



*Committee on the International Freedom of Scientists
of the American Physical Society
One Physics Ellipse, College Park, MD 20740*

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The Case of Dr. Igor Sutyagin
For Inclusion in the Official Record

The Committee on the International Freedom of Scientists (CIFS) of the American Physical Society (APS) has followed the case of fellow scientist Dr. Igor Sutyagin since he was arrested over three years ago in October 1999. CIFS has been assured that the following recapitulation of facts in his case is accurate:

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1. Despite the fact that Dr. Sutyagin was not found guilty of the espionage and high treason charges against him during a trial that ended one year ago, he has been held in prison since his arrest.
2. During his trial, the Kaluga court determined that the Federal Security Service (FSB) investigators committed "significant violations" of legal procedures, which violated Dr. Sutyagin's rights. Nevertheless, the court called for a second investigation into the charges against Dr. Sutyagin.
3. In March of this year the Supreme Court upheld the decision to conduct a second investigation and rejected a request that Dr. Sutyagin be released while the FSB continues to pursue this investigation.
4. The Supreme Court (or its Presidium) is scheduled to meet on December 25, 2002, to address the appeal filed by the defense opposing the decision that Dr. Sutyagin's pre-trial detention be extended and questioning the constitutionality of his continued detention.

It is our understanding that the aforementioned second investigation is in flat contradiction to Article 49 (Innocence) of the Constitution of the Russian Federation. On the above facts, therefore, CIFS—though recognizing that the Supreme Court and only the Supreme Court can authoritatively interpret the Russian Constitution—finds it difficult to understand how the continued detention of Dr. Sutyagin can be justified and how the investigation into the charges against him can be permitted to continue. We trust the Court will recognize that the respect other civilized nations feel for the Russian judicial system unavoidably will be affected by the Court's forthcoming decision in the Sutyagin case.

We close this communication with our thanks to this Court for its willingness to take our views into consideration.

Sincerely,

Noémie Koller
CIFS Chairperson and
Professor of Physics, Rutgers University

