

URGENT ACTION

APPEAL OF TWO UKRAINIAN MEN REJECTED

On 26 October the Russian Supreme Court upheld the conviction of Stanislav Klykh and Mykola Karpyuk who had been sentenced after an unfair trial to 20 and 22 years respectively for allegedly killing Russian soldiers in Chechnya in 1994 – 1996.

Stanislav Klykh and **Mykola Karpyuk** were sentenced on 26 May after a grossly unfair trial at the Supreme Court of Chechnya to 20 and 22 years' imprisonment respectively. Mykola Karpyuk was accused of having formed and led a band of fighters that participated in the conflict in Chechnya in 1994 – 96 and allegedly killed 30 Russian servicemen. Stanislav Klykh was accused of having participated in the band of fighters. The accusation was based on the two men's confessions extracted under torture, and the testimony of one witness, who had also been sentenced for killing Russian servicemen in Chechnya. The evidence supporting Stanislav Klykh's and Mykola Karpyuk alibi that they could not have been in Chechnya during this conflict was not admitted by the court.

At the appeal hearing the defence lawyers presented evidence that the two men's rights to a fair trial had been violated, the judge had attempted to unduly influence the jury, and the fact that the men were held in a cage in the court room, in accordance with Russian practice, which creates an impression of guilt incompatible with the presumption of innocence. The appeal court agreed to include the vital evidence supporting the two men's alibis, but upheld the conviction. Both men were denied access to the lawyers of their choice during several months after they were first detained, and allege that they were tortured to force them to confess. The torture and other ill-treatment appears to have affected Stanislav Klykh's mental health.

Please write immediately in Russian or your own language:

- Calling on the Russian authorities to review the case against Stanislav Klykh and Mykola Karpyuk in line with fair trial standards;
- Urging the authorities to ensure Stanislav Klykh is provided with a full mental healthcare assessment by an independent expert and that he is provided with adequate medical treatment as required;
- Calling on them to carry out a prompt, effective and impartial investigation into the torture allegations by Stanislav Klykh and Mykola Karpyuk.

PLEASE SEND APPEALS BEFORE 8 DECEMBER 2016 TO:

General Prosecutor

Yurii Yakovlevich Chaika
Prosecutor General's Office
ul. B. Dmitrovka, d.15a
125993 Moscow GSP- 3
Russian Federation
Fax: +7 495 987 5841/ +7 495 692 1725

Salutation: Dear Prosecutor General

And copies to:

Human Rights Ombudsman of the
Russian Federation
Tatiana Nikolaevna Moskalkova
ul. Miasnitskaia, 47
107084, Moscow
Russian Federation

Fax: +7 495 607 7470 / +7 495 607 3977
(to check if fax received: +74956071854)

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

Please check with your section office if sending appeals after the above date. This is the first update of UA 157/16. Further information:
<https://www.amnesty.org/en/documents/EUR46/4398/2016/en/>

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ADDITIONAL INFORMATION

Stanislav Klykh told his lawyer that during the first few months after his arrest he had been deprived of food and water for several days and forced to kneel on gravel in the yard. He was made to drink vodka until he lost consciousness, and given psychotropic drugs. He was hung from bars in his cell and given electric shocks. Between August 2014 and September 2015 Stanislav Klykh was kept in solitary confinement and not allowed any visitors.

The torture and other ill-treatment has affected Stanislav Klykh's mental health. He has no history of mental illness, but appeared severely disturbed throughout the trial which began in October 2015. He undressed himself in the court room, shouted abuse, and hung himself upside down inside the defendant's cage in the courtroom. In November, he cut himself with a blade to protest against the authorities' refusal to carry out a medical examination. On 17 October, during a separate hearing on charges of insulting the prosecutor during the trial, he claimed not to remember his date of birth and then declared that he refused the services of his defence lawyer and preferred to be defended by Stanislav Mikhailov – a Russian pop star. All requests for Stanislav Klykh to be offered an independent psychiatric examination have been refused and he has been declared fit to stand trial by official forensic experts.

The torture allegations of both men have not been investigated.

During the trial the presiding judge issued a decision requesting that the defence lawyers be disbarred citing arbitrary grounds. That decision was cancelled at the appeal hearing on 26 October.

The original trial was highly politicized. Witnesses stated that the then Ukrainian Prime Minister, Arseniy Yatsenyuk, and other Ukrainian politicians were also fighting in the same brigade. The trial of Mykola Karpyuk and Stanislav Klykh is one of a number of highly politicised trials of Ukrainian citizens held in the Russia over the past two years; in August 2015 Oleg Sentsov and Aleksandr Kolchenko were sentenced to long prison terms on excessive terrorism charges following a grossly unfair trial (<https://www.amnesty.org/en/documents/eur46/2325/2015/en/>) and in March 2016 Nadiya Savchenko was sentenced to over 20 years for having allegedly killed two Russian journalists during fighting in the Lugansk region in Ukraine (<https://www.amnesty.org/en/documents/eur46/3710/2016/en/>). Nadiya Savchenko has since been released under a presidential pardon as part of a Russia-Ukraine prisoner exchange, and she was present at the hearing on 26 October in Moscow. All these highly politicized trials have raised serious fair trial concerns.

Further information on UA: 157/16 Index: EUR 46/5062/2016 Issue Date: 27 October 2016