

To:
Members of the LIBE Committee
The European Parliament delegation to the EU-Ukraine Parliamentary Cooperation Committee (PCC)

Dear Members of European Parliament,

we are writing to ask you to intervene immediately on behalf of the 58 Somalian refugees (11 of them women), who informed us, that they have been on hunger strike since 6th of January 2012 in protest against their unjust detention in Lutsk detention centre in Ukraine.

We have heard, with the greatest concern, that one of the hunger strikers, a young woman, has recently been taken to hospital. We also understand that four of the male hunger strikers are also very ill. We are profoundly worried for the health and life of these despairing and defenceless refugees.

The hunger strikers, along with other asylum seekers in Ukraine, suffer: racism, arbitrary detention, re-arrest immediately after periods of detention, extortion, robbery, beatings and threats by police, a continued failure to give temporary residence documentation, police-enforced evictions, no access to work, state support, health care or educational opportunities.

UNHCR office in Kiev has issued a press release on 20th January 2012 in which they note that of the 125 people detained in Lutsk, 80 are asylum seekers who have simply not been able to lodge an application for asylum. How can it be lawful to detain a person who wants to make a claim for asylum, but cannot, because the immigration service in the country in which they are seeking asylum is too disorganised to accept the claim?

For those who are ostensibly detained for the purposes of deportation UNHCR notes quite clearly that "*Their detention serves no legitimate purpose, a violation of Art. 5 of the European Convention on Human Rights.*" The EctHR has laid down that no returns to Somalis are consistent with Article 3 of the ECHR. Thus we note with extreme disquiet that the Lutsk detention centre was built with funds from the EU and that this building programme of detention centres construction is being extended.

Why are EU funds being spent on building detention centres in Ukraine thus enabling that country to commit flagrant breaches of Article 5 of the ECHR by unlawfully detaining these asylum seekers?

We appeal to you to:

1. Immediately intervene to ensure the release of all hunger strikers and also any other asylum seekers who are detained unlawfully under article 5 of the ECHR.
2. Make immediate representations to Ukrainian Government to ensure that the hunger strikers obtain either refugee status or, failing that, humanitarian or complementary protection.
3. Insist that they are granted necessary documentation to allow them stay legally in Ukraine and ensure that they not subject to extortion and harassment by the Ukrainian Police.
4. If you are unsuccessful in securing protection for the hunger strikers in Ukraine; that you seek immediate resettlement for them in the EU.
5. Arrange as quickly as possible a visit to Lutsk detention centre to talk directly to the hunger strikers. For this, we recommend to control that the detainees are not threatened with reprisal for talking to you prior or after the visit - as has often been observed in the past after official visits to Ukrainian detention centre.
6. That you inquire into the use of EU funds which, in this case, are used to enable EU's neighbours to breach EU human rights legislation.

Please check this webpage for updates: <http://bordermonitoring-ukraine.eu/>

Yours sincerely,

PRO ASYL, Border Monitoring Project Ukraine, Hungarian Helsinki Committee