

PUBLIC

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UA 183/07 Forcible return/Torture and ill-treatment

LIBYA At least 500 Eritrean nationals

Official Eritrean radio and television announced on 10 July that the Libyan authorities had decided to deport all suspected irregular migrants in Libya, making specific reference to Eritrean nationals. It gave no further details, but any Eritrean nationals deported would be at particular risk of torture and other serious human rights violations. At least 500 Eritrean nationals are reportedly detained in Libya.

Most are believed to be held in detention centres in Misratah, al-Marj and al-Kufrah, respectively about 200km east, 1,000km east and 1,800 south-east of the capital, Tripoli. They have reportedly been made to register their personal details with Libyan guards in the past few weeks. They were not told why, but some were told by the guards that they would be forcibly returned to Eritrea.

Most of the Eritreans have been arrested in roundups of suspected irregular migrants. Several dozen have been detained after being intercepted in the Mediterranean Sea by Libyan vessels. A group of 53 people, believed mostly to be of Eritrean origin, were reportedly rescued on 21 May after the overcrowded boat in which they were travelling began to leak. In recent months a number of Eritreans arrested by the Libyan authorities have reportedly been expelled arbitrarily to the border with Chad.

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, trial or any other legal process. 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.

Amnesty International is seriously concerned by reports from inside the detention centres that some of the Eritrean detainees have been tortured or otherwise ill-treated by guards in recent months. The treatment has reportedly included beatings with iron rods, death threats and, in several cases, sexual abuse of women detainees. In some cases, the detainees appear to have been tortured or ill-treated as a punishment for resisting registration with the guards or for protesting about the treatment of their fellow detainees. Conditions inside the detention centres allegedly do not meet international human rights standards, with reports of poor hygiene and a shortage of food and medical treatment. Several of the detainees are said to be pregnant women, who have reportedly had to pay bribes to receive adequate drinking water. Several others reportedly have tuberculosis, and two are believed to have attempted suicide.

BACKGROUND 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 24 July 2007.