

# URGENT ACTION

## CRIMINAL CHARGES FOR RAISING A FLAG

**Three men have been detained since April and face criminal charges for raising the German flag over an official building in Kaliningrad. If found guilty they could face up to seven years in prison.**

On 11 March, early in the morning, some activists raised the federal German flag over the garage of the building of the regional office of the Federal Security Service in Kaliningrad (Russian exclave territory, which had been part of Germany until the end of World War II). The flag was quickly taken down by the guards. The police detained three members of the local political opposition as suspects, **Mikhail Feldman, Oleg Savvin and Dmitriy Fonarev**. They were sentenced to between 10 and 15 days in police detention for having committed minor acts of hooliganism. Towards the end of these detention periods, Mikhail Feldman and Dmitriy Fonarev were both given several more days of police detention for allegedly having either cursed or smoked marijuana while on remand. Both men deny having committed such offences while in detention.

Later in March, the prosecution initiated a criminal investigation and charged the three men under Article 213.2 of the Criminal Code of the Russian Federation (hooliganism motivated on grounds of hatred, planned and committed in a group). If found guilty they will face up to seven years in prison. The investigation's explanation of the charge was that the three men had "seriously violated public order, caused distress to passers-by, seriously insulted and denigrated the feelings and political orientation of Russian citizens". The accused were alleged to have expressed hatred against the current political ideology and "setting themselves apart from the generally accepted norms of behaviour, insulting the feelings of all Russian citizens on the grounds of politically motivated anger and hatred".

The three were arrested again and remanded in custody on the grounds that they were suspected of a "serious crime." During the remand hearing, the investigator claimed that by raising the German flag they had "called for the secession of Kaliningrad Region from the Russian Federation and its inclusion into the European Union." As further justification the investigator mentioned that they either did not have a permanent job or did not live at the address of their official permanent registration (which is not against the law and a very common occurrence).

### **Please write immediately in Russian or your own language:**

- Urging the authorities to release Mikhail Feldman, Oleg Savvin and Dmitriy Fonarev immediately and unconditionally;
- Expressing concern that Mikhail Feldman, Oleg Savvin and Dmitriy Fonarev have been detained solely for peacefully exercising their right to freedom of expression;
- Calling on the authorities to respect the right to freedom of expression for all people in the Russian Federation.

### **PLEASE SEND APPEALS BEFORE 27 NOVEMBER 2014 TO:**

#### Minister of Interior

Vladimir A. Kolokoltsev  
Ministry of Interior of the Russian Federation  
Ul. Zhitnaya 16  
119049 Moscow, RF  
Fax: +7 4992 374 925  
**Salutation: Dear Minister**

#### Director of the Kaliningrad Police Department

Evgenii V. Martynov  
Police dep. of Kaliningrad Region  
Sovetskii Prospekt, d. 7  
236022 Kaliningrad  
Kaliningrad Region, RF  
Fax: +7 4012 995 009  
**Salutation: Dear Lieutenant General**

#### Regional Office of the Prosecutor Kaliningrad Region

Sergei V. Tabelskii  
Ul. Gorkogo, d. 4  
236040 Kaliningrad  
Kaliningrad Region, RF  
Fax: +7 4012 576 898  
**Salutation: Dear Prosecutor**

**Also send copies to diplomatic representatives accredited to your country.**

Please check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

Mikhail Feldman, Oleg Savvin and Dmitriy Fonarev took active part in protests against the annexation of Crimea by Russia. They claimed that the raising of the German flag over the Federal Security Service building in Kaliningrad was a protest against the raising of the Russian flag over Crimea. The annexation of Crimea and Russia's historic claims to this territory are the subject of heated public discussion by activists, historians and politicians in Russia (the peninsula was part of Russia since the late 18<sup>th</sup> century and up until 1954 when it was transferred from the Russian Soviet Socialist Republic to the Ukrainian Soviet Socialist Republic – both part of the Soviet Union at the time). Some people have drawn a parallel between the fate of Crimea and that of the Region of Kaliningrad, which (under the German name of Königsberg) was part of Germany until 1945.

The Russian annexation of Crimea took place after large protests in the Ukrainian capital, Kyiv, from November 2013 to February 2014, toppled the government of President Viktor Yanukovich. On 21 February, Viktor Yanukovich fled from Ukraine to Russia, and the parliament in Kyiv voted in an interim government. This, in turn, sparked protests and occupation of government buildings by protesters in the predominantly Russian-speaking eastern Ukraine, particularly after the new government in Kyiv proposed to make Ukrainian the only official language. At the end of February 2014 and in early March, several government buildings in Simferopol, capital of the Autonomous Republic of Crimea, including the regional parliament, were seized by organized groups of masked armed men. The parliament elected a new Crimean leadership and voted to hold a "referendum" on 16 March 2014 on cessation from Ukraine, following which the Russian authorities moved swiftly to declare Crimea and the city of Sevastopol (a city in Crimea with a distinct status) parts of the Russian Federation. Since the break-up of the Soviet Union in 1991, Sevastopol had housed the Russian Black Sea Fleet under an agreement with Ukraine, due to which Russia had a permanent military presence on the peninsula.

While these events were unfolding, thousands of people in Russia took to the streets, most welcoming the annexation of Crimea and the government's policy towards its eastern neighbour, while others protesting against it and against Russia's military intervention in Ukraine. Hundreds of protesters were detained arbitrarily by police. On several occasions, people were detained solely for wearing blue and yellow clothes, the colours of the Ukrainian flag. One person is currently in detention for allegedly having participated in an action raising the Ukrainian flag over an historic building in Moscow and for painting the star on top of one of the landmark "Stalin's skyscrapers" blue and yellow.

Bringing criminal charges or imposing punishment on anyone solely because, without causing any criminal damage, they have raised a flag or shown other symbols as peaceful expression of their political views, or expressing a view as to the political status of any territory, violates the obligation to respect and protect the right to freedom of expression, set out in Article 19 of the International Covenant on Civil and Political Rights.

Name: Mikhail Feldman, Oleg Savvin and Dmitriy Fonarev  
Gender m/f: male

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