

PUBLIC

AI Index: ASA 12/09/98

EXTRA 86/98 Fear of imminent forcible deportation 18 November 1998

AUSTRALIA Sadiq Shek Elmi, aged 38

Sadiq Shek Elmi, a Somali asylum-seeker, faces imminent deportation to Somalia where his life would be seriously at risk due to his membership to the persecuted minority Shikal community.

Sadiq Shek Elmi has exhausted all legal avenues of seeking Australia's protection and has been advised by the authorities that his deportation is imminent.

If Sadiq Shek Elmi is returned, he may be at risk, immediately upon his arrival, of being arbitrarily detained, kidnapped, tortured or extrajudicially executed by clan militias in control of the airport and other areas. Most surviving members of the small and physically distinct Shikal community have already fled the country -- with no foreseeable prospect of safe return and restitution.

The minority Shikal (or Sheikal) community in Somalia is particularly vulnerable as they have no armed militia to protect them against continuing massive human rights abuses within the context of Somalia's civil wars, including arbitrary and deliberate killings, torture, and kidnappings. Sadiq Shek Elmi's father, a Shikal community elder, and his brother were killed in Mogadishu, their home town, in 1991 after his father reportedly refused to "give" one of his sons to the Hawiye militia. His sister committed suicide in 1994 as a result of multiple rape by Hawiye clan militia.

Sadiq Shek Elmi fled Somalia fearing death at the hands of militias now controlling most of Mogadishu. He sought asylum on arrival in Australia on 2 October 1997 and has since been held in immigration detention near Melbourne. He is reportedly held in isolation and unable to contact anyone except his lawyer.

In March Sadiq Shek Elmi's asylum claim was rejected by the

government. After this he appealed unsuccessfully to the Australian Refugee Review Tribunal and the Minister for Immigration. At the vital tribunal hearing he was unrepresented by his lawyer. On 16 November the last in a series of Australian High Court injunctions preventing deportation was lifted. A communication with the UN Committee Against Torture in Geneva has now been filed on his behalf.

BACKGROUND INFORMATION

Amnesty International has documented massive human rights abuses in Somalia since 1991 within the context of the civil wars. Three years after the United Nations withdrawal from the country in 1995, the former Somali Republic is still a collapsed state without a central government and with no recognized or effective administration, security or rule of law. Human rights abuses by clan-based militias continue, such as arbitrary and deliberate killings, torture including rape, and kidnappings. Minority communities like the Shikal (or Sheikal), a long-established Islamic religious community who are outside the main clan structure, are particularly vulnerable because they lack protection by armed militias.

The Australian Government continues to advise its citizens to avoid travelling to Somalia, stating that "all of Somalia is dangerous".

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

- urging the Australian authorities not to forcibly return Sadiq Shek Elmi to Somalia where he would be at risk of serious human rights violations, in particular torture or extrajudicial execution;
- urging them to abide by their obligations under Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Australia is a party, which states that no person can be returned to another state where "there are substantial grounds for believing he would be in danger of being subjected to torture".
- noting that the Australian government is bound by the internationally- recognized principle of "non-refoulement", also enshrined in Article 33 of the Convention relating to the

Status of Refugees, which prohibits states from forcibly returning people to countries where they risk serious human rights violations.

APPEALS TO:

The Hon. Philip Ruddock MP
Minister for Immigration and Multicultural Affairs
Parliament House
Canberra
ACT 2600
Australia
Telegrams: Immigration Minister, Canberra, Australia
Faxes: + 612 6273 4144
Salutation: Dear Minister

The Hon. Alexander Downer MP
Minister for Foreign Affairs
Parliament House
Canberra
ACT 2600
Australia
Telegrams: Foreign Minister, Canberra, Australia
Faxes: + 612 6273 4112
E-mail: A.Downer.MP@ahp.gov.au
Salutation: Dear Minister

COPIES TO:

Mr. Jahanshah Assadi
Regional Representative United Nations High Commissioner for
Refugees
9 Terrigal Crescent
O'Malley
Canberra
ACT 2606
Faxes: + 612 6290 1315

and to diplomatic representatives of Australia accredited to
your country

PLEASE SEND APPEALS IMMEDIATELY. Check with the International
Secretariat, or your section office, if sending appeals after
5 December 1998.