

# URGENT ACTION

## AFGHAN WOMEN AND CHILDREN HELD IN AIRPORT

**Eight Afghan nationals, four women and four children aged between four and 10 years, have been detained in the departure lounge of Boryspil airport in Kyiv, Ukraine since 16 November, and are at risk of being forcibly returned to Afghanistan via the United Arab Emirates.**

The **eight asylum-seekers** arrived at Boryspil on 16 November on a flight from Dubai, and were intending to transit to the UK where they wanted to join their relatives who have been granted asylum there. Some of the eight stated that they were afraid of returning to Afghanistan because they feared persecution. However, following confirmation from the UK Consul that their visas had originally been stolen, they were prevented from boarding the flight to London. They were scheduled to be forcibly returned to Afghanistan on a flight via Dubai at 2 pm on 19 November. Initially, staff of the UNHCR, the UN Refugee Agency, was denied access to the women and children at the airport. A lawyer from the NGO, the Centre for Legal Support, applied to the European Court of Human Rights (ECtHR) to prevent their forced return to Afghanistan. At 1.30 pm on 19 November, half an hour before their flight, the ECtHR called on the Ukrainian government not to return the group to Afghanistan until the Court has taken a decision on the case. However, the flight seemed set to go ahead despite this ruling. According to information on the website of the Ukrainian border guard service, the plane's Chief Steward refused to take the group on board because of their disruptive behaviour and insistent demands that they be reunited with their family in the UK. The asylum-seekers were returned to the airport's departure lounge, where they were finally able to meet with UNHCR staff and to file their applications for asylum in Ukraine. They have, however, not been allowed to leave the departure lounge since then. The Ukrainian authorities have not provided the group with anything. Food, clean clothes, bedding and other basic items have all been provided by the UNHCR.

In the meantime the ECtHR has withdrawn its "interim measures", requesting the Ukrainian government not to forcibly return the asylum-seekers, arguing that Ukraine intended to return them to the United Arab Emirates. Amnesty International is seriously concerned that the asylum-seekers' request for asylum will not be acknowledged by the border guards in the United Arab Emirates and they may face deportation to Afghanistan. The United Arab Emirates have neither ratified the UN Refugee Convention nor the Convention against Torture.

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

- Urging the Ukrainian authorities to allow the group of eight asylum-seekers, four of whom are children aged between four and 10, to stay in Ukraine until their asylum applications have been examined;
- Reminding the Ukrainian authorities that as a state party to the 1951 Geneva Convention relating to the Status of Refugees, they must not forcefully 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;
- Urging the authorities to give the eight asylum-seekers access to fair asylum procedures, including a thorough review of their asylum claims on appeal, and to abstain from forcibly returning them until their procedure has been finalised.

### PLEASE SEND APPEALS BEFORE 08 JANUARY 2010 TO:

Oleksandr Medvedko  
vul. riznitska 13/15  
01601 Kyiv, Ukraine  
**Fax: +380 44 280 2851**

**Salutation: Dear Prosecutor General**

Yurii Reshetnikov  
Chair, State Committee for Nationalities  
and Religion  
Vul. Volodymyrska  
901025 Kyiv, Ukraine  
**Fax: + 38 044 226 23 39**  
**Salutation: Dear Yurii Reshetnikov**

Mykola Lytvyn,  
Chairman  
State Border Guard Service  
Vul. Volodymyrska 26  
01 034 Kyiv, Ukraine  
**Fax: +380 239 8480**  
**Salutation: Dear Mykola Lytvyn**

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.

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

Under international law, asylum-seekers should only be detained when the authorities can demonstrate that it is necessary to do so. Anyone detained must be promptly brought before a judicial authority and be provided with an effective opportunity to challenge the lawfulness of the decision to detain him/ her. Furthermore, the Convention on the Rights of the Child obliges states to detain children only as a last resort and for the shortest possible time. The Convention also states that children who are seeking refugee status should receive appropriate protection and humanitarian assistance in accordance with international standards.

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 UNHCR, 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. Most recently, on 2 September, 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.

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