

URGENT ACTION

CHECHEN RISKS TORTURE IF RETURNED TO RUSSIA

Ahmed Chataev, an ethnic Chechen man, is threatened with imminent forcible return from Ukraine to Russia. If he is returned, he could face an unfair trial and would be at risk of torture and other ill-treatment in order to extract “confessions” from him. Ahmed Chataev has been granted refugee status in Austria and was visiting Ukraine with a valid visa. Ukraine is a state party to the Refugee Convention and the UN Convention against Torture, which prohibit the return of anyone to a situation where they would be at risk of torture.

Ahmed Chataev, who is physically disabled, was detained on 3 January by police in the city of Uzhhorod, close to Ukraine's border with Slovakia based on a Russian international arrest warrant. He is currently being held in a pre-trial detention centre in Uzhhorod.

The Russian authorities are seeking his extradition on the grounds that he is wanted on terrorism charges. In 2000, Ahmed Chataev was wounded in the arm and stomach during fighting between Russian forces and Chechen separatists in the town of Urus Martan in the Russian republic of Chechnya. However, before he could be taken to hospital he fell into the hands of Russian forces. He was reportedly tortured, including with electric shocks, despite being very badly wounded. His arm was subsequently amputated. He and his family then fled to Austria via Azerbaijan. Ahmed Chataev was granted refugee status in Austria on 24 November 2003 by the Federal Asylum Office. He lives there with his wife and three children.

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

- Urging the Ukrainian authorities not to extradite Ahmed Chataev to Russia as he is a recognized refugee entitled to international protection;
- Reminding the Ukrainian authorities that as a state party to the 1951 Refugee Convention and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, they must not forcibly return refugees or asylum-seekers to any country where they would face a serious risk of the death penalty, torture or other grave human rights abuses.

PLEASE SEND APPEALS BEFORE 22 FEBRUARY 2010 TO:

Prosecutor General

Oleksandr Medvedko

vul. riznitska 13/15

01601 Kyiv, Ukraine

Fax: +380 44 280 2851

Salutation: Dear Prosecutor General

Also send copies to diplomatic representatives of Ukraine accredited to your country. **Please check with your section office if sending appeals after the above date.**

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ADDITIONAL INFORMATION

Amnesty International and other human rights organizations working in the region are concerned that many Chechens in the Russian Federation have been charged with crimes such as participating in illegal armed groups or acts of terrorism on the basis of "confessions" extracted under torture. There are further allegations that trials of Chechen suspects have been flawed and have relied on fabricated evidence. The Chechen Ombudsperson for Human Rights, Nurdi Nukhazhiev, reportedly stated in February 2006 that a large number of the convicted Chechens in prison in Russia had been falsely accused and that the majority of their cases should be re-examined. So far, there have been almost no investigations leading to prosecutions of law enforcement officials for torture, which has created a climate of impunity in the region.

Ukraine has repeatedly violated the rights of refugees and asylum-seekers, in breach of its obligations under international human rights and refugee law. Ukrainian authorities made several attempts to forcibly return Lema Susarov, an ethnic Chechen, to Russia, even though he was recognized as a refugee by the UN High Commissioner for Refugees, and would have been at risk of torture if returned. He was released in July 2008 and allowed to take up an offer of asylum in Finland (see UA 207/07, EUR 50/003/2007 and follow-ups). On 4 and 5 March 2008, the Ukrainian authorities forcibly returned 11 ethnic Tamil asylum-seekers to Sri Lanka where they were at risk of serious human rights violations including torture and ill treatment. Six of them had applied for refugee status in Ukraine, but were forcibly returned without the right to appeal. On 2 September 2009, six nationals of the Democratic Republic of Congo, who had arrived at Boryspil airport on 31 August, were forcibly returned from Ukraine despite the fact that one of them had reportedly clearly expressed his wish to claim asylum in Ukraine. Most recently, on 28 November, Ukraine deported eight Afghan nationals to Dubai. The group consisting of three women and five children aged between three and 15 (see UA 318/09, EUR 50/004/2009 and follow ups). They had attempted to join a family member who had been granted refugee status in the UK.

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