

URGENT APPEAL - THE OBSERVATORY

RUS 003 / 0511 / OBS 079.1
Arbitrary arrest and detention /
Sentencing / Ill-treatments
Russian Federation
September 1, 2011

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), requests your urgent intervention in the following situation in the **Russian Federation**.

Description of the situation:

The Observatory has been informed by reliable sources, including the Russian-Chechen Friendship Society (RCFS), of the arbitrary arrest and administrative detention of Messrs. **Victor Chirikov**, activist of the movement "Solidarity", **Aleander Onufrienko** and Ms. **Valery Semergei**, members of the Gelendzhik Human Rights Center, all supporters of the Campaign for the Defence of the Khimki Forest, in the Moscow region¹.

According to the information received, on August 27, 2011, at around 5:00 pm, Messrs. Victor Chirikov, Aleander Onufrienko and Ms. Valery Semergei were stopped by the police while they were walking along the Bzhid river during a demonstration held near the summer residence of the Governor of the Krasnodar region, in the framework of actions carried out in different parts of the country in support of the Campaign to Defend Khimki Forest, organised by environmental organisations, including the NGO Ecological Watch in the North Caucasus. While they had been approached and were discussing with the police, a person dressed in civil clothes approached Mr. Chirikov and hit him in the face. When Mr. Chirikov asked the police officers to stop him, he found out that the police officers were subordinated to the person that hit him. The three defenders were subsequently arrested and brought to the Dzhubga police office where they were placed in detention.

During the night of August 28, 2011, they were brought before a court. The hearing took place in closed session and ended at 11:00 pm. Mr. Victor Chirikov was sentenced to 15 days of administrative detention – the maximal punishment in Russia for administrative offence – on the charge of "disobedience to the licit requests of the police officers". Mr. Aleander Onufrienko and Ms. Valery Semergei were sentenced to five days of administrative detention on the same charge. Mr. Victor Chirikov lodged an appeal.

On August 30, 2011, the Tuapse District Court upheld the sentence against Mr. Viktor Chirikov after he filed a complaint on his arrest and administrative detention. As of issuing this urgent appeal, all three defenders are still detained in a cell of the Department of Interior Affairs in the Tuapse region. Mr. Aleander Onufrienko and Ms. Valery Semergei are expected to be released soon.

The Observatory strongly condemns the above-mentioned acts of harassment against Messrs. Victor Chirikov, Aleander Onufrienko and Ms. Valery Semergei, as they seem to only aim at sanctioning their human rights activities in favour of a sound and healthy environment, and all the more as supporters of the Campaign for the Defence of the Khimki

¹ Since 2006, the Campaign for the Defence of the Khimki Forest opposes plans to build a highway to connect Moscow to St. Petersburg that would pass through the Khimiki Forest. Local residents opposed the project arguing that it is a protected part of the Moscow's "green belt" designed to counterbalance the city's pollution and to protect wildlife. As plans have continued forward, the activists set up a camp in the forest itself.

Forest have already been subjected to similar acts of intimidation in the past (See background information).

Background information:

The environmental activists of the Khimki Forest had suffered several attacks in 2010 and 2011. On July 23, 2010, 40 to 50 private security guards hired by the highway construction company and a gang of ultra-rightist hooligans assaulted the group of defenders that live in the camp of the forest. Seven activists were arrested instead of the attackers, as well as two journalists, Ms. Elena Kostyuchenko, from the opposition newspaper *Novaya Gazeta* and Mr. Yuri Timoveyev, a reporter for Prague-based *Radio Liberty*, who were taken to a nearby police station. Mr. Timoveyev was subsequently released for lack of evidence, as well as Ms. Kostyuchenko, who was summarily tried on the same day and acquitted.

On August 4, 2010, Ms. **Evgenia Chirikova**, Coordinator of the Campaign for the Defence of the Khimki Forest, was condemned to a fine for “holding an unsanctioned rally” and “resisting the police”². In addition, on February 21, 2011, employees of the Russian Child Protection Service came to her house in order to proceed to an inspection, but she did not open the door³. The employees of the service told her by phone the next day that their visit was allegedly in the follow-up to a letter, signed from her neighbours, accusing her of mistreating her daughters. However, the neighbours denied having written the letter.

On February 1, 2011, Ms. **Alla Chernysheva**, an active member of the same campaign, was detained in the town of Khimki, for allegedly holding a fake bomb to a protest rally on the same day. This pretext legitimated the dispersion of the rally by the authorities. She was released six hours later.

Moreover, since May 4, 2011, the camp has been the target of several attacks led by unidentified men with covered face, and by guards from Vityaz. During the night between May 5 to May 6, several activists were reportedly beaten up and taken to the hospital. The police refused to come immediately and finally arrived after several phone calls, accompanied by the chief of Vityaz. The attackers ran away.

On May 6, 2011, Mr. **Suren Gazarjan**, a member of Ecological Watch of North Caucasus, was riding his bike near the camp when he was attacked by five people, one being dressed in Nazi uniform. The individuals punched him and broke his nose, then broke his bike. The police came and arrested one of the individuals, who was identified as being a guard of Vityaz.

In the night between May 13 and May 14, 2011, Mr. **Yuri Pietin**, one of the activists involved in these peaceful actions, was hitch-hiking on his way home when a car stopped close to him, with four unidentified men on board. One of them shouted: “At last, we got him!”. The four men then started to beat him up, when a guard from the private security company Vityaz, hired by the highway construction company, arrived on the spot. Mr. Pietin was then driven to the closest police station by the Vityaz guard, who was reportedly asked by the unidentified men to tell the police that Mr. Pietin was throwing firecrackers in the forest. At the police station, Mr. Pietin was informed by a police officer that proofs had been gathered against him for “violation of the Regulations on Arsons”, and that should he deny this accusations, a case would be filed against him for “possession of drugs”. Mr. Pietin could face up to five years of imprisonment under this charge. The police officers further refused to register the complaint that he intended to lodge against his attackers for “ill-treatments” and “false testimony” against him. Mr. Pietin was released the day after, and no information could be obtained as to whether charges were brought against him. He lodged a complaint with the *Prokuratura* on the same day against his assailants for “ill-treatments” and “false testimony”.

² For more information, see Observatory Urgent Appeal RUS 002 / 0810 / OBS 099, issued on August 12, 2010.

³ For more information, see Observatory Urgent Appeal RUS 001 / 0211 / OBS 026, issued on February 25, 2011.

In addition, on May 12, 2011, as activists were surrounded by hundreds of police officers as they were trying to prevent a bulldozer from felling trees, a police officer threatened Mr. **Suren Gazarjan**, a member of Ecological Watch of North Caucasus, in the following terms: "We will throw you in jail with Vityaz guards, and you will see". Mr. Gazarjan did not lodge a complaint.

Moreover, on May 8, 2011, around 200 activists had gathered peacefully in Khimki town park to decide of the possibility to settle another camp in the forest. After twenty minutes, officers of Moscow region riot police started to violently attack them, injuring at least four activists, namely Messrs. **Oleg Prudkinov**, **Gleb Sitnikov**, **Ildar Isaev**, and Ms. Evgenia Chirikova. They also arrested around 20 activists, including Mr. **Yaroslav Nikitenko**, Coordinator of the forest programme at Greenpeace International, Messrs. **Sergey Ageev**, **Sergey Mitrokhin**, **Sergey Udaltsov**, **Andrey Marguljov**, **Vasily Malij**, and Ms. Evgenia Chirikova. At the station, the detainees were reportedly denied lawyers, medical help and water. They were all charged with "resisting the police" and "holding an unsanctioned rally", under Articles 19.3 and 20.2 of the Russian Administrative Code, and taken to court the same day. However, the judge refused to hear the cases because of flagrant irregularities committed by the police during the arrest and the preparation of the hearing, and cancelled the hearing. At around 5 p.m., all the activists were released.

Moreover, on May 10, 2011, guards from the private security company Vityaz reportedly attacked some activists who were peacefully trying to prevent workers from felling trees, as no official permit to operate had been provided by the latter. In particular, Mr. Suren Gazarjan was beaten up and arrested on the allegation that he had attacked the guards. He was released two hours later.

On May 11, 2011, as some activists were again trying to prevent workers from cutting trees in the area of Svistukha village around the Fakel plant without any permit, police officers from Moscow region riot police arrested at least 11 of them, including Messrs. **Dmitry Smirnov**, **Oleg Melkinov**, Suren Gazarjan, Yaroslav Nikitenko, Sergey Ageev, Sergey Udaltsov, and Ms. **Anna Goncharova**. All the detainees were brought to police station n°2 of Khimki, where Mr. Gazarjan was reportedly punched at his nose, which was already broken (see background information), and kicked at his stomach by a lieutenant. They were kept in custody for more than three hours, before being released. To the date of writing, they do not know whether charges against them have been dropped or not. Subsequently, Mr. Gazarjan submitted an official complaint at police department (UVD) of Khimki for being beaten. On May 13, 2011, Ecological Watch on North Caucasus filled a complaint to the Prosecutor of Moscow Region on behalf of Mr. Gazarjan and Mr. Dmitry Smirnov.

The same day, 10 to 15 guards from Vityaz and few other unidentified people reportedly assaulted the remaining activists who were trying to stop the felling by covering the trees with their bodies, and destructed the camp. Messrs. **Pavel Shekhtman**, **Alexey Rassolov**, **Vladimir Morovoz** and **Daniil Beylinson** were reportedly beaten up by the unidentified individuals. Because of head concussions, Messrs. Shekhtman and Rassolov were both hospitalised.

Actions requested:

Please write to the authorities of Russian Federation, urging them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Messrs. Victor Chirikov, Aleander Onufrienko and Ms. Valery Semergei, as well as all the activists defending the Khimki forest and all human rights defenders in the Russian Federation;
- ii. Order a prompt, thorough and impartial investigation into the circumstances of the above-mentioned attacks in order to identify those responsible, bring them to trial and apply the

penal and/or administrative sanctions as provided by law;

iii. Put an end to any act of harassment - including at the judicial level - against them as well as against all human rights defenders in the Russian Federation, and ensure in all circumstances that they are able to carry out their legitimate activities;

iv. Comply with the provisions of the United Nations Declaration on Human Rights Defenders, adopted by the UN General Assembly on December 9, 1998, especially:

- its Article 1, which states that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”,
- and Article 12.2, which provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”;

v. Comply with the provisions of the Declaration of the Committee of Ministers of the Council of Europe on the protection of human rights defenders and the promotion of their activities, and in particular With Article 2.i), in which the Committee calls on member States to “create an environment conducive to the work of human rights defenders, enabling individuals, groups and associations to freely carry out activities, on a legal basis, consistent with international standards, to promote and strive for the protection of human rights and fundamental freedoms without any restrictions other than those authorised by the European Convention on Human Rights;

vi. More generally, ensure in all circumstances the respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and with international and regional human rights instruments ratified by the Russian Federation.

Addresses:

- Mr. Dmitri Medvedev, President of the Russian Federation, Ilinka Str, 23, Moscow, 103132, Moscow, Russian Federation, Fax:+ 7 495 606 5173 / 630 2408.
- Minister of Internal Affairs, Mr. Rashid Nurgaliev, ul. Zhitnaya, 16, 117049 Moscow, Russian Federation, Telegram: Rossiia, 117049, Moskva, Fax: + 7 495 637 49 25
- Minister of Foreign Affairs, Mr. Sergey Lavrov, Smolenskaya-Sennaya pl, 32/34, 121200 Moscow, Russian Federation, Telegram: Fax:+ 7 495 644 2203
- Permanent Mission of the Russian Federation to the United Nations in Geneva Av. de la Paix 15, CH-1211, Geneva 20, Switzerland, e-mail : mission.russian@ties.itu.int, Fax: +4122 734 40 44
- Embassy of the Russian Federation in Brussels, 31-33 boulevard du Régent, 1000 Brussels, Belgium, Fax: + 32 2 513 76 49.

Please also write to the diplomatic mission or embassy of the Russian Federation in your respective country.

Geneva-Paris, September 1, 2011

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

To contact the Observatory, call the emergency line:

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