

URGENT ACTION

WHISTLE-BLOWER FACES TWO MORE MONTHS IN JAIL

Whistle-blower Aleksandr Eivazov has spent six months in detention and is due to be released on 19 February. However, the investigator has petitioned for an extension of Eivazov's detention for two more months. Aleksandr Eivazov is a prisoner of conscience and should be released immediately.

Aleksandr Eivazov is a former court secretary and whistle-blower who is unjustly detained on charges of "interfering with the course of justice with the use of official position" (Article 294, part 3 of the Russian Criminal Code) and "slander with the use of official position" (Article 128, part 3 of the Russian Criminal Code) after he exposed violations in the judicial system. He has spent six months in pre-trial detention which is the maximum term for anyone accused of petty or medium gravity crimes. Aleksandr Eivazov should be automatically released at a court hearing on 19 February. However, his lawyers found out that the investigator had petitioned for an extension of his pre-trial detention for two more months, until 22 April on the grounds that Aleksandr Eivazov needs to familiarise himself with the case file.

Aleksandr Eivazov's lawyers believe that extending his detention would violate their client's procedural rights under Russian law as the only lawful reason for a further extension of his detention could be when the defence and the accused did not have sufficient time to familiarise themselves with the case file before it goes to court. However, the defence duly informed the investigator that they had studied all available case file materials and did not wish to familiarise themselves with any further materials in the case. The lawyers believe that even though the investigator told them in January that the pre-trial investigation had been completed, that was not true and the investigation activities continued. They believe that the investigator is unjustifiably seeking an extension of the pre-trial detention in order to continue the investigation without releasing Aleksandr Eivazov from detention, as the law mandates in this case. Earlier, the lawyers also discovered that the case file contains some blank witness testimony forms signed by the Chair of the Oktiabrskiy Court (who initially requested that Aleksandr Eivazov be investigated). This is contrary to the law and they believe it amounts to falsification of the case file. The defence team also found out that the investigator intends to press new charges against Aleksandr Eivazov on 20 February. There is concern that at the hearing on Monday 19 February the judge could accept the investigator's petition and extend Aleksandr Eivazov's detention. Aleksandr Eivazov is a prisoner of conscience who is being prosecuted solely for speaking out against human rights violations in the judicial system.

Please write immediately in Russian or your own language:

- Urging the authorities to release Aleksandr Eivazov immediately and unconditionally as he is a prisoner of conscience, detained solely for the exercise of his right to freedom of expression;
- As Aleksandr Eivazov has acute asthma, call on them to ensure that he is provided with access to any medical care he may require, including the medication he needs

PLEASE SEND APPEALS BEFORE 30 MARCH 2018 TO:

Prosecutor of Saint Petersburg

Sergei Litvinenko
Saint Petersburg Prosecutor's Office
ul. Pochtamtskaya 2/9
190000 Saint Petersburg, Russia
Fax: + 7 812 318 26 50
Email: e-mail via web site
<http://procppb.ru/reception>
Salutation: Dear Prosecutor

Head of the Pre-Trial Detention Centre

No.1
Pre-trial Detention Centre No.1
Arsenalnaya nab. d. 7
195009, Saint Petersburg
Russia
Email: kresty-sizo@mail.ru
Salutation: Dear Head

And copies to:

Prosecutor General
Yuriy Yakovlevich Chaika
Prosecutor General's Office
ul. B. Dmitrovka, d.15a
125993 Moscow GSP- 3
Russian Federation
Fax: +7 495 987 58 41/ +7 495 692 17 25

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR ALEXANDER VLADIMIROVICH YAKOVENKO, Embassy of Russia, 6-7 Kensington Palace Gardens, London W8 4QP, 020 7229 6412 **Please check with your section office if sending appeals after the above date.** This is the first update of UA 228/17. Further information: <https://www.amnesty.org/en/documents/eur46/7200/2017/en/>

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ADDITIONAL INFORMATION

In October 2016, **Aleksandr Eivazov** started working as a court secretary in the Oktiabrskiy District court in St Petersburg, hoping to become a judge one day. He was shocked by the violations of judicial ethics and labour rights that he witnessed in the court. According to Aleksandr Eivazov, secretaries were asked to falsify records of court sessions and judges violated the principle of judicial independence by not conducting their deliberations in secret. Aleksandr Eivazov sent dozens of complaints to the chairs of higher courts, the judicial qualification body, the Federal Security Service and the Investigation Committee. However, he got no response. Then, Aleksandr Eivazov published his criticism on social media and sent information to journalists. He resigned in December 2016.

In January 2017, the Deputy Chair of the Oktiabrskiy District court came to Aleksandr Eivazov's home together with some police officers and asked him to sign a backdated record of a court session that had been prepared by another secretary. Aleksandr Eivazov refused to do so. Shortly afterwards, the Chair of the court submitted a request to the Investigation Committee to open a case against Aleksandr Eivazov for alleged interference in the work of the court. The Chair claimed that Aleksandr Eivazov had failed to prepare and sign court records. Aleksandr Eivazov was detained on 22 August in Sochi, in the southwest of Russia. He is currently in pre-trial detention in St Petersburg. There are concerns about his health as he has suffered from asthma since childhood. Poor conditions of detention and non-provision of adequate medical treatment have exacerbated his condition. His lawyers had appealed for his hospitalization but their petitions were rejected.

The failings of the judicial system in Russia are well known. According to a poll carried out by the social research organization Levada-Centre in 2016, of all public institutions in Russia, the court system has the lowest level of trust compared to the president, the Orthodox Church, security apparatus, army, government and parliament. In 2014, the UN Special Rapporteur on the independence of the judiciary expressed "strong concern about allegations of direct and indirect threats to, and improper influence, interference and pressure on the judiciary", and expressed the view that this was a serious threat to the rule of law in the Russian Federation.

Further information on UA: 228/17 Index: EUR 46/7911/2018 Issue Date: 16 February 2018