

EXTERNAL

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Fear of Forcible Repatriation /
Fear for Safety

14 March 1996

RUSSIA Elgudzha Khutayevich MESKHIA, aged 38

(_____ in Russian)

Elgudzha Khutayevich Meskhia, an opponent of the Government of Georgia seeking political asylum in Russia, is apparently facing imminent and forcible repatriation to Georgia after being arrested in Russia at the request of the Georgian authorities. If returned to Georgia, Amnesty International fears that Elgudzha Meskhia would be at risk of grave violations of his human rights, specifically torture or ill-treatment.

Elgudzha Meskhia has reportedly been living in political exile in Russia, albeit without any formal legal status there. His application for political asylum is currently being processed by the Ministry of Foreign Affairs of Russia. He is believed to be in detention in the temporary detention isolator (IVS) of the Moscow Directorate of Internal Affairs (GUVU). On 25 December 1995 Elgudzha Meskhia was detained by officers of the Moscow GUVU after an arrest warrant had been issued by the procurator of Tsalendzhikha in Georgia. He has been charged with being a member of an anti-state organization whose aim is the overthrow of the constitutional order in Georgia under Article 73, part 1 of the Georgian Criminal Code. Elgudzha Meskhia claims that his opposition activities in Georgia were not illegal.

On 28 February 1996 the General Procuracy of Russia reportedly agreed in principle to comply with the request by Georgia to extradite Elgudzha Meskhia. He is now facing imminent repatriation.

Amnesty International is calling on authorities in Russia not to permit the extradition of Elgudzha Meskhia to Georgia, on the grounds that he would be at risk of serious violations of his fundamental rights. Specifically Amnesty International fears that he would fall victim to torture or ill-treatment, bearing in mind that within the past year the organization has reported on similar human rights violations against alleged opposition supporters charged with anti-state crimes.

Amnesty International believes that Elgudzha Meskhia's forcible repatriation 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". This principle is enshrined in Article 33 of the Convention relating to the Status of Refugees, to which the Russian Federation acceded in March 1993.

BACKGROUND INFORMATION

A major political trial ended in Georgia's Supreme Court on 6 March 1995. Two of the defendants were sentenced to death. Others received prison sentences of up to 14 years. The 19 defendants in case 7493810, many of whom were supporters of the political opposition in Georgia, were accused of involvement in violent crimes. However, all allege that they were tortured or ill-treated during interrogation and that their statements were extracted under duress.

They were in pre-trial detention for up to 17 months and on trial for a further 17 months, and throughout the judicial proceedings they have reported numerous

violations of due legal process. They were held in overcrowded and insanitary conditions and a number of them were reported to be unwell but the provision of medical attention was described as arbitrary and inadequate. Forms of torture described by defendants from that time included hanging upside down, scalding with boiling water and systematic beatings resulting in fractured bones.

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

- urging the authorities not to extradite Elgudzha Meskhia to Georgia, on the grounds that the human rights record of the Government of Georgia raises fears that he will suffer serious human rights violations 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, in particular under the Convention relating to the Status of Refugees.

APPEALS TO:

1) Procurator General of the Russian Federation

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Salutation: Dear Procurator General

2) The President of Russia

Boris YELTSIN

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Salutation: Dear President

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and to diplomatic representatives of Russia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 25 April 1996.