

## **Memorial Human Rights Centre considers Yekaterina Kharebava a political prisoner**

On November 14, 2014 the Krasnodar Krai court sentenced Yekaterina Zhorzhiyevna Kharebava, born in 1969, to six years in a general-regime colony under article 276 of the Russian Criminal Code (“Espionage”). On March 24, 2015 the Supreme Court of the Russian Federation left the sentence unchanged, after refusing to satisfy an appeal.

Yekaterina Kharebava, who was working at the time as a vendor at a market in Sochi, was found guilty of informing a representative of the Georgian military in August 2008 about the deployment of Russian troops that she had seen, thereby passing on information that constituted a state secret and harming the interests of the Russian Federation.

According to article 276 of the Criminal Code of the Russian Federation, “the transfer and gathering, stealing or possessing with intent to transfer to a foreign state, foreign organisation or their representatives of information constituting a state secret, and also the transfer or gathering at the behest of a foreign intelligence service of other information for their use to the detriment of the external security of the Russian Federation” is criminally punishable. There is no basis to assume that information about the deployment of troops to Abkhazia in 2008 could have harmed the external security of the Russian Federation, as these actions were undertaken with the purpose of invading the territory of Georgia from the territory of Abkhazia. Nor is there any evidence that Kharebava made her statement about the deployment of troops at the behest of a foreign intelligence service.

The materials of the case and the conclusions of military experts confirming that the information passed on by Yekaterina Kharebava was a state secret do not explain how the open movement of Russian military vehicles that many other people saw and told the media about could be a secret.

Thus the actions of Yekaterina Kharebava, who passed on non-secret information that was accessible to a wide circle of people in a legal manner are not encompassed by this definition of espionage, and she has been subjected to persecution for legal actions that are not criminally punishable.

The political nature of the case is evidenced by the fact that the case against Yekaterina was launched four years after her actions and that it was the first in a series of criminal cases launched en masse in 2014-2015 under article 275 (“State treason”) and article 276 (“Espionage”) of the Russian Criminal Code, amongst which were the cases of Svetlana Davydova, Vladimir Golubev, Yevgeny Petrin, Sergey Minakov and others, which had clear signs of a political campaign reflecting the government’s course of external isolation of the Russian Federation in its confrontation with other states.

The court was not presented with legal confirmation of the right to take information from Yekaterina’s telephone communications, which violates her rights guaranteed by the Constitution of the Russian Federation, the International Covenant on Civil and Political Rights and other international legal documents recognised by the Russian Federation, making the corresponding evidence inadmissible and eliminating the legal force of the procedural actions based on it.

After analysing the materials and circumstances of the case, the Memorial Human Rights Centre finds grounds to recognise Yekaterina Kharebava as a political prisoner: no evidence of a crime was proven in her actions, her right to private correspondence and a fair investigation was violated, there are signs of falsification of materials, and also clear selectivity in her punishment.

We consider the criminal prosecution of Yekaterina Kharebava illegal and politically motivated, and she herself to be a political prisoner. We demand an immediate re-examination of the case and the release of Kharebava.

More detailed information is available [here](#).

Recognising a person as a political prisoner does not mean that the Memorial Human Rights Centre agrees with the views and statements of the persons recognised as political prisoners, and nor does it mean approval of their statements or actions.

[This text in Russian](#)