

URGENT ACTION

SPANISH CITIZEN HELD INCOMMUNICADO

Mariano García Calatayud, a 75-year-old Spanish volunteer humanitarian worker, was forcibly disappeared by the occupying Russian authorities on 19 March 2022 in the Ukrainian city of Kherson. He disappeared after he attended a peaceful protest against the occupation. Russian authorities have been holding him incommunicado since then, and first officially acknowledged his detention in April 2023 only but gave no legal grounds for it. In May 2023, independent Russian media sources published testimonies of former prisoners who confirmed his poor health and claimed they'd witnessed Mariano García Calatayud being tortured by prison guards.

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

Valeriy Georgievich Petrov

Chief Military Prosecutor

Pereulok Holzunova 14, Moscow

119160 Russian Federation

Fax: +7 (495) 693 13 60

Email: priemnaya@gvp.rsnet.ru, app@gvp.rsnet.ru

Dear Chief Military Prosecutor,

I am writing to demand the immediate release of Mariano García Calatayud, a Spanish citizen who was forcibly disappeared by the occupying Russian forces in Kherson on 19 March 2022.

After 13 months of uncertainty about his fate and whereabouts, the Black Sea Fleet Military Prosecutor's Office acknowledged, in a letter to a lawyer, his incarceration in a pretrial detention centre in Simferopol "to verify information about [his possible] involvement in the commission of actions aimed at causing damage to the security of the Russian Federation." No legitimate grounds for his detention were given in the letter, and no further details were provided, since they purportedly constitute a state secret.

According to media reports, Mariano García Calatayud has now been in incommunicado detention all this time, media have reported, quoting eyewitness accounts have reported his torture and other ill-treatment, including repeated electrocution and being bitten by a guard dog, and his poor, deteriorating health.

There are reports of hundreds of civilians from occupied Ukrainian territories who have similarly been forcibly disappeared by the Russian authorities and remain in unlawful, incommunicado detention.

I urge you to immediately release Mariano García Calatayud and give him free passage to a destination of his choice, so he can be reunited with his family, unless he is charged with an internationally recognizable criminal offence and tried according to international fair trial standards; to effectively investigate all allegations of his and other detainees' torture and other ill-treatment and ensure the accountability of all those found responsible in fair trial proceedings; immediately disclose the fate and whereabouts of all persons detained by the occupying Russian forces in Ukraine, ensure their immediate contact with their families and a lawyer of their choice, clarify their legal status, and release every person held in detention without legitimate legal grounds.

Yours sincerely,

ADDITIONAL INFORMATION

Mariano García Calatayud, a 75-year-old (as of April 2023) Spanish citizen. He had been working in Ukraine as a volunteer since 2014, delivering humanitarian aid to war-affected children. He remained in Kherson after Russian forces occupied the city in February 2022.

Mariano García Calatayud went missing in Kherson on 19 March 2022, after joining a peaceful protest against the Russian occupation. There were grounds to believe that, like hundreds of other civilians detained by the occupying Russian forces, he was transferred to the Russian-occupied Crimea and secretly placed in a detention centre. No official information was disclosed as to his fate and whereabouts. According to unofficial reports, such as information from former prisoners or messages passed on by fellow detainees in possession of Russian passports who were allowed visits by their lawyers, he was held in the pretrial detention centre No. 1 (SIZO-1) Simferopol until April 2023. According to Mariano García Calatayud's lawyer, he was later moved to the newly established pretrial detention centre No. 2 (SIZO-2) in Simferopol. This detention centre was reportedly built to house the numerous detainees from the territories occupied by Russia after its full-scale invasion of Ukraine on 24 February 2022.

Some individuals recently released from Russian detention (such releases are rare, with some becoming possible due to prisoner exchange or for other reasons) have reported that they had seen Mariano García Calatayud in SIZOs in Simferopol and witnessed his injuries, including those caused by the use of electric shocks, dog bite and other.

Secret detention is unlawful and enforced disappearance is a crime under international law. The forcibly disappeared person is placed outside the protection of the law, which impedes their recourse to legal remedies and guarantees of protection and places them in a situation of complete defencelessness. This in turn makes them vulnerable to other human rights violations, such as torture or even killing. These concerns are entirely consistent with the reported human rights violations suffered by Mariano García Calatayud and countless other prisoners who forcibly disappeared in Russian-occupied Ukraine and were reportedly held by the Russian authorities in unacknowledged detention. They are not officially charged with any crime, have no procedural status within any criminal or administrative proceedings, and have no legal status, which places them outside of protection by any law (be it Russian which Russia unlawfully insists on applying in Crimea, or Ukrainian law which should apply in the occupied territories under international humanitarian law). The secret prisoners also include individuals who failed to pass so-called "filtration", the abusive and humiliating screening process, a shocking violation of international human rights and humanitarian law. Such human rights violations must stop, and all those responsible be brought to account in fair trial proceedings.

There are no reliable figures as to how many civilians the occupying Russian forces have detained in the Ukrainian territories they presently hold or previously had under their control. Estimates are in the thousands, including hundreds of those who are held in detention centres in Crimea, the territory which Russia has controlled since its occupation in 2014. One of the main reasons for this is their unacknowledged detention and subsequent incommunicado detention, which amounts to enforced disappearance. Amnesty International has documented the wide use of enforced disappearance by Russian law enforcement agencies, including in Russia and in circumstances unrelated to Russia's war in Ukraine.

PREFERRED LANGUAGE TO ADDRESS TARGET: English, Russian.

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 25 August 2023

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

NAME AND PREFERRED PRONOUN: Mariano García Calatayud (he/him)

ADDITIONAL TARGETS

Tatiana Moskalkova
Human Rights Commissioner
Smolensky Boulevard, 19c2
119121 Moscow
Russian Federation
Email: moskalkova@ombudsmanrf.ru A.Ovchinnikova@rightsrf.ru
A.Scherbakova@rightsrf.ru

Mr Andrei Kelin
Embassy of the Russian Federation (Main Building)
6/7 Kensington Palace Gardens, London, W8 4QP
Fax: 020 7727 8625
Email: kanc@rusemb.org.uk