

**AMNESTY
INTERNATIONAL**



Ref: TO 46/2014/001

Thomas Bach
President
International Olympic Committee

10 February 2014

Dear Mr Bach

SERIOUS HUMAN RIGHTS VIOLATIONS ASSOCIATED WITH THE PREPARATION FOR AND STAGING OF THE SOCHI OLYMPIC GAMES

Over the past two years human rights groups have called the IOC's attention to serious human rights violations associated with the preparation for and staging of the Sochi Olympic Games, as well as the increased risk of violations in the period before and during the Games.

We would like take this opportunity to draw your attention to the targeting of environmental activists and their families in relation to the Sochi Games and to call on you to urgently raise the cases detailed below, as well as the wider issue of denial of the rights to freedom of expression, association and assembly in the context of the Sochi Olympics, with the Russian government. These violations – as the information below makes clear – are being carried out by the authorities specifically to stifle criticism about the environmental impacts of the Sochi Games and to prevent activists from speaking out about environmental matters during the Games. As such these issues must be of direct concern to the IOC.

Amnesty International has been following the situation particularly closely since December 2013. Our representatives have visited Sochi and spoken to environmental activists who have been targeted, as well as a lawyer acting for many of them. The organization has also reviewed video footage relating to arrests, some of which is publicly available and is referenced below.

TARGETING OF ENVIRONMENTAL WATCH FOR NORTH CAUCASUS

Environmental activists from the non-governmental organization (NGO) Environmental Watch for North Caucasus (Ecologicheskaya Vakhta po Severnomu Kavkazu), based in Krasnodar Region which hosts the Sochi Olympics, have been subjected to a sustained campaign of harassment by the Russian authorities in the run-up to the Sochi Games. They have been targeted because of concerns they have raised about environmental harm caused by construction activities in preparation for the Games and in order to prevent them from publically raising environmental issues during the Games. Amongst the issues that Environmental Watch for North Caucasus have raised are, for instance, the damping of construction waste in protected area, on the territory of Sochi National Park, and more recently in Akhshtyrskiy Quarry putting at risk of pollution Sochi's main source of fresh water.

Most recently, on 3 and 4 February, two activists, Yevgeniy Vitishko and Igor Kharchenko, were arbitrarily arrested and detained in separate incidents. Both were targeted in connection with their activism in the run-

up to the Games. Amnesty International has recognized them prisoners of conscience and has called on the Russian authorities to release them immediately and unconditionally.

PARENTS QUESTIONED ABOUT ACTIVISTS' PLANS DURING THE OLYMPICS

In late November 2013, a police officer from the Criminal Investigation Department visited the parents of Environmental Watch activist Alexey Mandrigel. The police officer reportedly told them that their son was "engaged in extremist activities" and forced them to sign a document ("explanations") in which they had to indicate where Alexey Mandrigel resided and whether he was planning to travel to Sochi during the Olympic Games.

On 1 December, the parents of Environmental Watch activist Anna Mikhaylova were visited by a police officer at their home in Krasnodar. The officer reportedly informed her father that she was under surveillance until the end of the Olympic Games and warned that, should she engage in any protest activities, there would be "negative consequences". The police officer also took a written statement ("explanations") from Anna Mikhaylova's father.

ACTIVIST DETAINED AND SEARCHED UNDER "ANTI-TERROR" INSTRUCTIONS

On 9 November 2013, Dmitri Shevchenko, Deputy Coordinator of Environmental Watch, was detained upon arrival at Krasnodar airport by plain clothes security officials. According to Dmitri Shevchenko, the security officials claimed that his appearance matched that of a criminal suspect on a wanted list, and showed him a vague description which, for most part, did not correspond to his appearance. They searched his luggage; contrary to Russian law this was done without witnesses being present.

A police official told Dmitri Shevchenko that he was stopped upon instructions from the Federal Security Service (FSB) in connection with the pre-Olympic "Anti-Terror" operation aimed at securing order during the Sochi Games. Dmitri Shevchenko responded by saying "to hell with this FSB Olympics", at which point the police told him that he would be prosecuted for "offending public officials". Dmitri Shevchenko was then detained for three hours at the airport. During this period he repeatedly asked to be told the reason for his detention. He was informed that he was being detained for failing to present his passport and for refusing to comply with police orders. Dmitri Shevchenko reports that he had produced his passport when police requested to see it, but he refused to hand it over because he is not required by law to do so. Police then reportedly threatened to draw up an official document alleging that Dmitri Shevchenko had called one police officer as "ass" and to use this as the basis to initiate a criminal case against him for insulting a representative of the authorities. Ultimately, Dmitri Shevchenko was forced to sign a written statement ("explanations") about his travel and was released without charge and without any documentation relating to his detention.

According to Dmitri Shevchenko, a month later, on 9 December 2013, a police official from the Anti-Extremism Department visited the address which is registered as his the place of residence. The activist does not currently reside at this address. He learnt from his mother that when the officer established this he immediately visited her at her workplace in a neighbouring town and told her that he wanted to question Dmitri Shevchenko about his activities.

ACTIVIST QUESTIONED BY POLICE ABOUT HER PLANS DURING THE OLYMPICS

On 22 December 2013, police officials visited Natalya Kalinovskaya, another member of Environmental Watch, at her home. They requested that she came with them to the police station. When Natalya Kalinovskaya refused to do so and asked to know the reason for the request, the police officials referred to a "list of organizers of assemblies and mass riots" on which her name appeared. According to Natalya Kalinovskaya the police then questioned her about her whereabouts and plans during the Olympic Games. She was not taken to the police station.

ACTIVIST IMPRISONED FOR 15 DAYS ON TRUMPED-UP CHARGES; FACING THREE YEARS IN PRISON

On 3 February 2014, Yevgeniy Vitishko was sentenced to 15 days of administrative detention for the crime of "petty hooliganism". Yevgeniy Vitishko had been arrested by police on that day at around 10.30 am. At the time of his arrest, police reportedly told him that he was suspected of a theft. However, upon arrival at the police station he was charged with "petty hooliganism" in relation to an allegation that he had used foul language at a bus stop earlier the same morning. He was fingerprinted, and his mobile phone was inspected. According to his lawyer, who spoke to police on the phone, the police admitted they had no written

statement from witnesses about the alleged incident. It appears that it was only after this phone conversation that the police went looking for witnesses to provide a written statement.

Yevgeniy Vitishko was taken to court the same day; when he asked for his lawyer to be present, the judge refused this request and insisted that a state-appointed lawyer should represent him instead, which Yevgeniy Vitishko declined. It was only after Vitishko began serving his sentence that the lawyer was able to see him. The court also refused to summon two alleged “witnesses” to the incident, and accepted a written statement as sufficient evidence against him. Yevgeniy Vitishko requested to know how the police recorded the circumstances of the incident concerning the alleged “petty hooliganism” in their report (protocol). The judge also declined this request. The entire court hearing lasted only a few minutes. Yevgeniy Vitishko was found guilty and sentenced to 15 day’s detention.

Yevgeniy Vitishko immediately appealed the ruling, but was taken directly from the court to serve his sentence before any appeal was heard. Amnesty International has expressed serious concern about the process used to detain and convict Yevgeniy Vitishko and has called for his immediate and unconditional release.

In addition to the incidence described above, Yevgeniy Vitishko is also facing imprisonment for three years in connection with a previous criminal case. In 2011, Yevgeniy Vitishko and other environmental activists were campaigning against unlawful deforestation in Krasnodar Region. They asserted that a certain fence had been erected unlawfully, and that the enclosed territory was the site of some construction. After their complaints to several official agencies yielded no results, they visited the site to document these violations. The activists bent down two sections of the fence to take footage of the destruction of rare and protected trees, and sprayed graffiti on the fence. Yevgeniy Vitishko and another activist, Suren Gazaryan, were subsequently charged with criminal damage, and found guilty. Since then, Suren Gazaryan left the country and received asylum abroad on the basis that he was being targeted for his environmental activism.

There were a number of violations during the trial against the two activists. In October 2013, after a series of unsuccessful appeal hearings, Yevgeniy Vitishko’s complaint reached the Supreme Court of the Russian Federation. The Supreme Court noted significant failings in the lower courts’ judgement, including the failure to consider the legality of the construction of the fence.

Yevgeniy Vitishko’s defence has requested a retrial, but it has still not take place. However, on 20 December 2013, Yevgeniy Vitishko was brought to court in relation to allegations that he broke the curfew associated with his suspended sentence. The judge ruled that he should serve the original three-year sentence in a prison colony. Yevgeniy Vitishko has appealed against this ruling. His appeal hearing, initially scheduled on 22 February 2014, has been brought forward to 12 February – when he will still be serving his 15 day administrative detention sentence. Yevgeniy Vitishko is serving his administrative detention in Tuapse, and will not be able to attend the appeal hearing which will be held in Krasnodar.

SIX ACTIVISTS DETAINED

On 3 February 2014, Igor Kharchenko and Olga Soldatova were travelling in a car, intending to visit an area to investigate environmental concerns. They stopped at a petrol station just outside Krasnodar and, as they were leaving, they were stopped by police. The driver Igor Kharchenko was forced to go to a neighbouring village with police and have a blood test. When it showed no traces of prohibited substances in his system police officials reportedly claimed that he had two unpaid traffic bills; after he presented evidence to the contrary, the officials told him that his description matched that of a wanted criminal. Both activists were taken to the police station where they were held and questioned for over two hours.

As soon as they learnt about the detention of Igor Kharchenko and Olga Soldatova, four other members of Environmental Watch from Krasnodar, Anna Mikhaylova, Tatyana Borisova, Denis Pestretsov and Alexey Mandrigelia, attempted to go to the police station. However, as soon as they left Krasnodar their car was stopped by traffic police and they were told that their description matched that of some individuals on a wanted list. They were released almost four hours later, without charge. They received no further explanations from the police, and no documentary evidence about their detention.

ACTIVIST ARBITRARILY ARRESTED AND IMPRISONED ON FALSE CHARGES

Igor Kharchenko drove into Krasnodar city centre on the afternoon on 4 February, together with fellow activists. Shortly after they left Igor Kharchenko's car, it was vandalized by four men whose faces were covered with hoods and scarves. Video footage later posted on You Tube shows how the four individuals kicked the car, pierced its tires with a sharp object, smashed in some windows, and walked away from the scene. As they were doing so, a police car went past without stopping, in full view of this incident. This is clearly seen in video footage of the incident (see: <https://www.youtube.com/watch?v=F9cT-Uugyow>, accessible as of 8 February 2014).

Shortly after the activists returned to the car and before they called the police, a police patrol car arrived. A video posted on You Tube shows two police officers approaching Igor Kharchenko, twisting his arms behind his back, handcuffing him and putting him into their car. They ignored his demands to introduce themselves as required by law, and explain their actions. They also ignored similar demands from the other activists, and one of the officers shouted at Vitishko's colleague that she was "preventing" him from "doing his work" and threatened to use force against her too. It is clear from the video that during his arrest Igor Kharchenko did nothing unlawful, nor did he physically resist his arrest, but was insisting that the police identify themselves, explain their actions and respect his rights.

Igor Kharchenko was taken to the police station and had to spend the night in a cell. On the morning of 5 February he was taken to court. Individuals who attempted to attend his trial told Amnesty International that the hearing only lasted a few minutes and was held behind closed doors. Igor Kharchenko's fellow activists intended to present the video footage of the incident to the judge, and also to provide Igor Kharchenko with a lawyer. However, they were prevented from doing so: contrary to Russian law, and in spite of their protests, they were not admitted to the courtroom. Within a few minutes they learnt that Igor Kharchenko had been found guilty of the administrative violation of "resisting police's legitimate orders" and sentenced to five days of detention.

Amnesty International publicly condemned the blatantly unfair closed trial at which no lawyer was present and has declared Igor Kharchenko a prisoner of conscience.

Yevgeniy Vitishko, Igor Kharchenko and other environmental activists had planned to launch a report on the environmental impact of Winter Olympics on Sochi and the area around it. Due to the unprecedented pressure, harassment and further risks faced by members of Environmental Watch, their fellow activists felt compelled to abandon this plan.

The ICO has a responsibility to respect human rights and should take all reasonable measures to prevent violations occurring in the context of the Games, in line with the principles and commitments enshrined in the Olympic Charter. Specifically, the IOC should make publically clear its commitment to Games free from human rights violations and abuses and that it does not accept the use - by any State - of security of the Olympic Games as a justification for the violation of human rights. The IOC should intervene with host states when there are credible risks to human rights in the context of the hosting and staging of the Games and in all cases where violations related to the Games are reported. The responsibility of the IOC is complementary to and does not diminish the legal obligations of the host State.

The human rights violations described above involve the targeting of activists because of their legitimate work in raising environmental concerns around the Olympics. Environmental activists have also been targeted in an attempt to prevent them from exercising their rights to freedom of expression while the Games are ongoing. While these violations are serious matters for the Russian authorities, the IOC's responsibility is also engaged. The IOC must immediately raise these issues with the Russian authorities and demand that all individuals who have been targeted for exercising their rights to freedom of expression in connection with the Sochi Games are released from detention and not subjected to any further harassment.

We look forward to your urgent action in this matter.

Yours sincerely

Salil Shetty
Secretary General