

URGENT ACTION

UKRAINE MUST NOT RETURN ASYLUM-SEEKERS

The European Court of Human Rights (ECtHR) has ordered Ukraine not to forcibly return four men to Uzbekistan, where they would be at risk of torture or other ill-treatment. However, the four men could still be at risk of forcible return if Ukraine chooses to disregard this request.

On 26 July, the ECtHR notified the Ukrainian government of its request not to return **Umid Khamroev, Kosim Dadakhanov, Shodilbek Soibzhonov** and **Utkir Akramov** to Uzbekistan for the time being. The Ukrainian government has until 3 August to reply to the Court. The four asylum-seekers were detained in Ukraine during June and July because they are wanted in Uzbekistan on charges of membership of illegal religious or extremist organizations, or dissemination of materials containing a threat to public security, or attempts to overthrow the constitutional order, or all four charges. The men have applied for asylum in Ukraine, but all claims have been turned down. They have appealed against the decisions not to grant them refugee status. If Ukraine returns them to Uzbekistan before their appeals are heard, this would violate Ukraine's international human rights obligations.

Despite the Court's ruling there is still a risk that the four men may be extradited to Uzbekistan. On 28 November 2009, a group of asylum-seekers from Afghanistan was deported from Ukraine to the United Arab Emirates after the ECtHR lifted its order arguing that Ukraine intended to return them, not to Afghanistan, but to the United Arab Emirates (see update to UA: 318/09: www.amnesty.org/en/library/info/EUR50/005/2009/en).

Other Uzbekistani asylum-seekers in Ukraine fear that they too may be detained if they come to the attention of the police, and therefore are too afraid to present their registration papers every month to the police in person as required. They risk forfeiting what protection they have in Ukraine and could face deportation.

On 29 July, the ECtHR found in the case *Karimov v. Russia* that torture is "pervasive and enduring" in Uzbekistan and that Russia was in violation of the European Convention for Human Rights when it detained an Uzbek asylum-seeker with the intention of returning him to Uzbekistan.

PLEASE WRITE IMMEDIATELY in Ukrainian, Russian or your own language:

- Urging the Ukrainian authorities to comply with the request of the European Court of Human Rights not to return Umid Khamroev, Kosim Dadakhanov, Shodilbek Soibzhonov and Utkir Akramov to Uzbekistan, as they are likely to face torture and other serious human rights violations if extradited;
- Urging the authorities to release Umid Khamroev, Kosim Dadakhanov, Shodilbek Soibzhonov and Utkir Akramov, to halt extradition proceedings against them, and provide them with access to a fair asylum procedure;
- Reminding the authorities that as a state party to the 1951 Convention relating to the Status of Refugees, the UN Convention against Torture and the European Convention on Human Rights Ukraine has an obligation not to return anyone to any country where they would be at risk of torture or other serious human rights violations.

PLEASE SEND APPEALS BEFORE 13 SEPTEMBER 2010 TO:

President

Viktor Yanukovych
Vul.Bankovaya 11
01220 Kyiv, Ukraine
Fax: +380 44 255 61 61
Salutation: Dear President

General Prosecutor

Oleksandr Medvedko
Vul. Riznitska 13/15
01601 Kyiv, Ukraine
Fax: +380 44 280 2851 (office hours)
Salutation: Dear General Prosecutor

COPIES TO: Diplomatic representatives of Ukraine accredited to your country. Check with your section office if sending appeals after the above date. This is the first update of UA: 157/10 (EUR 57/009/2010). Further information:

www.amnesty.org/en/library/info/EUR50/009/2010/en

Further information on UA: 157/10 Index: EUR 57/010/2010 Issue Date: 02 August 2010

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