

URGENT ACTION

FEARS FOR TWO DISAPPEARED RUSSIAN PRISONERS

The fate and whereabouts of IT specialist Victor Filinkov and civil society activist Yuliy Boyarshinov remain unknown. They were last seen on 28 July, in a detention centre in Yaroslavl, Russia but are now believed to be in transit to an undisclosed location. There are grave concerns for their safety.

IT specialist **Victor Filinkov** and civil society activist **Yuliy Boyarshinov** were last seen on 28 July in a detention centre in the city of Yaroslavl, northeast of Moscow. The two men have been held by Federal Security Service (FSB) operatives in St. Petersburg since January 2018 for their alleged participation in the “terrorist” organization *Network* (under Article 205.4, part 2 of the Russian Criminal Code). Both men allege they were subject to ill-treatment and Viktor Filinkov to torture by FSB operatives who wanted them to “confess” to their own participation, and incriminate others, in the “terrorist” organization *Network*. Victor Filinkov “confessed” but later withdrew his statement as he alleges it was made under duress. Yuliy Boyarshinov says he was pressured to incriminate himself and/or others but refused. Members of the Public Monitoring Commission for Oversight of Places of Detention (ONK) examined Victor Filinkov on 26 January 2018 and confirmed that his body displayed visible signs of torture, including by an electric shocker. Victor Filinkov also told the ONK that one of the FSB operatives who tortured him warned that if he withdrew his “confession” he would be tortured again by “professionals” when in transfer.

On 20 July, it was reported that Victor Filinkov and Yuliy Boyarshinov had been transferred to an undisclosed location, believed to be the city of Penza – about 1,400 km from St Petersburg – where the investigation into the “*Network* case” is ongoing. As is common practice in the Russian penal system, neither Victor Filinkov and Yuliy Boyarshinov’s families nor their lawyers were informed about their transfer. On 25 July, it was reported that they were being held in a pre-trial detention centre in Yaroslavl. Their lawyer visited the Yaroslavl detention centre on 28 July and confirmed their location. According to the lawyer while both men were well and did not report of any new incidents of torture or other ill-treatment, they complained about poor conditions in transit, including overcrowding, and in detention in Yaroslavl. Since 28 July, all subsequent efforts to locate Victor Filinkov and Yuliy Boyarshinov have failed; it is unclear whether they remain in Yaroslavl detention centre or are again in transit. A lack of information from the authorities on Victor Filinkov and Yuliy Boyarshinov’s fate and whereabouts creates serious concerns that the two men are at grave risk of torture and other ill-treatment, particularly while in transit. Non-disclosure of their whereabouts can lead to a situation that amounts to enforced disappearance.

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

- Immediately disclose Victor Filinkov and Yuliy Boyarshinov’s fate and whereabouts, ensure that they are held in official places of detention and their families and lawyers have access to them and are fully informed of their location at all times;
- Ensure that they are protected from torture and other ill-treatment both in transit and in detention and that a prompt, independent, effective and impartial investigation is conducted into their allegations of torture and ill-treatment.

PLEASE SEND APPEALS BEFORE 14 SEPTEMBER 2018 TO:

Prosecutor General of the Russian Federation

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

Salutation: Dear Prosecutor General

Director of Federal Penitentiary Service

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

Salutation: Dear Director

And copies to:

Director of Federal Security Service
Aleksandr Vasilievich Bortnikov
Federal Security Service
ul. Bolshaia Lubianka, d.1/3
107031 Moscow
Russian Federation
Fax: +7 495 914 26 32
Email: fsb@fsb.ru

Please check with your section office if sending appeals after the above date. HIS EXCELLENCY MR ALEXANDER VLADIMIROVICH YAKOVENKO, Embassy of Russia, 6-7 Kensington Palace Gardens W8 4QP, 020 7229 6412 Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Antifascist and IT specialist Victor Filinkov “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 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 believe 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 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 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.

The failure of the authorities to disclose the fate or whereabouts of a person in its custody amounts to an enforced disappearance. In the case of *Yrusta vs. Argentina* 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.

Both Yuliy Boyarshinov and Victor Filinkov had complained about the prison conditions in Yaroslavl: including high humidity in their cells; the absence of ventilation and hot water; mould on the walls; and not being allowed to leave their cells, including to take a shower.

Normally, a train journey from St Petersburg to Penza takes no more than 20 hours. The two men have already spent at least 12 days in transit from St. Petersburg and might still have a lengthy journey ahead of them in an overcrowded train carriage or truck in conditions that could amount to cruel, inhuman or degrading treatment.

Name: Victor Filinkov, Yuliy Boyarshinov
Gender m/f: both male

UA: 145/18 Index: EUR 46/8900/2018 Issue Date: 3 August 2018