

URGENT ACTION

YOUNG PRISONERS' HEALTH AT GROWING RISK

Vladislav Sharkovsky and Emil Ostrovko were imprisoned in 2018, both at the age of 17, for a minor, non-violent drug offence. Like many youths in Belarus, they should not be in prison in the first place. Their health is poor, and with the spread of COVID-19, they and many prisoners face a growing risk.

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

President of Belarus, Aleksandr Lukashenko

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Dear President,

Vladislav Sharkovsky and Emil Ostrovko are two of the many young people in Belarus who were arrested as children and have been imprisoned for minor, non-violent drug-related offences, and whose cases have been a growing matter of concern in the country and internationally. You will have received multiple calls for their and others' release, and for review of Belarus' highly punitive anti-drug policies.

Vladislav Sharkovsky and Emil Ostrovko have serious health issues. Emil Ostrovko is suffering from chronic asthma. Vladislav Sharkovsky was a healthy teenager before his arrest but during his imprisonment his health has deteriorated – he has developed a persistent and recurring cough, flashes and floaters in his vision, and more recently deep vein thrombosis. According to his mother, on 9 March 2020 he complained of stomach ache in the morning and later that day fainted at mealtime. He was given an injection but the stomach ache persisted, and the prison medical staff did not give him any information about his ailment.

With the rapid spread of COVID-19 virus, their health and potentially life, and those of numerous other prisoners are at risk, and this risk is growing daily. States have a duty to review the need for continued custodial detention and should consider if the current pandemic qualifies prisoners for early or conditional release or other alternative non-custodial measures. The authorities should take into account individual circumstances and the risks posed to groups at risk, such as those with serious medical conditions and those with a weakened immune system. Not carrying out a process in which prisoners can apply for early or conditional release due to medical circumstances may amount to a violation of the right of an effective remedy.

In light of the above, I urge you to:

- Consider without delay and approve an early or conditional release for Vladislav Sharkovsky and Emil Ostrovko, as they are at heightened risk of becoming severely ill due to COVID-19;
- Implement a process to promptly review the need for continued custodial detention of all prisoners in Belarus who are at heightened risk due to COVID-19, including people with pre-existing medical conditions;
- Review the country's anti-drug policy and end the practice of imprisoning children for minor, non-violent drug-related offences under Article 328, and take measures to release all children and young people who were children at the time of the offence.

Yours sincerely,

ADDITIONAL INFORMATION

Vladislav Sharkovsky is serving a ten-year sentence and Emil Ostrovko is serving a six-year sentence (reduced from the original sentence of eight years). Their cases are separate, but they have a lot in common, between them and with many other young people in Belarus. Both worked as couriers for anonymous online companies and were arrested in 2018 at the age of 17. Both were subjected to ill-treatment by police and had their right to a fair trial violated. Both were convicted of drug trafficking as part of a group and sentenced to long prison terms. Vladislav Sharkovsky's prison term is longer however, because he has been sentenced as a member of an "organised group" which is a more serious crime. Conspicuously, in neither case any other members of the "group" have ever been identified by the investigation and prosecuted. Vladislav Sharkovsky and Emil Ostrovko share the fate of many other children and young people in Belarus.

Belarus's approach to drugs is based on highly punitive laws and practice. No official statistics is available, but it is estimated that hundreds, and possibly thousands, of children and young people are serving lengthy sentences for minor, non-violent drug-related offences. In some cases, reported to Amnesty International, those arrested have not willingly committed any crime but were forced by drug-combating officials to become their secret informants and framed for non-cooperation and failing to incriminate others.

Children accused of drug-related offences face many human rights violations from the moment they are arrested, during the investigation and trial, and once they are sentenced; many are held in conditions that do not meet minimum standards of detention and violate international human rights law.

All too often, children and young people in Belarus fall victim to deceptive practices of anonymous individuals who sell drugs online, including by advertising "courier jobs", which entice them to traffic illicit drugs, sometimes without their knowledge or full understanding of the nature of the "job". They are arrested as suspected drug traffickers for collecting clandestinely placed parcels containing illicit substances and delivering them to clients. Typically, they are unaware of who stands behind the online companies that employ them, but are nonetheless prosecuted as part of a "group" or an "organised group", under parts 3 or 4 of Article 328 of the Criminal Code of the Republic of Belarus, which are crimes punishable by a minimum of six (previously eight) and ten years respectively.

Amnesty International calls for the release of all those young people prosecuted under Article 328 who were children at the time of the offence, irrespective of which part of the article they have been charged or sentenced under.

The Convention of the Rights of the Child, to which Belarus is a state party, establishes that the arrest or detention of children must be a measure of last resort, and must be for the shortest appropriate period of time. The Committee on the Rights of the Child has consistently called on states to avoid the treatment of children as criminals for their use or possession of drugs and has recommended states not to subject children who use drugs to criminal proceedings. Moreover, the Committee has recommended states to consider alternatives to criminalization when dealing with children accused of having committed minor, non-violent drug-related offences.

PREFERRED LANGUAGE TO ADDRESS TARGET: Russian, Belarusian, English.

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 12 May 2020

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

NAME AND PREFERRED PRONOUN: Vladislav Sharkovsky (he/his) and Emil Ostrovko (he/his)