

PUBLIC

**AI Index: EUR 50/004/2007
04 October 2007**

Further Information on UA 207/07 (EUR 50/003/2007, 9 August 2007) – Forcible return/torture

UKRAINE Lema Susarov (m), aged 25

The Ukrainian authorities, who appear to be under increasing pressure from the Russian authorities, are making serious preparations to forcibly return Lema Susarov to Russia, where he would be in danger of torture. The head of the Ukrainian Security Service told an Amnesty International delegate on 29 September that "if we openly refuse Russia's request, they will [come into Ukraine and] remove the people regardless."

Lema Susarov has been recognized as a refugee by the United Nations refugee agency (UNHCR), and has applied for asylum in Ukraine. He was arrested on 16 June by Ukrainian Security Service officers, following an extradition request from Russia. His lawyer appealed against the decision to detain him, but on 20 July Solomenskiy district Court in Kyiv ruled that it was legal to detain somebody if there had been an extradition request. The lawyer then appealed against this decision to the Kyiv appeal court, but was unsuccessful. He appealed to the Pecherskiy district court against the extradition order, but the court refused to consider the issue on procedural grounds. On 28 September, the Kyiv appeal court ruled that the extradition could not be contested in a district court and that the matter would need to be referred to an administrative court.

The head of one of the departments of the Ukrainian Security Service told Amnesty International delegates during a meeting on 29 September that Ukraine would return refugees when asked to do so by the Russian Federation, even when it was pointed out to him that this would be in violation of Ukraine's obligations under international conventions including the Refugee Convention and the Convention against Torture.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Ukrainian, 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 Ukraine is 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;
- 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 15 November 2007.*****