

UA 192/96

Fear of refoulement / ill-treatment /
fear for safety

1 August 1996

GUINEA-BISSAU/SPAIN Albert Mukesha Batwaro, aged 20, and 49 other men

Albert Mukesha Batwaro, Rwandese, is one of a group of about 103 people who were illegally removed from Spain in mid-June. He and 49 other men, 14 from Cameroon, six from Guinea-Conakry, five from Liberia, 21 from Nigeria, and one each from the Central African Republic, Mali and Togo, were taken to Guinea-Bissau. They are being held in the *Segunda Esquadra* (Second Squadron) prison in the capital, Bissau, where some have been subjected to severe beatings.

Albert Mukesha Batwaro had sought asylum in Spain and was awaiting a decision when he was expelled. It is not known whether any of the others had initiated claims for asylum but Amnesty International is concerned, given the grave human rights situation in the countries of origin of many of these people, that at least some of them were seeking protection in Melilla. Amnesty International also fears that the 50 men may be forcibly repatriated from Guinea-Bissau, either directly or indirectly, to their own countries without any opportunity to seek asylum and to have these claims fairly reviewed. There are also reports that some have been beaten by officials in the *Segunda Esquadra*.

The 50 men arrived in Guinea-Bissau in three aircraft on 22, 23 and 27 June 1996. Albert Mukesha Batwaro was in the third group. He had been living in a refugee camp in Zaire but fled when he feared being repatriated to Rwanda. He fled to Melilla, a Spanish enclave in north Africa, where he approached the Spanish authorities with the help of a lawyer and claimed asylum. Before receiving any decision on his asylum claim, he and 21 others were taken into custody by Spanish police, handcuffed and taken onto a military aircraft to Douala, Cameroon. During the journey, the deportees were given water in bottles which were different from those handed out to the Spanish police accompanying them. Some of them became ill with diarrhoea and vomiting. The Spanish authorities subsequently admitted that they had used drugged water as a form of restraint. In Cameroon, Albert Mukesha Batwaro and his companions were reportedly held at the airport for six days. The Cameroonian authorities refused to allow them to enter the country so they were put back on the aircraft and taken to Bissau where they joined the 28 who had arrived earlier.

None of the men have been interviewed by the Guinea-Bissau authorities or informed of their right to submit claims for asylum. They have not been given access to lawyers or representatives of the United Nations High Commissioner for Human Rights (UNHCR) or the opportunity to send messages to their families. It is reported that the Guinea-Bissau authorities are planning to send all 50 men either to their countries of origin or, in the case of Albert Mukesha Batwaro and the Liberians, to a refugee camp in a neighbouring country.

Albert Mukesha Batwaro is one of those who have been subjected to severe beatings by the prison guards, who are police. The cell in which the 50 men are being held is seriously overcrowded.

The *Liga Guineense de Direitos Humanos* (Guinea-Bissau Human Rights League) publicly expressed concern that the 50 men had not been treated in accordance with international refugee and human rights law and because of this statement a member of the League has been threatened by a security official. Members of the League have been subjected to threats on previous occasions when they have protested about human rights violations (see UA 123/96, 16 May 1996, AFR 30/02/96).

GUINEA-BISSAU AUTHORITIES

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Portuguese or your own language:

- expressing deep concern that the 50 have not been given any opportunity to present their claims to asylum in Guinea-Bissau;
- reminding the authorities of their treaty obligation to abide by the internationally recognized principle of non-*refoulement*, which states that no country should forcibly expel individuals, directly or indirectly, to a country where they might be subjected to serious human rights violations;
- urging the authorities to ensure that all members of the group who express a fear of returning to their country are given access to a full and fair asylum procedure;
- expressing concern at reports that the detainees were subjected to beatings in the *Segunda Esquadra* in Bissau and urging the authorities to take immediate action to ensure that the detainees are well treated and not subject to further beatings.

APPEALS TO:

President of the Republic

Sua Excelência João Bernardo Vieira
 Presidente da República
 Palácio da República
 Praça dos Heróis Nacionais
 Bissau, República da Guiné-Bissau

Fax: + 245 20 20 07

Telex: 251 pcr bi

Telegrams: Presidente Vieira, Bissau, Guiné-Bissau

Salutation: Excelência

Minister of Foreign Affairs

Sua Excelência Fernando Delfim da Silva
 Ministro dos Negócios Estrangeiros
 Ministério dos Negócios Estrangeiros
 Avenida Domingos Ramos
 Bissau, República da Guiné-Bissau

Fax: + 245 20 15 42

Telegrams: Ministro Fernando Delfim da Silva, Bissau, Guiné-Bissau

Salutation: Excelência

SPANISH AUTHORITIES

RECOMMENDED ACTION: If possible, please also send appeals to the Spanish Minister of the Interior, preferably in Spanish or in your own language:

- reminding the authorities of their treaty obligation to abide by the internationally recognized principle of non-*refoulement* which states that

no country should forcibly expel individuals directly or indirectly to a country where they might be subjected to serious human rights violations;

- asking what assurances were sought from the Guinea-Bissau authorities that the 50 men would have access to a full and fair asylum procedure before the decision was taken to deport them;
- expressing concern that at least one of the men, Albert Mukesha Batwaro, had an asylum application pending at the time of his expulsion;
- expressing concern at reports that persons expelled by the Spanish Government were subjected to beatings in the *Segunda Esquadra* in Bissau (Guinea-Bissau) and asking that an immediate request be made to the Guinea-Bissau authorities to investigate these reports.

Minister of the Interior

Excmo Sr D Jaime Mayor Oreja
Ministro del Interior
Ministerio del Interior
Castellana 5
Madrid, Spain
Fax: +34 1 537 1003

COPIES TO: _diplomatic representatives of Guinea-Bissau and Spain accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 12 September 1996.