

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

AI Index: EUR 50/003/2008 (Public)

Date: 07 March 2008

Ukraine: Government blatantly ignores rights of asylum-seekers

Amnesty International (AI) is extremely concerned about the fate of 11 ethnic Tamil asylum-seekers from Sri Lanka who were forcibly returned to Sri Lanka on 4 and 5 March. AI believes that their return to Sri Lanka exposes them to the risk of serious human rights violations including torture and ill-treatment.

Amnesty International is also concerned that they were not offered access to fair and efficient asylum procedures while in Ukraine. All 11 asylum-seekers were registered with the United Nations High Commissioner for Refugees (UNHCR) in Kyiv between August 2007 and January 2008, and six of them had applied to the Ukrainian authorities for refugee status. They were detained by the State Security Services (SBU) at the end of January. During that time, according to the UNHCR, they were not offered interpretation or independent legal advice. On 27 February the six applications for asylum were rejected by the Khmelnytskyi migration services for procedural reasons, and they were given no right to appeal.

On 29 February, a representative of the Vinnytsya Human Rights Group, a partner organization of the UNHCR in Ukraine, received a phone call from one of the asylum-seekers who said that they were being detained in a hotel in Shepetovka in Khmelnytskyi region and that before that they were held in the basement of the police station. He reported that they had been beaten and that they had not been given any food. He asked for help and said that they were afraid of being returned to Sri Lanka because they were Tamils. All requests by the UNHCR to the Ukrainian authorities to release the asylum-seekers and ensure that their claims were examined on individual merit were ignored.

Amnesty International strongly condemns this blatant violation by Ukraine of its obligations under international human rights and refugee law not to forcibly return any person to a country where they would be at risk of persecution, torture or other forms of ill-treatment. This is not the first time that Ukraine has ignored the rights of asylum-seekers. In March 2006 Amnesty International wrote to President Yushchenko expressing concern about the forcible return of a group of 11 Uzbek asylum-seekers to Uzbekistan and sought assurances from the government that in the future Ukraine would fully respect its obligations under International and national law concerning the rights of refugees and asylum-seekers and the prohibition of *refoulement*. No such assurances were forthcoming.

Background information

The ongoing conflict between the government of Sri Lanka and the Liberation Tigers of Tamil Eelam (LTTE) and other armed groups, which has escalated significantly since April 2006, has been accompanied by large-scale violations of international humanitarian law by all sides, as well as serious and systematic human rights violations and abuses. These have included attacks targeting civilians, indiscriminate attacks, extrajudicial executions, enforced disappearances, the recruitment of child soldiers, torture and other ill-treatment. The vast majority of victims have been Tamils. The human rights of the Tamil population away from the areas of conflict have also been violated often.