

URGENT ACTION

UKRAINE MUST ABIDE BY EUROPEAN COURT DECISION

The Ukrainian authorities must abide by the decision of the European Court of Human Rights (ECtHR) taken on 18 March and suspend the deportation of four Afghan citizens from Ukraine. They must ensure that all four men are provided with an effective opportunity to appeal against the earlier rejection of their asylum applications.

According to information obtained by Amnesty International, there are only 4 men remaining in Ukraine from an original group of 14, following the deportation last week to Afghanistan of 10 other Afghan citizens, including an unaccompanied minor.

Since the decision of the ECtHR, two of the men have been released, but two more remain in detention at Boryspil International airport in Kyiv and are expected to be released in the coming days. The office of the High Commissioner for Refugees does have access to the four men and all of them have now appealed against earlier rejections of their asylum applications. The authorities must ensure that each case is determined on an individual basis, according to fair and efficient refugee status determination procedures, in line with Ukraine's obligations under domestic and international law. The decision of the ECtHR has instructed Ukraine not to deport the men until 1 April, a date which can be extended if the appeals procedure has not been adequately completed.

Credible allegations that the men were ill-treated while in detention must be investigated and, if substantiated, those found to be responsible must be brought to justice. On 17 March, the State Border Guard Service of Ukraine told regional media outlets that force had been used against the Afghan men, as they had tried to resist their deportation.

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

- Call on the Ukrainian authorities to abide by the 18 March decision of the European Court of Human Rights and not deport the four Afghan citizens who have been held at Boryspil International airport and release the two remaining in detention;
- Urge them to ensure that all four men are given an effective opportunity to appeal against the earlier rejection of their asylum applications;
- Express your concern that 10 Afghan citizens were deported from Ukraine last week without being given an effective opportunity to apply for asylum, and/or to submit an appeal against the rejection of their asylum application and/or against their deportation, as required by Ukraine under domestic and international law;
- Call for an immediate investigation into allegations that the Afghan men were ill-treated in detention in Boryspil International airport and for those found responsible to be brought to justice.

PLEASE SEND APPEALS BEFORE 3 MAY 2011 TO:

Minister of Justice

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

General Prosecutor

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

And copies to:

Minister of Internal Affairs

Anatoly Vladimirovich Mogilev
Akademika Bogomoltsa Str. 10
01024 Kyiv
Ukraine
Tel: + 380 44 256 03 33
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 check with your section office if sending appeals after the above date. This is the first update of UA: 72/11 Index: EUR 50/005/2011 Ukraine. Further information:
<http://www.amnesty.org/en/library/info/EUR50/005/2011/en>

**AMNESTY
INTERNATIONAL**



URGENT ACTION

UKRAINE MUST ABIDE BY EUROPEAN COURT DECISION

ADDITIONAL INFORMATION

The group of 14 Afghans had reportedly been held in a detention centre in Volyn, north-west Ukraine, for six months, on grounds of illegally attempting to cross the Ukrainian border into the European Union. At least eight of them had applied for asylum in Ukraine after they had been in detention for several months. It appears that they did not have access to adequate legal counselling while in detention. In Ukraine, their asylum applications were turned down and they were issued on the same day with a deportation order. Without the possibility of appealing against their deportation order, they were transported to Kyiv by train and then on to Boryspil airport in Kyiv.

Amnesty International and other international organizations worked last week to try to prevent the deportation of members of the group, who had not been given the possibility to appeal against their failed asylum applications or against their deportations. However, by 20 March, 10 had been deported and only four men remain in Ukraine.

FU UA: 72/11 Index: EUR 50/006/2011 Issue Date: 22 March 2011

AMNESTY
INTERNATIONAL

