

## **The Memorial Human Rights Centre considers Oleg Sentsov, Alexander Kolchenko and Gennady Afanasyev political prisoners**

On August 25 the North Caucasus okrug military court sentenced Crimean activists: film director Oleg Sentsov received 20 years of strict regime, and anti-fascist Alexander Kolchenko 10 years.

Previously two other defendants were sentenced in this case: Gennady Afanasyev and Alexei Chirny – both pled guilty and received seven years in a strict-regime colony.

### **The essence of the case**

The investigation and trial listed all four as members of a terrorist group. The organisation's deeds included the night-time arson of the office of the Russian Society of Crimea (April 14, 2014) and the regional branch of United Russia (April 18, 2014). No one was hurt in the arsons: in one case a door burned down, and in the other a kitchen, but both were deemed terrorist acts.

According to the FSB, the group was planning to blow up a Lenin statue on the night of May 9, 2014, which was also considered a potential terrorist act, and they tried to acquire explosives for this.

Chirny actually tried to acquire a bomb, while Alexander Pirogov, from whom he asked for help, wrote a statement for the FSB and helped the law-enforcement bodies to conduct surveillance while he provided Chirny with dummy explosives. When Chirny took the dummy explosives out of the hiding place he was arrested.

Later he gave evidence as part of his confession and named Sentsov as the leader of the group. Subsequently he told the Ukrainian consul that he was subjected to beatings and threats during his arrest. Gennady Afanasyev was the next person to be arrested, and he also signed a confession and gave evidence against Sentsov.

On July 31, 2015 in a hearing in the case of Sentsov and Kolchenko, Gennady Afanasyev renounced his testimony, saying that he had given it under pressure. Later he told lawyer Alexander Popkov that after his arrest he was subjected to a beating, torture (had a gas mask forced on him, an electric shock, sleep deprivation) and threats, and that this had forced him to incriminate Sentsov and himself partly.

Sentsov himself also said that he was subjected to torture. According to him, he was abducted in Simferopol a day before his official arrest, on May 10, 2014, beaten, suffocated with a plastic bag, stripped naked and threatened with being raped with a truncheon. Marks from beatings were noted three weeks later. As Sentsov asserts, FSB investigator Artem Burdin proposed that he should plead guilty and get seven years in a colony, and after his refusal said that he would be charged as the leader of the group and would get 20 years.

### **Oleg Sentsov**

Sentsov was found guilty of organising a terrorist group (part 1, article 205.4 of the Russian Criminal Code), of arsons qualified as terrorist acts (point "a", part 2, article 205), of preparing to blow up a statue, qualified as preparing a terrorist act (part 1, article 30 and point "a", part 2, article 205), and attempting to acquire explosive devices (part 3, article 30 and part 3, article 222), and illegal acquisition and possession of weapons and explosive devices (part 3, article 222).

Sentsov did not participate in the arsons or in the preparations to blow up the statue, but was found guilty of these actions only because he was supposedly the leader of a criminal group who gave orders to its members. The only confirmation of these orders was the testimony of Chirny and Afanasyev.

The court ignored the fact that Afanasyev publicly renounced his testimony.

Chirny confirmed the testimony he gave to the investigation. However, we find that Chirny's testimony contains signs of falsification: for example, on May 9 he asserts that the idea to blow up the Lenin statue was put forward by Afanasyev, but the next day that it was Sentsov. A video from a hidden camera containing the conversations of Chirny and Pirogov fundamentally refutes the theory of the existence of a terrorist group that was involved in the arsons and in the preparations to blow up the statue. Chirny repeatedly says that he is making the improvised explosive device at his own initiative and planning the explosion with specific people who were not suspected or charged in the case.

We consider that Sentsov's guilt has not been proven and that he should be fully acquitted.

### **Alexander Kolchenko**

Alexander Kolchenko was accused of participating in the arson of the office of United Russia (point "a", part 2, article 205) and participating in a terrorist group (part 2, article 205.4). He does not deny that he participated in the arson, but specifically kept watch on the street while Chirny and Nikita Borkin (wanted) set fire to the building. At the same time Kolchenko did not admit his guilt, considering that his actions were not terrorism.

We agree with Kolchenko's position. The arson was committed at night, and the participants knew there was no one in the office. At the same time they made no demands. In recent years offices of the United Russia party in various regions of Russia have repeatedly been the target of arson attacks, sometimes in similar circumstances, but the prosecutions are usually carried out under part 2, article 167 of the Criminal Code (Arson, up to five years in prison) or under article 213 (Hooliganism, up to seven years in prison). Thus, Kolchenko's prosecution was not commensurate either with the damage done, or with standard Russian practice.

We find the charge against Kolchenko of participating in a terrorist group to be baseless, since he only participated in an illegal action once with the other defendants.

### **Gennady Afanasyev**

Gennady Afanasyev was convicted of participating in a terrorist group (part 2, article 205.4), of the arsons of the office of the Russian Society of Crimea and the regional branch of United Russia (point "a", part 2, article 205), of preparing to blow up a statue of Lenin (part 1, article 30 and point "a", part 2, article 205 and part 3, article 30 and part 3, article 222). Initially he fully admitted his guilt and made a deal with the investigators.

After publicly talking about torture being used against him, he explained to his lawyer that he did participate in the arsons, but he had nothing to do with the acquisition of the bomb. Having studied the case, we came to a similar conclusion: the recording of the conversations of Chirny and Pirogov indicates that Afanasyev was not involved in preparations to blow up the Lenin statue. We believe that the FSB forced Afanasyev to incriminate himself in this episode in order to construct the theory about a terrorist group.

As in the case of Kolchenko, we believe that qualifying the arsons as terrorist acts is excessive. Afanasyev himself now talks about the fact that his motives were hooliganism, not terrorism.

We note that after Afanasyev's public statements that he incriminated Sentsov and Kolchenko under torture, he was placed in real danger.

### **The circumstances associated with the occupation of Crimea**

The case is being investigated with large-scale violations of human rights and international law. From the point of view of international law, Russia has carried out an occupation of Crimea. In this case, according to IV of the Geneva Convention, the removal of

the civilian population from an occupied territory is forbidden: people who are accused of subversive acts against the occupying power must be held on the occupied territory during the investigation, trial and imprisonment.

Forcibly changing the citizenship of Sentsov and Kolchenko from Ukrainian to Russian is also unprecedented.

A number of factors let us know that this case has an obvious political subtext. One of them is the constant inappropriate reference to Right Sector. The investigation has no real information providing evidence that the defendants in the case have any connection with that organisation. We believe that the real motive for the obsessive inclusion of Right Sector in the charges is to create a primitive media image of a nationalist threat in Crimea.

***We demand the immediate and unconditional release of Oleg Sentsov, his complete rehabilitation and a thorough investigation into his statements about torture by the FSB.***

***We also demand an investigation into Gennady Afanasyev's statements about torture and that his safety be guaranteed. The cases of Gennady Afanasyev and Alexander Kolchenko should be re-examined and their real actions qualified correctly. At the same time, the investigation should stop giving Kolchenko Russian citizenship against his will and return him to Crimea, in accordance with international law.***

***We did not find it possible to recognise Alexei Chirny as a political prisoner, but we draw attention to the fact that he, like the other Crimeans, was transported out of Crimea illegally, and there are serious grounds to suspect that he was subjected to violence on the part of employees of the FSB, and political tendencies can be seen in the qualification of his actions.***

Recognising a person as a political prisoner does not mean that the Memorial Human Rights Centre agrees with the actions or statements of the persons recognised as political prisoners, or that it approves of their statements or actions.

Read more on the cases of [Afanasyev](#), [Sentsov](#), [Kolchenko](#) (*in Russian*).