

To: General Prosecutor of Ukraine
Viktor Pavlovich Pshonka
01601, Kiev
Rezinskaya street, 13/15
tel.:+380 44 280 1020;
fax.: +380 44 280 2269

COPY:

Authorized Supreme Council of Ukraine
on Human Rights
Inna Ivanovna Karpacheva
01008, Kiev
Institutskaya street, 21/8
tel.: +380 (44) 253 7589

From: **Name**
Contact Address

Dear Mr. Pshonka,

A citizen of the Russian Federation Denis Solopov came to Ukraine in search of asylum from persecution by Russian authorities. He turned to the UN High Commissioner on Refugees (UNHCR) in Ukraine for protection. Having studied the circumstances of his case, UNHCR recognized Denis as a refugee within the scope of its mandate.

On 2 March 2011, Denis was detained by officers of the Solomenskyi District of the Ministry of Internal Affairs in Kyiv. On 4 March 2011 Kyiv's Solomenskyi court ignored arguments of the defense, including documentary evidence of the fact that UNHCR recognized Denis as a refugee. The court sanctioned D. Solopov's temporary arrest for 40 days with the goal of securing his extradition to the Russian Federation (RF).

From the Criminal-Procedure code of Ukraine (Section 9, Chapter 37, Articles 450 — 470), it follows that the authority responsible for the coordination of extradition proceedings, and decision-making regarding Denis's transfer or rejection of transfer to Russia, is the General Prosecutor's Office of Ukraine. Among other, it is the General Prosecutor's Office of Ukraine that carries responsibility for identifying circumstances that impede the extradition. When deciding weather Denis will be extradited to the RF or if his transfer will be denied, this authority must take into consideration any such circumstances.

With regards to this, I would like to call your attention to the fact that the circumstances that have developed around Denis Solopov's situation are very similar to those presented in the decision of the European Court of Human Rights in the case of Eminbeily v. Russia (#244302, of February 26, 2009). In that case, a citizen of Azerbaijan, Gunduz Eminbeily — who was wanted by authorities of Azerbaijan under criminal charges —, was recognized as a refugee by UNHCR in Russia. This organization informed RF authorities about the fact that it granted refugee status to Mr. Eminbeily. Nevertheless, the aforementioned person was arrested by RF authorities with the goal of securing his extradition to Azerbaijan. Reviewing this case, the European Court noted that RF law provided that a person who had been granted refugee status may not be transferred to a foreign state where his life may be in danger. The Court, thus, determined that detention of Mr. Eminbeily by Russian authorities pending his extradition to Azerbaijan was manifestly unlawful from the outset and in violation of his right to liberty and security or a person guaranteed by the European Convention on Human Rights.

In light of this, the General Prosecutor's Office of Ukraine must take into consideration **Article 466 of the Criminal-Procedure Code of Ukraine**. It states that a person who was granted a refugee status may not be extradited to a foreign state where his health, life or freedom may be in danger. Likewise, note the fact that on March 4th, 2011, Denis Solopov's lawyer provided the Solomenskyi Regional Court with documentary evidence proving that the Representative of UNHCR in Kyiv granted Denis refugee status within the scope of its mandate.

With regard to the above said, and in accordance with Article 461 of the Criminal-Procedure Code of Ukraine, which provides that a detained person shall be immediately released if conditions preventing her extradition were identified, as well as in accordance with Articles 464 and 466 of the Criminal Procedure-Code of Ukraine,

I Ask You To:

- 1. Acknowledge that Denis Solopov's extradition is impossible.**
- 2. Immediately release Denis Solopov from detention.**
- 3. Reject Denis Solopov's extradition to the Russian Federation**

Respectfully,