

URGENT ACTION

DETAINED ASYLUM-SEEKERS STOP HUNGER STRIKE

The strike, held in protest by the group of Somali asylum-seekers and migrants, against their illegal detention and alleged ill-treatment, lasted for six weeks. The strike was halted by the group on 17 February after they received assurances from the State Migration Service that their asylum applications would be considered.

The group of Somalians and Eritreans are still being detained unlawfully at a migrant accommodation centre (MAC) near the western border in Zhuravichi in Volyn region, north-western Ukraine. Following, press statements by Amnesty International, the UN Refugee Agency and Human Rights Watch prompted by reports of beating and other ill-treatment at the detention centre, the Presidential Commission for the Prevention of Torture visited the centre and met with the detainees. The detainees received assurances that the State Migration Services of Ukraine would undertake to re-open its regional offices in Volyn district and start accepting applications for refugee status and related protection. However, these assurances have yet to be acted upon. There have been no further reports of ill-treatment.

The people being detained at the centre 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 meaning their detention is arbitrary and unlawful. Detainees at the centre have 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 racial abuse.

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

- Urging the authorities to ensure that refugee applications are considered impartially, in a timely manner and according to international standards;
- Reminding them of the need to conduct an immediate investigation into allegations that detainees were beaten, threatened and suffered other forms of ill-treatment;
- Urging them 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.

PLEASE SEND APPEALS BEFORE 4 APRIL 2012 TO:

General Prosecutor

Vikror Pshonka

Riznitska Str. 13/15

01601 Kyiv

Ukraine

Fax: +380 44 280 2851

Salutation: Dear General Prosecutor

Head of the of the State Migration

Service of Ukraine

Mykola Kovalchuk

vul. Akademika Bogomoltsa 10

01024 Kyiv

Ukraine

Fax: +380 44 254 78 81

Email: info@dmsu.gov.ua

Salutation: Dear Mykola Kovalchuk

And copies 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

Also send copies to diplomatic representatives 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. This is the first update of UA 29/12. Further information:

www.amnesty.org/en/library/info/EUR50/001/2012/en

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ADDITIONAL INFORMATION

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 the previous month.

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 rearrested 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.

Name: Somali and Refugee asylum seekers and migrants at the Migrant Accommodation Centre

Gender m/f: Both

Further information on UA: 29/12 Index: EUR 50/002/2012 Issue Date: 22 February 2012