

PUBLIC

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Fear of forcible return/Fear of Torture and Ill-Treatment

13 November 2006

YEMEN

Yonas Andemariam Habtemariam (m), Eritrean national

Eritrean national, Yonas Andemariam Habtemariam has been detained at Sana'a airport since October 2006 and is believed to have been told by the Yemeni authorities that he is scheduled to be forcibly returned to Eritrea at any time. Asylum seekers who have been returned to Eritrea in the past have been systematically detained and tortured or ill-treated upon arrival.

Yonas Andemariam Habtemariam was arrested in June 2005 after campaigning for the release of his father who had been arrested by the Eritrean authorities reportedly because of his religious beliefs. Yonas was however able to escape from prison a month later and went to Sudan where he stayed for about a year. He then left Sudan for Yemen in October 2006 where he was held in a prison near Sana'a airport for 14 days, but he is now within the airport itself and has been told he will be deported. His previous escape from prison only worsens the likelihood that he would be arrested and tortured if returned to Eritrea.

BACKGROUND INFORMATION

Some 232 Eritreans, including asylum seekers, were forcibly deported to Eritrea from Malta in 2002, and were detained and tortured. A judicial inquiry into these deportations is now underway in Malta. Except for some women and children and about 30 men who later fled to Sudan for a second time, the Malta deportees are believed to be still detained incommunicado, without charge or trial, in various secret prisons in Eritrea.

On 21 July 2004, the Libyan authorities deported 110 Eritrean nationals back to Eritrea, where they were placed in incommunicado detention at a secret prison. On 27 August 2004, the Libyan authorities attempted to deport a further 76 Eritrean asylum seekers, including six children. The plane was however hijacked by some of the passengers and landed in Sudan. All passengers, except for the hijackers, were given refugee status in Sudan.

To forcibly return anyone to a country where they would be at risk of torture is a violation of Yemen's obligations under international law, including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the 1951 Convention relating to the Status of Refugees.

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

- calling on Yemen to abide by its international obligations and ensure that Yonas Andemariam Habtemariam is not forcibly sent to Eritrea or any other country where he might be at risk of human rights violations, including torture and indefinite detention without charge or trial;
- calling on the Yemeni authorities to allow Yonas Andemariam Habtemariam the opportunity to appeal against any decision to expel him, and to give him access to a lawyer and to an interpreter.
- calling on the authorities to ensure that Yonas Andemariam Habtemariam is given access to the United Nations High Commissioner for Refugees to enable him to make an asylum application

APPEALS TO:

President

His Excellency General 'Ali 'Abdullah Saleh

President of the Republic of Yemen

Sana'a

Republic of Yemen

Fax: + 967 1 274 147

Salutation: Your Excellency

Minister of Interior

His Excellency Dr Rashid Muhammad al-Alimi
Ministry of Interior
Sana'a
Republic of Yemen

Fax: + 967 1 332 511

Salutation: Your Excellency

Minister of Human Rights

Her Excellency Kadijah al-Haysami
Ministry for Human Rights
Sana'a, Republic of Yemen

Faxes: + 967 1 444 838

Salutation: Your Excellency

COPIES TO: Diplomatic representatives of Yemen accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 25 December 2006.