



# Novoye Vremya: Ukraine – a trap for political refugees

**When arriving in Ukraine, political refugees do not leave their problems behind; on the contrary, they face new ones.**

Azerbaijan, Kazakhstan, Russia and Uzbekistan belong to those post-Soviet states, where the number of persons prosecuted for political reasons is growing. Frequently, in order to escape from oppression, 'enemies of the regime' (journalists, activists, human rights defenders) have to leave their homeland and seek refuge.

Refugees from post-Soviet states often choose Ukraine, whose authorities declare adherence to democratic values. Favourable language and cultural environment, as well as the lack of a visa regime with most countries of the post-Soviet space, also speak for Ukraine. Some refugees consider Ukraine as a transit point, through which, in time, one can get to the Western countries.

However, in reality, Ukraine is not at all friendly to asylum seekers. Following the overthrow of Yanukovich's regime, the situation in the country did not change. The Migration Service repeatedly denies granting asylum or additional protection to those persecuted. Very few people are lucky enough to receive protection from the Ukrainian state.

Law enforcement and judicial bodies, in turn, expel 'undesirable guests' from the country. Predominantly, this fate awaits refugees from the post-Soviet states. After all, Ukraine is a member of the Minsk Convention on Legal Aid, signed within the framework of the Commonwealth of Independent States (CIS) back in 1993. And although Ukraine has actually ceased its membership in the CIS in 2014, collaboration in the legal sphere still remains close.

In September-October, 2017, three opposition journalists, fleeing from persecution by post-Soviet authoritarian regimes, were detained in Ukraine. The basis for their detention was INTERPOL's 'red notices', issued on the basis of politically motivated requests by Azerbaijan (the case of Fikrat Guseynov), Uzbekistan (the case of Narzullo Okhunzhonov) and Kazakhstan (the case of Zhanara Akhmetova).

Azerbaijani journalist Fikrat Guseynov (Guseynli) has been granted refugee status and citizenship in the Netherlands, which protects him from extradition to Azerbaijan. Therefore, he didn't expect that he would face such serious problems in Ukraine. On 17 October 2017, the court arrested him. Uzbekistani journalist Narzullo Okhunzhonov applied for asylum in Ukraine. Still, as a result, according to the court's decision of 25 September 2017, he was placed in a detention facility, where his health condition deteriorated.

Human rights defenders raised the alarm; as a result, Huseynov and Okhunzhonov were released from custody in October 2017.

Kazakhstani journalist Zhanara Akhmetova was hoping that, in Ukraine, she and her minor son

would not be in danger. Still, the Migration Service of Ukraine denied Akhmetova, asylum and failed to inform her about it. It transpired that the Kazakhstani authorities were aware of the possible address of her residence, which could indicate that they had been carrying out operational activities on the territory of Ukraine. Akhmetova was held in a detention facility for more than a month. On 22 November 2017, the court released her, which became possible only due to the efforts of human rights organisations, the Ombudsman office, as well as MPs who agreed to take her on bail.

The case of Fikrat Guseynov confirmed that it is dangerous to come to Ukraine even if the person enjoys refugee status. At a minimum, the person risks to be held in a detention facility for the time of the extradition check. A similar case occurred in April 2016, when Azerbaijani human rights activist Alovzat Aliyev, who had been granted asylum in Germany, spent 20 days in a Ukrainian detention centre. It was only due to the intervention of German diplomats that his extradition to Azerbaijan was successfully prevented.

Ukrainian courts will consider requests for the extradition of journalists: Guseynov, Okhunzhonov and Akhmetova. Human rights activists emphasise that, should the journalists be expelled from the country, they will face torture, or even death.

These cases are yet another example of the use of the INTERPOL system by authoritarian states in their pursuit of refugees and political opponents. Russia, Kazakhstan and Azerbaijan are among the 'leaders', when it comes to the number of cases of misuse of the INTERPOL system. Due to the efforts of human rights organisations, the Parliamentary Assembly of the Council of Europe, the European Parliament and the European Commission, the reform of INTERPOL has moved forward. In the period between 2016-2017, INTERPOL began to apply (thus far, quite inconsistently) the policy of protecting persons with refugee status.

Refugees may not be aware of the fact that they are wanted, as most of INTERPOL's notices are non-public. When crossing the border, the persons are at risk of being arrested. Their incarceration may be prolonged, as extradition procedures are lengthy.

Within the framework of these procedures, the Ukrainian prosecutor's office and courts act with accusatory bias and 'automatically' issue decisions to arrest the persons. There's no proper examination of the case to verify whether it has political overtones. Sometimes, even the fact that the person has been granted refugee status, is ignored.

Victims of political oppression hit the bureaucratic 'wall' and must live with questionable decisions of the Ukrainian migration service. For example, Russian activists who had been persecuted for supporting Euromaidan (Petr Lyubchenkov, Sergey Anisiforov, Aleksey Vetrov, Sergey Sakharchuk), were denied asylum. The Migration Service of Ukraine justified its decisions by stating that, according to Russian legislation, Russia is a 'democratic legal state' where 'there are no incidents of torture'.

Practice shows that it is only publicity and the pressure exerted by the international community that can save victims of political oppression from being extradited.

In 2013, UNHCR labelled Ukraine 'a State which is dangerous for refugees and asylum-seekers'. Four years later, the situation hasn't improved. Contrary to the statements of the authorities, the Ukrainian prosecutor's office, the police, the Migration Service, and courts remain unreformed and operate by the rules of the old regime. Their staff has not been subjected to the vetting and, in its majority, remains part of the old corrupt system.

By inertia, Ukrainian law enforcement agencies continue to work closely with their counterparts

from the post-Soviet States. But is this really consistent with the country's interests and the current geopolitical situation in the region? The military aggression on the part of Russia and further withdrawal of the CIS countries from taking responsible political decisions compels Ukraine to reconsider the principles of cooperation with the post-Soviet countries which, in fact, found themselves on the other side of the barricades.

By delivering political refugees into the hands of their persecutors, Ukraine exposes them to the danger of death and, involuntarily, becomes an accomplice in political oppression. Such cases discredit the reputation of the country, which has recently freed itself from the shackles of an authoritarian regime.

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