

United States Senate

WASHINGTON, DC 20510

[[DATE]]

The Honorable Antony Blinken
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, D.C. 20520

Dear Secretary Blinken:

We write to you with the gravest of concerns regarding the continued detention of Mr. Marc Fogel, a U.S. citizen, native of southwestern Pennsylvania, and international educator, and ask that you do everything in your power to bring Mr. Fogel home. In furtherance of that goal, we once again urge you to designate Mr. Fogel as “wrongfully detained.” We also ask that you redouble your efforts to ensure that Mr. Fogel has access to the medical care and consular services he needs as his health continues to deteriorate.

As you know, on August 14, 2021, Russian authorities detained Mr. Fogel at Sheremetyevo International Airport in Moscow after they found slightly more than a half ounce of medical marijuana prescribed by his doctor in his luggage.¹ A Russian court later sentenced him to 14 years for drug smuggling, and higher courts rejected his appeals.² As of today, three long and torturous years have passed with Mr. Fogel imprisoned in a penal colony, separated from his family.

While three years have passed since Mr. Fogel’s arrest, almost two years have passed since we first wrote to you asking that you designate Mr. Fogel as “wrongfully detained” under the Robert Levinson Hostage Recovery and Hostage-Taking Accountability Act. We appreciate the State Department’s recent decision to focus more on Mr. Fogel’s case publicly. However, the Department has not provided Mr. Fogel with the “wrongfully detained” designation, even after National Security Advisor Jake Sullivan clarified that the category of “those who are held hostage or wrongfully detained around the world... includes [Mr.] Fogel.”

Circumstances of Mr. Fogel’s case relevant to the Levinson factors have changed since we last wrote. It has become clearer that diplomatic engagement will be necessary to secure Mr. Fogel’s release and that Russia hopes to use Mr. Fogel as a bargaining chip. Additionally, if Mr. Fogel were a Russian national, he would have received a prison sentence, but for significantly less time. The Russian supreme court’s upholding of Mr. Fogel’s 14-year sentence is substantially due to Mr. Fogel’s U.S. passport.

Designating Mr. Fogel as “wrongfully detained” will underscore the political nature of his continued detention by the Russian government and the failure of humanitarian and other efforts thus far to bring about Mr. Fogel’s release. It will also demonstrate that the U.S. government

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considers his case to be of equal importance to similar cases, such as Brittney Griner, who was both designated and brought home to the United States. Finally, it will bring to the family resources, such as a Family Engagement Team, that can consistently support and communicate with Mr. Fogel's family.

While efforts to bring about Mr. Fogel's release continue, we are urgently concerned about Mr. Fogel's declining health. He has lived with chronic pain for decades, having undergone three back surgeries, a spinal fusion, a hip replacement, and two knee surgeries. Without access to the medical marijuana and other specialized treatments necessary to subdue his pain, Mr. Fogel's condition has progressively worsened. While in prison, he has spent 101 days in hospitals, including a three-week stay in July.³ He has received over 300 injections and taken over 1,000 pills, often without knowledge of the reason for his treatment.⁴ Partly due to neuropathy in one of his feet, Mr. Fogel has fallen multiple times.⁵ Every fall heightens the risk of a broken hip or other severe injury that he will struggle to recover from in prison. Unsurprisingly, his mental health has declined as well. In a recent call to his family Mr. Fogel describes himself as being "in a bottomless pit" and "not even a shell of the person that [he] was."

We know that you have requested consular visits from the U.S. Embassy in Russia to check in on Mr. Fogel every three months. We also know that Russia denied your most recent request to visit Mr. Fogel in June. Mr. Fogel needs more attention and services than younger or healthier prisoners. We urge you to resubmit a request every month to visit Mr. Fogel and to use your influence to help ensure Russian officials approve those requests. We also urge you to arrange to bring a doctor on those visits to evaluate Mr. Fogel's condition and to provide the prison's medical staff with any specialized medications Mr. Fogel may require.

Thank you for your swift consideration of these requests. We look forward your response.

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