

PUBLIC

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04 September 2007

UA 235/07 Forcible return/Torture and ill-treatment

**LIBYA/
ERITREA **Some 70 Eritrean nationals****

Some 70 Eritrean nationals who had fled Eritrea to seek refuge abroad are reportedly being held in a detention facility in the Libyan town of Az Zawiyah, some 40km west of the capital, Tripoli, and at risk of imminent forcible return. If sent back to Eritrea, they would be at risk of torture and other serious human rights violations.

According to reports received from several of the detainees, all the approximately 70 Eritrean nationals are male, mainly aged in their twenties and were rounded up during the night of 8 July 2007. When they arrived at the detention facility, they say that they were asked to strip naked and were beaten by guards with implements such as metal chains. Some have reportedly been beaten on numerous subsequent occasions.

The detainees say that they have been threatened by the guards with deportation on a number of occasions. On 1 September, it is reported that they were made to fill in forms asking for their personal details, including their name and date of birth, and to have their photographs taken. They were told by guards at the detention facility that the forms and photographs had been requested by Eritrean embassy officials in Libya to allow them to issue travel documents for their deportation.

Many of the approximately 70 Eritrean nationals are believed to be conscripts, forced into military service for an indefinite period of time. Amnesty International believes that, if returned to their country, the Eritrean nationals would be detained on arrival, tortured as punishment for "betraying" the country or fleeing military service, denied medical treatment and held incommunicado indefinitely without charge or trial. The UN High Commissioner for Refugees (UNHCR) has recommended that even rejected asylum-seekers from Eritrea should not be returned; advice which seems to have been generally observed internationally.

BACKGROUND INFORMATION

At least 500 other Eritrean nationals are reportedly detained in Libya and at risk of forcible return. Most are believed to be held in detention centres in Tripoli, as well as in Misratah, al-Marj and al-Kufrah, respectively about 200km east, 1,000km east and 1,800km south-east of the capital. They have also reportedly been made to register their personal details with Libyan guards in recent weeks and months. Some were told by guards that they would be forcibly returned to Eritrea, although to date, as far as Amnesty International is aware, none of the detainees has been. (Please see UA 183/07, MDE 19/010/2007, 13 July 2007 for further information.)

Libya is a party to the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, all of which oblige the authorities not to return anyone to a country where they would be at risk of torture.

Libya is not a party to the 1951 Convention related to the Status of Refugees or its 1967 Protocol. Although the UNHCR has an office in Tripoli, Libya still has not, to Amnesty International's knowledge, signed a cooperation agreement for a formal UNHCR presence in the country. This means that anyone wishing to present an asylum claim to the UNHCR has little opportunity to do so. In national legislation, there are no procedures which would allow asylum-seekers to present an application for recognition of their refugee status by the Libyan authorities.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Arabic, English or your own language:

- calling on the authorities not to forcibly return any Eritrean nationals to Eritrea, where they would be at risk of torture, as well as indefinite detention without charge or trial;
- reminding them of their obligations under the ICCPR, CAT and the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa not to forcibly return anyone to any country where they would be at risk of serious human rights abuses such as torture;
- urging them to ensure that all Eritreans detained in Libya are protected from torture and other ill-treatment, treated humanely, provided with adequate medical treatment, allowed to challenge the lawfulness of their detention before a judicial authority and given immediate access to the UNHCR office in Tripoli to enable them to apply for protection if they wish to do so;
- urging them to open a full, impartial and independent investigation into reports of torture and other ill-treatment by guards in the detention centres and to ensure that living conditions in detention centres are fully in line with international standards.

APPEALS TO:

Head of State

Colonel Mu'ammar al-Gaddafi

Office of the Leader of the Revolution, Tripoli, Great Socialist People's Libyan Arab Jamahiriya

Email: info@algathafi.org

Salutation: Your Excellency

Interior Minister

Brigadier Salih Rajab al-Mismari

Secretary of the General People's Committee for Public Security,

Secretariat of the General People's Committee for Public Security

Tripoli, Great Socialist People's Libyan Arab Jamahiriya

Email: minister@almiezan.net

Salutation: Your Excellency

COPIES TO:

The Gaddafi Development Foundation

Saif al-Islam al-Gaddafi

President, The Gaddafi Development Foundation

El Fatah Tower, 5th Floor B No. 57, PO Box 1101

Tripoli, Great Socialist People's Libyan Arab Jamahiriya

Email: info@gaddaficharity.org

and to diplomatic representatives of Libya accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 16 October 2007.