

PUBLIC

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UA 194/08

Fear of forcible return/ Fear of torture or ill-treatment

GERMANY

Mohamed Abdelrahman Ferah (m), aged 33

The German authorities are preparing to forcibly return asylum-seeker Mohamed Abdelrahman Ferah to Eritrea. If returned, he is at risk of arbitrary arrest, incommunicado detention, torture or other ill-treatment for evasion of compulsory military service and for seeking asylum abroad, which the Eritrean authorities regard as a betrayal of the country.

Mohamed Abdelrahman Ferah travelled from Eritrea to Germany via Sudan and Nigeria, arriving in the German city of Frankfurt on 12 May 2008. His application for asylum was rejected by the German authorities, and he has also lost his appeal against this decision.

The German authorities rejected the opinion from an expert on Eritrea, cited by Mohamed Abdelrahman Ferah's lawyer, that he would be at risk of incommunicado detention upon his return. The authorities stated that as Mohamed Abdelrahman Ferah had consented to publication of his name in a press release issued by German non-governmental organizations, he cannot have believed that he would be at risk upon his return to Eritrea.

The German authorities maintained that he was not at risk despite the guidelines of the Office of the UN High Commissioner for Refugees (UNHCR), which call all governments to "refrain from all forced returns of rejected asylum-seekers to Eritrea and grant them complementary forms of protection instead". In addition, Germany is a state party to the Convention relating to the Status of Refugees (1951) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) which obliges the authorities not to return anyone to a country where they would be at risk of torture or other serious human rights violations.

Two Eritreans returned by Germany on 14 May have not been seen since their arrival in Eritrea. Amnesty International believes that they are currently in detention and are at risk of torture and other ill treatment (see UA 145/08, AFR 64/002/2008, 29 May 2008).

BACKGROUND INFORMATION

Thousands of people are detained incommunicado in Eritrea, in secret and indefinitely, without charge or trial. They have been arrested for suspected opposition to the government, practising their religious beliefs as members of banned evangelical or other churches, evading military conscription or trying to flee the country.

Military service is compulsory for all men and women aged 18 to 40 in Eritrea. There is no limit on length of service, and no exemption for conscientious objectors. The usual punishment for evading military service is torture by being tied for several hours with hands and feet tied behind the back in a painful position known as "the helicopter".

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

- urging the authorities not to return Mohamed Abdelrahman Ferah to Eritrea, where he would face the risk of incommunicado detention, torture and other ill-treatment;

- reminding the authorities of their obligations under the Convention relating to the Status of Refugees (1951) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) which oblige the authorities not to return anyone to a country where they would be at risk of torture or other serious human rights violations.

-calling upon authorities to follow the guidelines issued by The Office of the UN High Commissioner for Refugees (UNHCR) and not return any failed asylum seekers to Eritrea where they are at risk of incommunicado detention, torture and other ill-treatment.

APPEALS TO:

Frank-Walter Steinmeier
Federal Minister of Foreign Affairs
Ministry of Foreign Affairs, Werderscher Markt, 10117 Berlin, Germany

Fax: 0049 30 5000 3866

Email: poststelle@auswaertiges-amt.de

Salutation: Dear Minister

Wolfgang Schäuble
Federal Minister of the Interior
Ministry of the Interior, Alt Moabit 101 D
10559 Berlin, Germany

Fax: 0049 1888 681 2926

Email: poststelle@bmi.bund.de

Salutation: Dear Minister

COPIES TO: diplomatic representatives of Germany accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 29 August 2008.