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Ukraine: Leonid Razvozhayev abduction must be investigated

The abduction of Leonid Razvozhayev from Ukraine, allegedly by Russian Federation government agents, may have constituted a violation of the country's obligations under international human rights law and the UN Refugee Convention and therefore must be promptly investigated, Amnesty International said.

Leonid Razvozhayev, a Russian citizen and aide to Russian opposition MP Ilya Ponomarev, was reportedly abducted from outside the offices of the Hebrew Immigrant Aid Society (HIAS), a partner organization of the United Nations High Commissioner for Refugees, to which he had been referred for legal assistance and advice on asylum procedures in Ukraine.

A spokesperson for the Ukrainian Ministry of Internal Affairs stated on Thursday that an abduction had taken place, but that "it is not a criminal matter, but a matter of cooperation between law enforcement agencies about which I don't know anything".

"It would appear that, rather than request extradition, the Russian authorities chose to forcibly return Leonid Razvozhayev to the Russian Federation, bypassing any judicial or administrative process," said David Diaz-Jorge, Deputy Director of Amnesty International's Europe and Central Asia Programme, in a letter to Viktor Pshonka, Ukraine's General Prosecutor on 26 October 2012.

"Under international law, it is illegal to transfer people from one country to another without any kind of judicial or administrative process.

"State agents do not stand above the law. Like everyone else, they are subject to the law and therefore any allegations of illegal acts of this nature by state agents must be promptly, impartially, thoroughly and effectively investigated.

"Under international law, Ukraine is obliged to carry out an investigation into the allegations of torture and other ill-treatment made by Leonid Razvozhayev, reportedly by state agents of the Russian Federation."

As a party to the UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment, the International Covenant on Civil and Political Rights, and the European Convention for the Protection of Human Rights and Fundamental Freedoms, Ukraine has obligations not to return anyone to a country or territory where they would be at risk of torture or other forms of cruel, inhuman or degrading treatment or punishment.

Furthermore, Ukraine is obliged under international law to protect individuals within its jurisdiction from torture and other ill-treatment and promptly, thoroughly, effectively and impartially investigate allegations of torture and other ill-treatment.

The Minsk Agreements of the Commonwealth of Independent States, to which the Ukraine is also a party,

further commit the government to guarantee to citizens of all Commonwealth of Independent States in their territories civil, political, economic and cultural rights and liberties in accordance with generally recognized international norms on human rights, without discrimination.

“Given Ukraine’s past involvement in forced returns of refugees, and the ambiguity of the statements of the Ukrainian Ministry of Internal Affairs, Amnesty International is concerned that Ukraine may have been involved in this incident. If so, may be in breach of its obligations under international law,” added Diaz-Jogeix.

Amnesty International has already expressed its grave concerns to the Prosecutor General of the Russian Federation over allegations made by Leonid Razvozhayev that he was subjected to torture or other ill-treatment and that alleged confessions and testimonies incriminating Konstantin Lebedev, Sergei Udaltsov and himself were extorted from him.