

URGENT ACTION

PERSECUTION OF IMPRISONED UKRAINIAN CONTINUES

Ukrainian citizen Oleksandr Marchenko, imprisoned in Russia on fabricated charges of espionage, continues to be harassed and ill-treated in custody. The penal authorities have intermittently placed Oleksandr Marchenko in punishment or confinement cells on spurious grounds and deny him contact with his partner. He has been regularly denied urgent health 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 ongoing persecution and harassment of Oleksandr Marchenko, Ukrainian citizen imprisoned on the fabricated charges of espionage, by the administration of the penal colony FKU IK-8 where he is currently serving his ten-year sentence.

On 3 January 2024, the penal colony administration placed him in a punishment isolation cell (SHIZO) for a week. On 10 January, they placed him in a confinement cell (PKT) for six months. I understand that the punishments were issued on spurious grounds of "violation of the standard of clothing". Besides, according to Rule 36 of the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) "discipline and order shall be maintained with no more restrictions than is necessary to ensure safer custody ...". Rule 39(2) of the same international document proclaims the principle of proportionality between a disciplinary sanction and the offence for which it is established. I believe that these international standards have been violated when imposing the punishments. The penal authorities have repeatedly subjected Oleksandr Marchenko to arbitrary disciplinary measures on spurious grounds. Furthermore, Oleksandr Marchenko is denied contact with his partner. The circumstances of his case and the manner of his treatment in the penal institutions give grounds to believe that he is being targeted for harsher treatment because of his citizenship.

I am extremely concerned that repeated placement of Oleksandr Marchenko in punishment cells could lead to deterioration of his health. In 2016, Oleksandr Marchenko had his thyroid removed due to cancer. He requires daily medication, monthly blood tests and other medical examinations once every three months. However, I understand that he is not provided with the health care he needs, while the vital medication has to be supplied by his family at their own cost. The denial of health care as well as continuous placement in punishment cells may violate the absolute prohibition of torture and other ill-treatment.

I urge you to initiate a review of the treatment of Oleksandr Marchenko in penal colonies in Buryatia, to ensure that he does not face disciplinary measures on spurious grounds, is provided with the health 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 Russian-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 established by the forces of 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, on accusations 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 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. 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. He was also repeatedly placed in punishment or confinement cells in 2023. In 2022, penal colony authorities initiated an administrative case against him under Article 20.3.3 (1) of the Code of Administrative Offence, "discreditation of the Russian Armed Forces." On 29 December 2022, the Ulan-Ude Oktyabrsky District court found Oleksandr Marchenko in violation of this Article and fined him. On 7 February, the decision was upheld on appeal by the Buryatia Supreme Court.

Amnesty International and other organizations monitoring human rights have documented cases of individuals unlawfully deprived of their liberty by the so-called "Ministry of State Security" in Russian-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](#).

On 4 March 2022, new legislation was adopted in Russia 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. Those who have faced administrative penalties for "discreditation" could face criminal charges for repeating this "offence". According to Russian NGO [OVD-Info](#), there have been at least 268 prosecutions under Article 207.3 and at least 159 prosecutions under Article 280.3 of the Criminal Code as of November 2023.

PREFERRED LANGUAGE TO ADDRESS TARGET: Russian, English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: March 29, 2024

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

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

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/eur46/6522/2023/en/>