

URGENT ACTION

ASYLUM-SEEKERS DETAINED AND ILL-TREATED

Somali and Eritrean asylum-seekers and migrants are on hunger strike in protest against their illegal detention at a Migrant Accommodation Centre in Western Ukraine. They, and detainees from other countries supporting them have been threatened and beaten and are at risk of other ill-treatment.

On 30 January, the Migrant Accommodation Centre in Zhuravichi, Western Ukraine, called in security forces in response to the protest. Detainees have been carrying out a hunger strike in protest against their illegal detention since 6 January. The security forces arrived in riot gear and carried batons and forced some of the striking detainees to eat. Rooms of detainees were searched and personal possessions were confiscated.

Prior to the arrival of security forces, detainees at the centre had reported that they were being beaten and ill-treated by staff at the centre; that some of them had been placed in an isolation unit, without a bed, for several days; and that they had received anonymous emails and phone calls containing death threats and racist abuse. The anonymous threats included information about the date of birth and date of release of the detainees, suggesting that whoever sent the threats had access to official records. Some detainees who experience health problems have not received adequate medical care.

There are approximately 60 Somalis and six Eritreans at the centre. This includes around 20 children, some of whom are unaccompanied. The Somali nationals were detained in various parts of Ukraine on or around 23 December 2011 and the Eritreans were detained in November 2011. They have all been sentenced to up to a year of detention "for the purposes of deportation". However, records show that no Somali or Eritrean nationals have ever been deported from Ukraine. Instead, they are released and face the risk of renewed detention. As there is no prospect of deportation, there are no legal grounds for detaining them and their detention is arbitrary and unlawful.

Please write immediately in Ukrainian, Russian or your own language:

- Urging the authorities to ensure that detainees at the Migrant Accommodation are not subjected to torture and other ill-treatment, reminding them that as a state party to the UN Convention against Torture and the European Convention on Human Rights they have an obligation to ensure that no one is subjected to torture or ill-treatment;
- Calling for an immediate investigation into allegations that detainees are being beaten, threatened and ill-treated;
- Urging the authorities to immediately release Somali and Eritrean asylum seekers, reminding them that as a state party to the UN Refugee Convention, Ukraine cannot return anybody to a country where they would be at risk of grave human rights violations;
- Urging the authorities to stop detaining Somali and Eritrean nationals when there is no prospect of deportation.

PLEASE SEND APPEALS BEFORE 13 MARCH 2012 TO:

Minister of Internal Affairs

Vitaly Zakharchenko
vul. Akademika Bogomoltsa 10
01024 Kyiv
Ukraine
Fax: +380 44 256 16 33
Email: mvsinfo@mvsinfo.gov.ua
Salutation: Dear Minister

General Prosecutor

Vikror Pshonka
Riznitska Str. 13/15
01601 Kyiv
Ukraine
Fax: +380 44 280 2851
Salutation: Dear General Prosecutor

And copies to:

Minister of Justice

Oleksandr Lavrinovich
Gorodetskog Str. 13
01001 Kyiv
Ukraine
Fax: +380 44 271 1783
Email: jhemis@minjust.gov.ua
Salutation : Dear Minister

Also send copies to diplomatic representatives of Ukraine accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

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**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Foreign nationals are sentenced by administrative courts to up to one year detention in the Migrant Accommodation Centres (MACs). There are two in Ukraine, under the jurisdiction of the Ministry of Internal Affairs, one near the Russian border in Rozsudov in Chernigiv region and one on the Western Border in Zhuravichi in Volyn region. According to the regulations issued by the Ministry of Internal Affairs, MACs are designed for the temporary detention of foreigners and stateless persons who stay in Ukraine illegally pending their expulsion. In practice migrants are held in these centres for a year at which point they are either returned to their country of origin or simply released. Often the Somali nationals, after serving their sentences, are released and re-arrested because of their continued irregular status. Ukraine 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.

Eritrea

Individuals returned to Eritrea against their will are routinely subjected to human rights violations, including incommunicado detention, torture and other forms of ill-treatment. In past cases of failed asylum seekers deported to Eritrea, individuals were immediately subjected to interrogation on the reasons for, and contents of, their asylum applications; and were subsequently arbitrarily detained. According to accounts given by escaped detainees, Eritrean security officials are particularly interested in what failed asylum seekers have said about Eritrea during their asylum application process. Under torture, or threat of torture, returnees have been forced to state that they have committed treason by falsely claiming persecution in asylum applications. Claiming asylum abroad is considered as an act of treason by the Eritrean authorities.

Prisoners are often underfed and receive unclean drinking water. There are high levels of illness in detention and medical treatment is virtually non-existent. Prisoners have frequently been left exposed to the sun for extended periods of time, or locked in metal shipping containers, which magnify extreme temperatures. UNHCR issued guidelines in 2004 and renewed them in 2009, calling for the "careful assessment" of all Eritrean asylum claims, owing to the severely deteriorating human rights situation in the country, and recommending that states refrain from all forced returns of rejected asylum seekers to Eritrea based on an assessment of the human rights situation.

Somalia

If returned to Somalia, returnees would face a real risk of ill-treatment in the capital Mogadishu because of the situation of generalized violence, while the dire humanitarian situation elsewhere in the country, including in camps for internally displaced persons, would also give rise to such a risk, and that those removed to areas controlled by the Islamist armed group al-Shabab would face a real risk of grave human rights abuses.

The UNHCR has advised that many Somali asylum-seekers are in need of international protection and has advised against returning Somali nationals to South and Central Somalia. In June 2011, in the light of the human rights and humanitarian situation prevailing in Somalia, the European Court of Human Rights ruled in the lead-case of Sufi and Elmi v. the United Kingdom that enforcing removals to South and Central Somalia would be lawful only in exceptional circumstances. Furthermore, the United Nations declared in July and August 2011 that six areas of South and Central Somalia were in a state of famine and said that an estimated 250,000 Somalis remained at risk of starvation in January 2012.

Name: Somali and Refugee asylum seekers and migrants at the Migrant Accommodation Centre
Gender m/f: Both

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