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First UA: 69/23 Index: EUR 46/7012/2023 Russian Federation/Ukraine of July 14, 2023

RUSSIAN FEDERATION/ UKRAINE SPANISH CITIZEN, MARIAN GARCIA CALATAYUD, HELD INCOMMUNICADO

Mariano García Calatayud, a 75-year-old Spanish volunteer humanitarian worker, was forcibly disappeared by the occupying Russian authorities in the Ukrainian city of Kherson on March 19, 2022. He disappeared after he attended a peaceful protest against the occupation.

Russian authorities have been holding him incommunicado since then, only acknowledging his detention in April 2023 without providing any legal justifications for it. In May 2023, independent Russian media sources published testimonies of former prisoners who confirmed his poor health and claimed they'd witnessed Mariano García Calatayud being tortured by prison guards.

Write to the Chief Military Prosecutor urging him to:

- Immediately release Mariano García Calatayud and give him free passage to a destination of his choice, so he can be reunited with his family, unless he is charged with an internationally recognizable criminal offence and tried according to international fair trial standards.
- Effectively investigate all allegations of his and other detainees' torture and other ill-treatment and ensure the accountability of all those found responsible in fair trial proceedings.
- Immediately disclose the fate and whereabouts of all persons detained by the occupying Russian forces in Ukraine, ensure their immediate contact with their families and a lawyer of their choice, clarify their legal status, and release every person held in detention without legitimate legal grounds.

Write to:

Valeriy Georgievich Petrov
Chief Military Prosecutor
Pereulok Holzunova 14, Moscow
119160 Russian Federation

Fax: +7 (495) 693 13 60

Email: priemnaya@gvp.rsnet.ru , app@gvp.rsnet.ru

Salutation: Dear Chief Military Prosecutor

Ps. Canada Post is still not delivering mail to Russia, so you're encouraged to send your appeals via email.

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

Mariano García Calatayud is a 75-year-old (as of April 2023) Spanish citizen. He had been working in Ukraine as a volunteer since 2014, delivering humanitarian aid to war-affected children. He remained in Kherson after Russian forces occupied the city in February 2022.

Mariano García Calatayud went missing in Kherson on March 19, 2022, after joining a peaceful protest against the Russian occupation. There were grounds to believe that, like hundreds of other civilians detained by the occupying Russian forces, he was transferred to the Russian-occupied Crimea and secretly placed in a detention center. No official information was disclosed as to his fate and whereabouts. According to unofficial reports, such as information from former prisoners or messages passed on by fellow detainees in possession of Russian passports who were allowed visits by their lawyers, he was held in the pretrial detention center No. 1 (SIZO-1) Simferopol until April 2023.

According to Mariano García Calatayud's lawyer, he was later moved to the newly established pretrial detention center No. 2 (SIZO-2) in Simferopol. This detention center was reportedly built to house the numerous detainees from the territories occupied by Russia after its full-scale invasion of Ukraine on February 24, 2022.

Some individuals recently released from Russian detention (such releases are rare, with some becoming possible due to prisoner exchange or for other reasons) have reported that they had seen Mariano García Calatayud in SIZOs in Simferopol and witnessed his injuries, including those caused by the use of electric shocks, dog bite and other.

Secret detention is unlawful and enforced disappearance is a crime under international law. The forcibly disappeared person is placed outside the protection of the law, which impedes their recourse to legal remedies and guarantees of protection and places them in a situation of complete defenselessness. This in turn makes them vulnerable to other human rights violations, such as torture or even killing.

These concerns are entirely consistent with the reported human rights violations suffered by Mariano García Calatayud and countless other prisoners who forcibly disappeared in Russian-occupied Ukraine and were reportedly held by the Russian authorities in unacknowledged detention. They are not officially charged with any crime, have no procedural status within any criminal or administrative proceedings, and have no legal status, which places them outside of protection by any law (be it Russian which Russia unlawfully insists on applying in Crimea, or Ukrainian law which should apply in the occupied territories under international humanitarian law).

The secret prisoners also include individuals who failed to pass so-called "filtration", the abusive and humiliating screening process, a shocking violation of international human rights and humanitarian law. Such human rights violations must stop, and all those responsible be brought to account in fair trial proceedings.

There are no reliable figures as to how many civilians the occupying Russian forces have detained in the Ukrainian territories they presently hold or previously had under their control. Estimates are in the thousands, including hundreds of those who are held in detention centers in Crimea, the territory which Russia has controlled since its occupation in 2014. One of the main reasons for this is their

unacknowledged detention and subsequent incommunicado detention, which amounts to enforced disappearance. Amnesty International has documented the wide use of enforced disappearance by Russian law enforcement agencies, including in Russia and in circumstances unrelated to Russia's war in Ukraine.