



Urgent Action Office 3-1992 Yonge Street Toronto ON M4S 1Z7 Phone: (416) 363-9933 Fax: (416) 363-3103 urgentaction@amnesty.ca
Third UA: 64/22 Index: EUR 46/6522/2023 Russian Federation of March 07, 2023

RUSSIAN FEDERATION UKRAINIAN, OLEKSANDR MARCHENKO'S APPEAL REJECTED

On February 07, 2023, the Buryatia Supreme Court rejected Oleksandr Marchenko's appeal against an administrative fine for "discreditation of the Russian armed forces". He will appeal this decision.

Following his appeal, the penal colony authorities incarcerated him in a confinement cell for six months on spurious grounds. He is still denied contact with his partner. On February 17, he was transferred to a penal colony FKU IK-2 in Buryatia's capital Ulan-Ude.

Write to the Acting Prosecutor of the Republic of Buryatia urging him to:

- Ensure that Oleksandr Marchenko is not subjected to torture and other ill-treatment at penal colony FKU IK-2.
- Guarantee that he is released from confinement cell.
- See to it that Oleksandr Marchenko is provided with the medical care he requires.
- Ensure his allegations of ill-treatment are promptly, effectively and impartially investigated.

Write to:

Mikhail Yurievich Filichev
Acting Prosecutor of the Republic of Buryatia
23a, Borsoeva Street
Ulan-Ude
Republic of Buryatia
Russian Federation
Fax: 007 3012 21-76-75; 21-14-10; 21-44-98
Email: prokrb@03.mailop.ru
Salutation: *Dear Prosecutor*

***Please also send your letters to the Director of Federal Penal Service:

Arkadiy Aleksandrovich Gostev
Director of Federal Penal Service
14, Zhitnaya Street,
Moscow 119049
Russian Federation
Fax: 007 495 982 1950
Email: udmail@fsin.su
Salutation: *Dear Director of the Penal Service*

And copy:

His Excellency Oleg STEPANOV
Ambassador
Embassy of the Russian Federation
285 Charlotte Street
Ottawa, ON K1N 8L5
Tel: (613) 235-4341/236-1413 (24H) Fax: (613) 236-6342
Email: info@rusembassy.ca

ADDITIONAL INFORMATION

Ukrainian citizen Oleksandr (Aleksandr) Marchenko told his lawyers that in December 2018 he travelled from Kyiv, Ukraine's capital, via Russia to Donetsk, in Russia-occupied eastern Ukraine, on personal business. On December 18, 2018, he was abducted by masked men when crossing back into Russia. According to Oleksandr Marchenko, the men put a bag over his head, took away his mobile phone and other personal belongings, and drove him to a secret prison belonging to the so-called "Donetsk People's Republic" (DNR). There he was held incommunicado in the basement, in a cell without windows, bed, toilet or running water. From the first day of his abduction Oleksandr Marchenko was subjected to torture and other ill-treatment, including electrocution, until he agreed to read out his self-incriminating "confession" on video.

On February 18, 2019, he was made to sign papers that he had no complaints against the "Ministry of State Security of the DNR", was driven to the Russian border and was handed over to the Russian Federal Security Service (FSB). The FSB officers put a bag over Oleksandr Marchenko's head and drove him for several hours to the Krasnodar Regional FSB Headquarters. There, he was questioned about a man whom he says he had never met. Oleksandr Marchenko told his lawyers that after the questioning, FSB officers took him to a police station where he spent the following night.

Based on a fabricated record of an administrative offence, drawn by the police, a court ruled the next day to have Oleksandr Marchenko detained for 10 days. Subsequently, the police fabricated two more administrative cases against Oleksandr Marchenko – each time on the day when he would have been released for serving in full his previous administrative detention (on 1 March 2019 and 16 March 2019), and he continued to be kept in custody.

During his arbitrary administrative detention, FSB officials, together with "security officials" from the "DNR", repeatedly interrogated Oleksandr Marchenko and made him sign a "confession". They made threats against him and his family and denied him access to a lawyer. On May 1, 2019, Oleksandr Marchenko was remanded by a court accused of smuggling contraband, initially for two months. This detention was subsequently extended several times. On 6 December 2019 Oleksandr Marchenko was charged with espionage. On 26 November 2020, the Krasnodar Regional Court found Oleksandr Marchenko guilty under Article 276 of the Russian Criminal Code ("Espionage") and sentenced him to ten years' imprisonment in a strict regime penal colony. His appeals were rejected.

In 2016, Oleksandr Marchenko had his thyroid removed due to cancer. Following the surgery, he requires daily medication, monthly blood tests and other medical examinations once every three months. However, since he was deprived of his liberty in 2018, he had only had one blood test

privately arranged by his family in July 2021. According to Oleksandr Marchenko's lawyers, on at least two occasions he was denied the medication he requires by the penitentiary authorities for extended periods. First, in April-May 2021, while he was being held in remand centre SIZO-1 and penal colony IK-14 in Krasnodar, and from December 12 to 28, 2021 while being held in SIZO-1 in Ulan-Ude, Buryatia. Being deprived of his vital medication has caused a significant deterioration of his health. Currently, in penal colony IK-8, he is denied the regular tests he requires, while the vital medication has to be supplied by his family at their own cost. The denial of medical care may amount to torture or other ill-treatment.

According to Oleksandr Marchenko's lawyers, the administration of SIZO-1 in Ulan-Ude issued death threats against him and threatened him with sexual violence. He was also reportedly placed in a punishment cell for 15 days with a man who had tuberculosis, for trying to contact the Ukrainian Consul. In 2022, the administration of the penal colony IK-8 placed him in punishment or confinement cells at least eight times and denied him contact with his partner.

Amnesty International and other organizations monitoring human rights have documented cases of individuals deprived of their liberty by the so-called "Ministry of State Security" in Russia-occupied eastern Ukraine who placed them in secret detention and subjected them to torture and other ill-treatment in order to extract a forced "confession", which was then used for their "conviction". For more details about such practices, please see the joint report by Amnesty International and Human Rights Watch, *You Don't Exist: Arbitrary detentions, enforced disappearances, and torture in eastern Ukraine*, <https://www.amnesty.org/en/documents/eur50/4455/2016/en/>

On March 4, new legislation was adopted penalizing "dissemination of deliberately false information" about the Russian armed forces (Article 207.3 of the Criminal Code) and "discreditation" of the Russian Armed Forces (Article 280.3 of the Criminal Code and Article 20.3.3 of the Code of Administrative Offences). Anyone accused of committing these "crimes" could face extortionate fines or a prison sentence of up to 15 years. Over the following three days, more than 140 people were detained under the new law effectively banning the word "war" and calls for peace. As of December, there were over 180 and 100 criminal cases, respectively, under these charges and at least 5,518 administrative prosecutions for "discreditation". Those who have faced administrative penalties for "discreditation" could face criminal charges next time.

Please take action at your earliest convenience!