a proper defence, and on 27 January, the judge of the military court trying Grigory Pasko disqualified Karen Nersesyan, Pasko's defence lawyer, from representing the case, raising serious concerns about the fairness of the trial. After careful 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 considers him a prisoner of conscience. He has been held for more than six months in a prolonged solitary confinement, in a punishment cell, in a pre-trial detention centre in Vladivostok.

Background

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 the decaying Russian 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. FSB officers also searched his apartment and confiscated documents he had gathered for his investigation. He is accused of passing classified information to Japanese agents. Although officials have admitted that none of the confiscated documents were classified, they claim that taken as a whole, the series of articles and TV programmes, published and aired over three years, posed a threat to national security.

In fact, it is a violation of the Russian Constitution (Articles 41 and 42), and a crime under the Russian Criminal Code (Article 237) punishable by up to five years' imprisonment, to withhold information on the condition of the environment or on incidents or catastrophes that endanger human life - precisely the kind of information Grigory Pasko revealed.

Amnesty International has serious concerns about the fairness of Grigory Pasko's trial. On 27 January 1999, the judge of the Russian Pacific Fleet military court in Vladivostok 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. 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.

The composition of the military court also raises questions about its independence and impartiality. 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 FSB, the body which brought charges of treason against Grigory Pasko.

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 by Russian and international law. Article 7 of the Russian Federal Law on State Secrets, adopted in 1993, states that no information on the conditions of the environment or on extraordinary incidents and catastrophes that endanger human life and health may be classified as state secrets. The 1995 Federal Law on Information, Information Handling and Protection of Information, Article 10, makes similar provisions. One week before his arrest, Grigory Pasko published an article criticising amendments to the Law on State Secrets, which classified as secret any information regarding nuclear installations with military significance. This very broad definition made it too easy for officials to claim the protection of state secrecy.

It is under these amendments to the law that Grigory Pasko is now being held, in a prolonged solitary confinement, in a punishment cell, in a pre-trial detention centre in Vladivostok, which constitutes cruel, inhuman and degrading treatment. His lawyer says his health has deteriorated in detention, and he may have tuberculosis, but he has not been given proper medical treatment.

Grigory Pasko's trial was due to continue on 16 February 1999. A court hearing scheduled for October 1998 had been previously postponed.

Amnesty International's recommendations

- Amnesty International is calling for the immediate and unconditional release of Grigory Pasko, as a prisoner of conscience held solely for the peaceful exercise of his right to freedom of expression as guaranteed under Russian and international law;
- The organization is concerned about reports that Grigory Pasko's health is deteriorating, and is calling on the Russian authorities to investigate his treatment in detention and to ensure that he is well treated and receives adequate medical attention.