

URGENT ACTION

UKRAINIAN JAILED IN RUSSIA FURTHER PERSECUTED

On 7 February, the Buryatia Supreme Court will hear imprisoned Ukrainian Oleksandr Marchenko's appeal against an administrative fine for "discreditation of the Russian armed forces" issued on 29 December 2022 by a court in Buryatia's capital Ulan-Ude. The penal colony authorities have intermittently placed him in punishment or confinement cells on spurious grounds and deny him contact with his partner. He has been regularly denied urgent medical care which poses a risk to his life and may amount to torture.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

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Dear Prosecutor,

I am writing to you to express my deep concern about the administrative proceedings Ukrainian citizen Oleksandr Marchenko is facing for "discreditation of the Russian Armed Forces" and his ongoing persecution and harassment by the authorities of penal colony FKU IK-8 where he is currently serving a ten-year sentence.

On 29 December 2022, the Ulan-Ude Oktyabrsky District court found a violation of Article 20.3.3 (1) of the Code of Administrative Offence and issued Oleksandr Marchenko with a fine. He denies allegations of discreditation. The Buryatia Supreme Court will hear his appeal on 7 February. The penal colony authorities have repeatedly subjected Oleksandr Marchenko to arbitrary disciplinary incarcerations on spurious grounds. For instance, on 31 August 2022, he was placed in a confinement cell for six months allegedly for refusing to participate in the cleaning of the premises. Furthermore, the penal colony authorities deny Oleksandr Marchenko contact with his partner. The circumstances of his case and the manner of his treatment at penal colony FKU IK-8 gives grounds to believe that the administrative case against him was fabricated and that he is being persecuted because of his nationality.

I am further concerned that according to Oleksandr Marchenko's family he is not provided with the urgent medical care he needs. In 2016, Oleksandr Marchenko had his thyroid removed due to cancer. He now 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 12 to 28 December 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.

I urge you to petition the Buryatia Supreme Court to overturn Oleksandr Marchenko's administrative sentence and to ensure that he is provided with the medical care he requires, and that his allegations of ill-treatment are promptly, effectively and impartially investigated.

Yours sincerely,

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 18 December 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 18 February 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 1 May 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.

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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 4 March, 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.

PREFERRED LANGUAGE TO ADDRESS TARGET: Russian, English, or your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 31 March 2023.

NAME AND PREFERRED PRONOUN: Oleksandr (Aleksandr) Marchenko (he/him)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/EUR46/5799/2022/en/>