

PUBLIC

AI Index: EUR 15/001/2008
18 April 2008

UA 102/08 Fear of forcible return/ fear of torture or ill-treatment

BULGARIA **Said Kadzoev (m), aged 29, Russian national of Chechen origin**

The Bulgarian authorities are preparing to forcibly return Said Kadzoev to the Russian Federation where he would be at serious risk of torture and other ill-treatment. If he is forcibly returned, Bulgaria will be violating its obligations under international human rights law, including the UN Refugee Convention, UN Convention against Torture, the International Covenant of Civil and Political Rights (ICCPR) and the European Convention for the Protection of Human Rights and Fundamental Freedoms, which expressly prohibit the return of anyone to a country where they would be at risk of torture.

Said Kadzoev is a Russian national of Chechen origin, who arrived in Bulgaria in October 2006 and attempted to seek asylum. However, he was stopped at the Bulgarian border because he only had Chechen identity papers, and not internationally-recognized Russian documentation. The Bulgarian border guards immediately detained Said Kadzoev and issued an order for his deportation.

He has been held in the Special Centre for the Temporary Accommodation of Foreigners (SCTAF) in the village of Busmantsi, near the capital, Sofia, since 1 November 2006. He was in solitary confinement from 28 May 2007 until 2 April 2008, though the authorities never explained the reason for this. While in solitary confinement, he was allegedly beaten by staff of the SCTAF. During this period, Said Kadzoev developed gallstones, a painful medical condition. He was visited by a doctor on several occasions, who told Said Kadzoev that he needed an operation to remove the gallstones. However, he was only given painkillers rather than the treatment he needed.

Said Kadzoev has alleged that he had been previously detained and tortured by Russian police forces. According to his testimony, in 1998, he was held for four months because he did not have a Russian identity card. In October 2002, he was detained for five months by the Federal Security Bureau in Moscow, and was tortured in order to force him to "confess" participating in a terrorist attack on a Russian military air base, which he denied. During those months, Said Kadzoev was officially reported as having "disappeared" and was held incommunicado. Furthermore, after a conflict with the Chechen local authorities, his house was burned down in August 2006 and he left Chechnya.

His asylum application was not registered by the Bulgarian State Agency of Refugees for months and it was only registered on 31 May 2007 and was rejected on 4 June 2007. The Sofia Court rejected his appeal in October 2007. A complaint was filed with the European Court of Human Rights (ECtHR) in December 2007. The deportation order against him was confirmed by the Yambol Regional Court on 15 March 2007 and on 17 April 2008, the Supreme Administrative Court upheld this decision. His lawyers do not have access to the documents filed on him by the Bulgarian authorities. A further application for interim measures is being made with the ECtHR.

Amnesty International and other human rights organizations have researched many cases in recent years where ethnic Chechen men have been charged with and convicted of terrorism-related offences, based on "confessions" and testimony extracted under torture.

BACKGROUND INFORMATION

Many Chechen men have allegedly been tortured and otherwise ill-treated by the security forces to extract "confessions". The Chechen Ombudsperson for Human Rights, Nurdi Nukhazhiev, reported in March 2007 that his office receives many complaints about "illegal methods of investigation". So far there have been very few investigations leading to prosecutions of law enforcement officials in Chechnya for torture, which has created a climate of impunity in the region. The Council of Europe Committee for the Prevention of Torture (CPT), the UN Human Rights Committee and the UN Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) have repeatedly and publicly expressed grave concerns regarding torture, ill-treatment and unlawful detention by state officials in Chechnya. They have stated that investigations into cases involving allegations of torture and other ill-treatment or unlawful detention are rarely carried out in an effective manner, contributing to a climate of impunity, and that the Russian authorities have failed to react adequately to the concerns.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Bulgarian or your own language:

- urging the authorities not to forcibly return Said Kadzoev to Russia, where he would be at risk of serious human rights violations, including torture and other ill-treatment;
- urging the Bulgarian authorities to provide him with the urgent and adequate health care appropriate to his medical condition;
- demanding the authorities to release him from detention as he has already been held for over 17 months, including more than 10 months in solitary confinement;
- reminding the authorities that Bulgaria is obligated under international law, the UN Refugee Convention, Convention against Torture and the European Convention for the Protection of Human Rights and Fundamental Freedoms, to which it is a party, not to return anyone to a country or territory where they would be at risk of torture or other ill-treatment, and this is an absolute prohibition.

APPEALS TO:

Prime Minister

Mr Sergei STANISHEV

Council of Ministers of the Republic of Bulgaria

1194 Sofia, 1 Dondukov Blvd

Bulgaria

Fax: +359 2 980 2056

Email: primeminister@government.bg#

Salutation: Dear Prime Minister

General Director of the Migration Directorate

Mr Stefan Vasilev HRISTOV

48 Knyaginya Maria Louiza Blvd.

1202 Sofia

Bulgaria

Fax: +359 2 982 37 75

Email: migration@mvr.bg

Salutation: Dear General Director

Chairman of the Committee on Human Rights and Religious Affairs of the Bulgarian Parliament

Mr Ognian Stefanov GERDJKOV

2 Narodno sabranie Square

Sofia 1169 Bulgaria

Fax: + 359 2 987 88 59

Salutation: Dear Chairman

COPIES TO: diplomatic representatives of Bulgaria accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 30 May 2008.