

URGENT ACTION

TWO MISSING PRISONERS FOUND; TORTURE FEARS REMAIN

After weeks of uncertainty about the fate and whereabouts of IT specialist Victor Filinkov and civil society activist Yuliy Boyarshinov, on 31 October the two men were confirmed to being held at pre-trial detention centres in St. Petersburg, Russia. The authorities failed to disclose the fate or whereabouts of the two men, despite them being in their custody, which amounts to an enforced disappearance. Their allegations of torture and ill-treatment remain un-investigated and there are serious concerns for Victor Filinkov's health.

After weeks of uncertainty about the fate and whereabouts of IT specialist **Victor Filinkov** and civil society activist **Yuliy Boyarshinov**, the two prisoners have been transferred, according to the Public Monitoring Commission for Oversight of Places of Detention (ONK), to St. Petersburg, Russia from a detention facility in the city of Penza, about 1,400 km from St Petersburg. Victor Filinkov's health deteriorated during the journey that took more than a month. He was temporarily immobilized by an unknown affliction several days ago. According to the ONK, he has yet to receive an adequate medical examination or treatment for his ill-health. Yuliy Boyarshinov was found in St. Petersburg on 19 October, and Victor Filinkov's whereabouts were confirmed on 31 October.

Both men allege they were subject to ill-treatment and Victor Filinkov to torture by Federal Security Service (FSB) operatives who wanted them to "confess" to their own participation, and incriminate others, in a "terrorist" organization called Network. Members of the ONK examined Victor Filinkov on 26 January and confirmed that his body displayed visible signs of torture, including by an electric shocker. The authorities however continue to dismiss Victor Filinkov's allegations, despite the FSB admitting to using a stun gun on him, though they allege it was used only to stop Victor Filinkov from escaping. Both men remain at risk of torture and other ill-treatment while in detention.

Victor Filinkov and Yuliy Boyarshinov were arrested by FSB officers in St. Petersburg in January 2018 and charged with 'participation in a terrorist group' (under Article 205.4, part 2 of the Russian Criminal Code). Both men deny the charges.

Please write immediately in Russian or your own language to the Russian authorities to:

- Ensure that Victor Filinkov and Yuliy Boyarshinov are protected from torture and other ill-treatment in detention and that a prompt, independent, effective and impartial investigation is conducted into their allegations of torture and ill-treatment;
- Facilitate an independent medical examination of Victor Filinkov and ensure that he has regular access to any medical treatment required.

PLEASE SEND APPEALS BEFORE 14 DECEMBER 2018 TO:

Prosecutor General of the Russian

Federation

Yuriy Yakovlevich Chaika
Prosecutor General's Office
125993 Moscow GSP-3
ul. B. Dmitrovka 15a
Russian Federation
Fax: +7 495 987 58 41 / +7 495 692 17
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Salutation: Dear Prosecutor General

Director of Federal Penitentiary Service

Gennady Alexandrovich Kornienko
Federal Penitentiary Service
119991 Moscow
Ul. Zhitnaya 14
Russian Federation
Fax: +7 495 799 3240
E-mail: udmail@fsin.su

Salutation: Dear Director

Chairman of the Investigative Committee of the Russian Federation

Alexander Ivanovich Bastrykin
Investigative Committee of the Russian
Federation
105005 Moscow
Tekhnichesky per. 2
Russian Federation

Salutation: Dear Chairman

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below.

Please check with your section office if sending appeals after the above date. This is the first update of UA 145/18. Further information:

www.amnesty.org/en/documents/eur46/8900/2018/en/

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INTERNATIONAL**



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ADDITIONAL INFORMATION

IT specialist Victor Filinkov, who is also active in an antifascist group, “disappeared” on 23 January in St Petersburg. Two days later he was found in detention and “confessed” his participation in the “terrorist” organization Network. The Federal Security Service (FSB) claimed that Network members had smaller factions in Penza (where the first arrests related to this case took place in October 2017), St Petersburg, Moscow and Belarus, and were planning terrorist attacks during the presidential elections in March and FIFA World Cup in June-July 2018. Later, Victor Filinkov withdrew his statement stating it had been delivered under torture. To date, no investigation has been opened into his allegations of torture.

Civil society activist and industrial climber Yuliy Boyarshinov was arrested on 21 January in St Petersburg, initially on charges of “possession of explosives” (Article. 222.1, part 1 of the Russian Criminal Code). He was beaten by policemen when arrested and subjected to pressure by FSB operatives in pre-trial detention. The FSB wanted him to “confess” and incriminate the others. When Yuliy Boyarshinov refused to do so, he was charged with participation in a terrorist organization (Article 205.4, part 2 of the Russian Criminal Code) and transferred to a pre-trial detention centre with worse conditions. His family believes that the new charges and transfer were done in retaliation against his refusal to cooperate.

Eleven people from Penza and St Petersburg, most of whom are affiliated with anti-fascist or anarchist movements, are currently under investigation and in remand in connection to the “Network case”. Several of the detainees complained about the FSB operatives’ use of torture against them to extract “confessions”. If convicted on charges of “participation in a terrorist organization” they could face up to 10 years in jail.

The secret detention of prisoners in transit, most often in an overcrowded train carriage or truck, are not unusual in the Russian penal system and amounts to cruel, inhuman or degrading treatment. The Federal Penitentiary Service (FSIN) treats all information about prisoner transportation and their whereabouts with the utmost secrecy. Neither the prisoner, nor their families or lawyers are informed about the end destination before the transfer begins. According to Article 17 of the Criminal Executive Code the Federal Penitentiary Service (FSIN) must inform the family within 10 days of a prisoner’s arrival at their place of punishment. Lack of information about their whereabouts increases their vulnerability because prison monitoring bodies and lawyers are not able to locate the prisoners to visit them. For more information see Amnesty International’s 2017 report, *Prisoner Transportation in Russia: Travelling into the unknown* here: <https://www.amnesty.org/download/Documents/EUR4668782017ENGLISH.PDF>

Under international law, the deprivation of liberty followed by the authorities’ failure to disclose the fate or whereabouts of a person in its custody amounts to an enforced disappearance. In the case of *Yrusta vs. Argentina* (UN Doc. CED/C/10/D/1/2013) the UN Committee on Enforced Disappearance found that the applicant had been subjected to an enforced disappearance during transfer from one prison to another. The Committee found that he had been placed outside the protection of the law and subjected to an enforced disappearance because a) he was not able to receive visits from anyone, and b) neither he nor his family had access to a court where they could challenge the lawfulness of his situation when he was transferred from the prison where he had been held. In this case the authorities failed to inform the family of his whereabouts for over seven days.

Name: Victor Filinkov and Yuliy Boyarshinov
Gender m/f: m

Further information on UA: 145/18 Index: EUR 46/9346/2018 Issue Date: 2 November 2018