

PUBLIC

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EXTRA 72/99

Fear of *refoulement* /Fear of torture

17 June 1999

GERMANY

Fathelrahman Abdallah

Fathelrahman Abdallah, a Sudanese asylum seeker in Germany, is due to be deported to Sudan on 19 June 1999 where he would be at risk of serious human rights violations, including arbitrary imprisonment and torture.

Fathelrahman Abdallah fled Sudan after reportedly being imprisoned and tortured on a number of occasions as a result of his active membership of the opposition Democratic Union Party of Sudan (DUP).

His filing of the second asylum claim was rejected by the *Bundesamt für die Anerkennung ausländischer Flüchtlinge*, Federal Bureau for the Recognition of foreign Refugees (German refugee authorities) on 19 May 1999 and he has now taken legal action to have this reconsidered.

His deportation is thus set to take place despite the fact that he has not yet received a final decision from the courts regarding his claim with the refugee authorities. In addition he will reportedly be accompanied to Sudan by police officers and medical staff on a special flight thus bringing his return to the attention of the Sudanese authorities.

Fathelrahman Abdallah has been held in a detention facility in Nuremberg since 3 August 1998.

BACKGROUND INFORMATION

Germany is a state party to the 1951 Convention relating to the Status of Refugees. Under the principle of *non-refoulement*, enshrined in this Convention, Germany is obliged to ensure that no person is returned, directly or indirectly, to a country where they would face serious human rights violations. Implicit in this obligation is the necessity to establish an asylum procedure which includes provisions for an effective appeal against rejection of an asylum claim, whereby the asylum-seeker is allowed to stay in the country for the duration of the appeal.

The German authorities first attempted to forcibly return Fathelrahman Abdallah on 9 September 1998. Following the rejection of his first asylum claim on 6 October, they again attempted to forcibly return him on 27 October and 12 November 1998. All three attempts had to be abandoned, however, as a result of Fathelrahman Abdallah's resistance. He was allegedly ill-treated by police officers during the second and third deportation attempts.

The DUP is part of the Sudanese opposition National Democratic Alliance (NDA) which is involved in an armed struggle against the Army of the Sudanese Government. The Government of Sudan considers members of the NDA to be public enemies.

Amnesty International has informed Bavarian and federal authorities that Fathelrahman Abdallah should be given effective and durable protection from *refoulement*, but has not to date received any reply.

RECOMMENDED ACTION: Please send telegrams, faxes and e-mails in English, German or your own language:

- urging the German authorities to abide by their international obligations under the principle of *non-refoulement*, and afford Fathelrahman Abdallah effective and durable protection from *refoulement*;
- urging the German authorities to ensure that asylum-seekers are allowed to stay in the country pending a final decision on their asylum claim.

APPEALS TO:

The Minister of the Interior Otto Schily

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Graurheindorfer Str 198
D 53111 Bonn
Germany

Telegrams: Otto Schily, Interior Minister, Bonn, Germany

Faxes: + 49 228 6814665

E-mails: posteingang@bmi.bund400.de

Salutation: Dear Minister

The Minister of the Interior of Bavaria Dr. Günter Beckstein

Ministry of the Interior of Bavaria
Odeonplatz 3
D 80539 Munich
Germany

Telegrams: Dr. Günter Beckstein, Interior Minister, Munich, Germany

Faxes: + 49 89 282 090

Salutation: Dear Minister

Federal Chancellor Herrn Dr. Gerhard Schröder

Bundeskanzler
Adenauerallee 141
D-53106 Bonn
Germany

Telegrams: Gerhard Schröder, Federal Chancellor, Bonn, Germany

Faxes: + 49 228 562357

E-mails: posteingang@bpa.bund.de

Salutation: Dear Chancellor

COPIES TO:

Foreign Minister Herrn Joschka Fischer

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Faxes: + 49 228 173402

E-mails: http://www.auswaertiges-amt.de/10_komm/index2.htm

and to diplomatic representatives of Germany accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.