

PUBLIC

AI Index: EUR 50/003/2007
09 August 2007

UA 207/07

Forcible return/torture

UKRAINE

Lema Susarov (m), aged 25

The Ukrainian authorities are preparing to forcibly return ethnic Chechen refugee Lema Susarov to the Russian Federation, where he would be at risk of torture and other serious human rights violations. Ukraine is a state party to the Refugee Convention and the UN Convention against Torture, each of which prohibits the return of anyone to a situation where they would be at risk of torture.

Lema Susarov was recognized as a refugee by the United Nations High Commissioner for Refugees (UNHCR) office in the Azerbaijani capital, Baku, in 2006. According to the UNHCR, he arrived in Ukraine at the end of 2006. The Russian Federation called for his extradition on 16 February, on charges of robbery, and he was detained in Ukraine on 20 July. Lema Susarov registered as an asylum-seeker in Ukraine with the Kyiv City Migration Service on 8 August, although the decision to extradite him had been taken by the Office of the Prosecutor General on 27 July. Under international law, no recognized refugee or person seeking asylum may be forcibly returned to a situation where their life or freedom would be at risk. The Ukrainian authorities appear ready to ignore this, and return Lema Susarov to the Russian Federation. They have extradited registered asylum-seekers before now.

Lema Susarov is held in Kyiv detention facility No. 13.

BACKGROUND INFORMATION

Many Chechen men have allegedly been tortured and ill-treated by the Russian security forces to extract "confessions". 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.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Russian, English or your own language:

- urging the authorities to ensure that Lema Susarov is not forcibly returned to the Russian Federation, where he would be at risk of torture and other serious human rights violations;
- reminding the authorities that as a state party to the Refugee Convention and the UN Convention against Torture, both of which prohibit the return in any manner whatsoever of any person to a situation where they would be at risk of torture or other serious human rights violations;
- urging them to ensure that Lema Susarov is immediately released and handed over to the UNHCR to seek a durable solution to his situation.–

APPEALS TO:

Viktor Yushchenko
President of Ukraine
Bankovaya Str. 11
01220 Kyiv
Ukraine

Fax: +380 44 255 71 61
Email: postmaster@ribbon.kiev.ua
Salutation: Dear President Yushchenko

Oleksandr Medvedko
Prosecutor General
Riznitska Str.13/15
01601 Kyiv
Ukraine

Fax: +380 44 280 2851
Salutation: Dear Prosecutor General

COPIES TO:

Yevhen Blazhivskyi
Kyiv Prosecutor
Predslavynska Str. 45/9
03150 Kyiv
Ukraine

Fax: +380 44 524 8258/8262

Salutation: Dear Prosecutor

and to diplomatic representatives of Ukraine accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 20 September 2007.*****