

Russia: Arbitrary arrest and judicial harassment against Ms. Evgenia Chirikova and Mr. Yaroslav Nikitenko

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The Observatory has been informed by reliable sources, including the Russian-Chechen Friendship Society (RCFS), about the arbitrary arrest and judicial harassment against Ms. Evgenia Chirikova, Coordinator of the Campaign for the Defence of the Khimki Forest [\[1\]](#) and Mr. Yaroslav Nikitenko, Coordinator of the forest programme at Greenpeace International.

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.

According to the information received, on August 4, 2010, Ms. Evgenia Chirikova was arrested after a press conference held at the Independent Media Centre in Moscow, for interrogation on the attack that a group of about 400 radical antifascists activists perpetrated on July 28, 2010 against the Khimki municipal administration, throwing smoke bombs at the building to protest the clear-cutting of the Khimki forest [\[2\]](#). Despite the fact that Ms. Chirikova was at the Khimki forest camp with the other activists at the time, the police officers, who failed to present a warrant, violently grabbed her and drove her to the Investigatory Committee of the Prosecutor's Office. She was released after several hours of interrogation, and summoned at the Khimki police headquarters for August 5.

On that day, Mr. Yaroslav Nikitenko, who had accompanied Ms. Chirikova and her lawyer to the police station, was arrested, despite the police failure to present a warrant. Both were accused of resisting the police during the OMON [\[3\]](#) operation that took place on July 28, 2010 in the Khimki Forest camp.

After the interrogation, Ms. Chirikova and Mr. Nikitenko were driven to the Khimki Court and, despite contradictory evidence from witnesses linked to the police, found guilty of "holding an unsanctioned rally" for which Ms. Evgenia Chirikova was fined 1,500 rubles (about 38 euros). The same day, in another court trial, Ms. Evgenia Chirikova was also found guilty of "resisting the police" and fined 800 rubles (about 20 euros), in relation to the July 28 events. No information on whether Mr. Nikitenko was fined could be obtained. Both were released after the trial.

The camp set up by the environmental activists in the Khimki Forest has suffered several attacks. 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. The Police, called by Ms. Evgenia Chirikova did not intervene at first. Then, the OMON arrived on the spot and arrested seven activists 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. Ms. Kostyuchenko sustained a neck injury as a result of violent blow at the time of arrest. Mr. Timoveyev was subsequently released for lack of evidence, as well as Ms. Kostyuchenko, who was summarily tried on the same day and acquitted. Only afterwards was she taken to a hospital, where a displacement of the cervical vertebrae was diagnosed.

The Observatory condemns the arbitrary arrests and judicial harassment against Ms. Evgenia Chirikova, Ms. Elena Kostyuchenko Messrs. Yaroslav Nikitenko, and Yuri Timoveyev as is only aimed at sanctioning their human rights activities.

The Observatory recalls that according to OP 2(iv.) of the Council of Europe (CoE) Declaration on Human Rights Defenders [4], member-States shall “take effective measures to prevent attacks on or harassment of human rights defenders”. The Observatory also calls upon the Commissioner for Human Rights of the CoE to act in accordance with operative paragraph 4 of the CoE Declaration on Human Rights Defenders with regards to this situation.

The Observatory further urges the European Commission Delegation as well as European Union (EU) Member-States embassies in the Russian Federation to call upon the Russian authorities to comply with the relevant international norms and standards and take action on this situation, in line with the EU Guidelines on Human Rights Defenders.

The Observatory finally recalls that as a participating State of the Organisation for Security and Cooperation in Europe (OSCE), the Russian Federation acknowledges that “the [1998] UN Declaration on Human Rights Defenders [... places] a responsibility [...] on States to adopt and implement adequate legislation and administrative procedures that would provide for a conducive environment for human rights defenders to promote and strive for the protection and realization of human rights and fundamental freedoms at the national and international levels”, and recognises “the need for particular attention, support and protection for human rights defenders by the OSCE, its Institutions and field operations, as well as by participating States” [5].

Actions requested:

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

- i. Guarantee in all circumstances the physical and psychological integrity of Ms. Evgenia Chirikova, Ms. Elena Kostyuchenko and Messrs. Yaroslav Nikitenko and Yuri Timoveyev, as well as of all activists of the Campaign for the Defence of the Khimki Forest and all human rights defenders in the Russian Federation;
- ii. Carry out an immediate, thorough, independent and impartial investigation into the above-mentioned allegations of ill-treatment against Ms. Evgenia Chirikova and Ms. Elena Kostyuchenko, the result of which must be made public, in order to bring all those responsible before a competent, independent and impartial tribunal and apply penal, civil and/or administrative sanctions as provided by law;
- iii. Put an end to any act of harassment - including at the judicial level - against Ms. Evgenia Chirikova, Ms. Elena Kostyuchenko and Messrs. Yaroslav Nikitenko and Yuri Timoveyev, 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 without any hindrance and fear of reprisals;
- 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; and to conform in any circumstances with the provisions of the Declaration on Human Rights Defenders, adopted on December 9, 1998 by the United Nations General Assembly, in particular its article 1, which states that “everyone has the right, individually or in association with others, to promote the protection and realization of human rights and fundamental freedoms at the national and international levels”, and its 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”;

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, Faxes: + 7 495 606 5173 / 630 2408

· Mr. Yuriy Chaika, General Public Prosecutor of Russian Federation, 125993, Moscow, GSP-3, 15a B. Dimitrovka str. Russian Federation, Fax: +7 495 692-96-00 / +7 495 692 1725

· Chairwoman of the Council on the Development of Institutes of Civil Society and Human Rights under the President of the Russian Federation, Ms. Ella Pamfilova, 103132 g. Moskva, Staraya ploshchad, d 8/5, pod 3, Russian Federation, Fax: +74956064855

· Mr. Vladimir Lukin, Russian Federal Ombudsman for Human Rights, Fax: +7 495 207 3969 / +7 495 607-53-37

· 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.

Footnotes

[1] The Campaign for the Defence of the Khimki Forest stems from plans, since 2006, to build a highway to connect Moscow to St. Petersburg through Khimki that would pass through the forest. According to the motion signed by the Governor, large parts of the forest would be destroyed to build the highway. 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.

[2] On July 30, 2010, Messrs. Maxim Solopov and Alexei Gaskarov, two antifascists activists and well-known public spokesmen of the growing movement of young people against neo-nazi violence, were arrested in Moscow without formal charges, in relation with the July-28 attack in Khimki, although the police had no information about the identities of the people who participated in the action and there was no evidence that Messrs. Solopov and Gaskarov were linked to the attack. As of issuing this urgent appeal, the two remained detained.

[3] The OMON is a special police detachment. On July 28, 2010 the OMON riot police attacked the peaceful activists who were at the Khimki camp to hold a public hearing with the Khimki forest developing company.

[4] See Declaration of the Committee of Ministers of the Council of Europe for enhanced protection of human rights defenders, adopted on February 6, 2008.

[5] See OP 6 & OP 8 of the Resolution on Strengthening OSCE Engagement with Human Rights Defenders and National Human Rights Institutions, adopted by the OSCE Parliamentary Assembly on July 10, 2007.