

OPINION No. 14/1997 (RUSSIAN FEDERATION)

Communication addressed to the Government on 11 July 1996.

Concerning: Aleksandr Nikitin.

The Russian Federation is a party to the International Covenant on Civil and Political Rights.

1. The Working Group on Arbitrary Detention was established by resolution 1991/42 of the Commission on Human Rights. The mandate of the Working Group was clarified and extended by resolution 1997/50. Acting in accordance with its methods of work, the Working Group forwarded to the Government the above-mentioned communication.
2. The Working Group conveys its appreciation to the Government for having forwarded the requisite information in good time.
3. (Same text as paragraph 3 of Opinion No. 1/1997.)
4. In the light of the allegations made the Working Group welcomes the cooperation of the Government. The Working Group transmitted the reply provided by the Government to the source and received its comments.
5. According to the communication Aleksandr Nikitin, aged 43, a retired naval officer, was arrested on 6 February 1996 by the Federal Security Services (FSB), in St. Petersburg. He was allegedly charged with treason under article 64 of the Russian Criminal Code which carried, in case of conviction a prison sentence of 10 to 15 years or, in some cases, the death sentence. The FSB which had allegedly limited Nikitin's access to an attorney of his choice, on the grounds that his affair involved "State secrets". The Constitutional Court of the Russian Federation reportedly declared, on 27 March 1996, this limitation imposed by the FSB as unconstitutional and since that date Mr. Nikitin has been represented by an attorney of his choice, Yuri Schmidt.
6. According to the source Nikitin's arrest and charges were linked with his work, which involved the preparation of a report on the dangers of nuclear waste in the Northern Fleet for the Norwegian non-governmental environmental group Bellona Foundation. The source reported that Nikitin had only supplied to the Bellona Foundation information which had already been published in the Russian media. The source further alleged that Nikitin's arrest occurred in the context of an emerging pattern of persecution of environmental activists who are connected with the Bellona Foundation in Russia. According to the source Nikitin was being detained solely on the grounds of his research and his legitimate activities on behalf of the Bellona Foundation.
7. In its reply, the Government affirmed that the charges against Nikitin included the transmission of secret and top secret information that had not been published by the press and had no connection with the environment. The Government also mentioned the decision by the Constitutional Court of the Russian Federation concerning the Nikitin's right to free choice of counsel.

It denied any persecution of the Bellona Foundation. Finally, it provided the Working Group with details concerning the legal proceedings, the charges and the criminal investigation under way.

8. The observations provided by the source challenged the Government's version, in particular concerning Nikitin's criminal responsibility with regard to the legislation applied in his case and that which the prosecutors and the panel of experts refused to apply. The source further informed the Working Group that Mr. Nikitin was released on 14 December 1996 pending his trial. It added that no date had yet been fixed for the trial and that the charges against Nikitin had not been dropped. Moreover, Mr. Nikitin is allegedly not allowed to travel outside St. Petersburg while awaiting trial.

9. In the light of the foregoing, the Working Group decides to keep the case of Aleksandr Nikitin pending for further information which it expects to receive after his trial is over.

Adopted on 18 September 1997.