

UA 88/98

Fear of forcible repatriation/Fear for safety

18 March 1998

RUSSIAN FEDERATION/GEORGIAGuram ABSANDZE ( \_\_\_\_\_ )

Nemo BURCHULADZE ( \_\_\_\_\_ )

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Guram Absandze, the minister of finance in former President Zviad Gamsakhurdia's government and Vice-President of the "Georgian Government in Exile", and Nemo Burchuladze, deputy speaker of the Georgian Supreme Soviet during the presidency of Zviad Gamsakhurdia, are apparently facing imminent and forcible repatriation to Georgia after being arrested in Russia, allegedly at the request of the Georgian authorities. If returned to Georgia, Amnesty International fears that Guram Absandze and Nemo Burchuladze would be at risk of grave violations of their human rights, specifically torture or ill-treatment.

Guram Absandze has been living in Russia since late 1993 and apparently acquired Russian nationality in 1996. Earlier attempts by the Georgian authorities to extradite him reportedly failed because of his Russian citizenship, which the Procurator General of the Russian Federation is now understood to have revoked. Guram Absandze is reportedly now applying for political asylum while in detention. He was reportedly arrested on 17 March by the Russian police in Smolensk Oblast, where he was living. The Russian Procurator General is reported to have authorized his extradition the same day, scheduling his extradition for the morning of 18 March. Guram Absandze was apparently accused of embezzling US\$180 million, a charge dating back to the time of his emigration, as well as treason and "banditism". He may also have been accused of helping to organize the most recent assassination attempt against the Georgian President, Eduard Shevardnadze, in February 1998.

Nemo Burchuladze, who recently travelled to Georgia to take part in negotiations over the release of UN military observers taken hostage in February by an armed opposition group, was arrested on 18 March by Bibirevo Regional Police Department in Moscow. It is believed that he will soon be transferred to the temporary detention isolator (IVS) of the Moscow Department of Internal Affairs (GUVD). He has reportedly applied for political asylum.

Amnesty International is calling on the Russian authorities not to extradite Guram Absandze and Nemo Burchuladze to Georgia, on the grounds that they would be at risk of serious violations of their fundamental rights, specifically torture or ill-treatment. In recent years the organization has reported on similar human rights violations against alleged opposition supporters charged with anti-state crimes, and in April 1997 the UN Human Rights Committee expressed deep concern about reports of torture in Georgia.

Amnesty International believes that the forcible repatriation of Guram Absandze and Nemo Burchuladze to Georgia by the Russian authorities would be contrary to the Russian Federation's obligation under international law, in particular the principle of *non-refoulement*. One fundamental principle of customary international law states that: "No one shall be returned to a country where his life and freedom might be endangered". The principle is enshrined in Article 33 of the 1951 Geneva Convention relating to the Status of Refugees, to which the Russian Federation acceded in March 1993.

The Russian Constitution also provides in Article 63 for the right of a person to be granted political asylum in the Russian Federation in order to avoid further persecution at home. *Refoulement* where there are substantial grounds for believing the person(s) may be in danger of torture is also a clear violation of Article 3 of the Convention against Torture; and of the norms enshrined in the European

Convention on the Protection of Human Rights and Fundamental Freedoms, which was recently ratified by the Russian parliament, as part of Russia's obligations on entering the Council of Europe.

**BACKGROUND INFORMATION**

Defendants in a major political trial which ended in Georgia's Supreme Court in 1995 reported numerous violations of due legal process, and alleged that they were tortured or ill-treated during interrogation in order to extract confessions. Many of them were supporters of the political opposition in Georgia, and were accused of involvement in violent crimes. In a similar case which ended in 1996, political prisoner Badri Zarandia, who had been charged with treason and banditry, and his five co-defendants all claimed that they were ill-treated in order to force confessions.

**RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in Russian, English or your own language:**

- urging the authorities to stop the extradition of Guram Absandze and not to extradite Nemo Burchuladze to Georgia, on the grounds that the human rights record of the Government of Georgia raises fears that they will suffer serious human rights violations, specifically torture and ill-treatment, there;
- noting that agreements between countries of the Commonwealth of Independent States permit Russia to refuse extradition if there are fears that a person whose extradition is requested will face human rights violations;
- reminding the Russian authorities of their obligations under international law.

**APPEALS TO:**

1) Procurator General of the Russian Federation

Yuriy SKURATOV

Rossiyskaya Federatsiya, 103793 g. Moskva K-31, Ul. Dimitrovka, d. 15a  
Prokuratura Rossiyskoy Federatsii, Generalnomu prokuroru Skuratovu Yu.

**Telegrams: Rossiya, 103793 Moskva, Generalnomu prokuroru Skuratovu**

**Fax: + 7 095 925 18 79 or + 7 095 292 88 48**

**Salutation: Dear Procurator General**

2) The President of Russia

Boris YELTSIN

Rossiyskaya Federatsiya, g. Moskva, Kreml, Prezidentu Rossii Yeltsinu B.

**Telegrams: Rossiya, Moskva, Kreml, Prezidentu Yeltsinu**

**Fax: + 7 095 206 51 73**

**Salutation: Dear President**

**COPIES TO:**

Russian Minister of Internal Affairs

Col.-Gen. Anatoly KULIKOV, Rossiyskaya Federatsiya  
117049 g. Moskva, ul. Zhitnaya, 16

Ministerstvo vnutrennikh del, Ministru Gen.-polk.Kulikovu A.

**Fax: + 7 095 230 25 80**

Federal Migration Service of the Russian Federation, Tatyana REGENT

Rossiyskaya Federatsiya, 107078 g. Moskva, 1 Basmanniy pereulok, d.3  
Federalnaya Sluzhba Migratsii, Predsedatelyu Regentu T.

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Russian Minister of Foreign Affairs,

Evgeny PRIMAKOV

Rossiyskaya Federatsiya, 121200 g. Moskva, Smolenskaya-Sennaya pl., 32/34

Ministerstvo inostrannykh del, Ministru Primakovu Ye.

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and to diplomatic representatives of Russian Federation/Georgia accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 30 April 1998.