

URGENT ACTION



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Note: Please write on behalf of these persons even though you may not have received the original UA when issued on January 11, 2010. Thanks!

22 January 2010

Further information on UA 07/10 (11 January 2010) – Risk of forcible return/Fear of torture

UKRAINE **Ahmed Chataev (m)**

On 14 January the European Court of Human Rights called upon the Ukrainian authorities not to extradite an ethnic Chechen man, Ahmed Chataev, to Russia until further notice. As a state party to the European Convention on Human Rights, Ukraine is obliged to adhere to the Court's ruling.

Ahmed Chataev, who is physically disabled, was detained on 3 January by police in the city of Uzhhorod, close to Ukraine's border with Slovakia, based on a Russian international arrest warrant, allegedly on charges relating to terrorism. Since then, he has been held in a pre-trial detention centre in Uzhhorod.

Ahmed Chataev has been granted refugee status in Austria and was visiting the Ukraine with a valid visa. Following his detention, Ahmed Chataev's lawyer filed a complaint at the European Court of Human Rights and, at the same time, applied to the Court to grant a so-called interim measure, protecting Ahmed Chataev against irrevocable measures before the Court has considered his case.



Amnesty International believes that if Ahmed Chataev is returned to Russia, he could face an unfair trial and would be at risk of torture and other ill-treatment in order to extract "confessions" from him.

BACKGROUND INFORMATION

Amnesty International and other human rights organizations working in the region are concerned that many Chechens in the Russian Federation have been charged with crimes such as participating in illegal armed groups or acts of terrorism on the basis of "confessions" extracted under torture. There are further allegations that trials of Chechen suspects have been flawed and have relied on fabricated evidence. The Chechen Ombudsperson for Human Rights, Nurdi Nukhazhiev, reportedly stated in February 2006 that a large number of the convicted Chechens in prison in Russia had been falsely accused and that the majority of their cases should be re-examined. So far, there have been almost no investigations leading to prosecutions of law enforcement officials for torture, which has created a climate of impunity in the region.

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 UN High Commissioner for Refugees, and would have been at risk of torture if returned. He was released in July 2008 and allowed to take

Amnesty International's mission is to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights.

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. On 2 September 2009, 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. Most recently, on 28 November, Ukraine deported eight Afghan nationals to Dubai. The group consisting of three women and five children aged between three and 15 (see UA 318/09 and follow ups). They had attempted to join a family member who had been granted refugee status in the UK.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible:

- Urging the Ukrainian authorities to comply with the ruling of the European Court of Human Rights of 14 January and not to extradite Ahmed Chataev to Russia until further notice;
- Reminding the Ukrainian authorities that as a state party to the 1951 Refugee Convention and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, they must not forcibly 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.

APPEALS TO:

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PLEASE SEND APPEALS IMMEDIATELY.

Check with the AIUSA Urgent Action office if sending appeals after 05 March 2010.