

PUBLIC

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22 July 2005

Further Information on UA 188/05 (AFR 23/001/2005, 15 July 2005) Fear of forcible return New concerns: Forcible return/ fear of torture or ill-treatment

ETHIOPIA/ DJIBOUTI	Behailu Gebre (m) Abiyot Mangudai (m)] Ethiopian air force helicopter pilots]
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Captain Behailu Gebre and Abiyot Mangudai were reportedly forcibly returned from Djibouti to Ethiopia around 11 July. They are reportedly detained incommunicado at Debre Zeit airforce base, southeast of the capital, Addis Ababa and have allegedly been tortured since their return to Ethiopia.

Amnesty International fears that the two pilots are currently at risk of further torture or ill-treatment, and of prolonged detention without charge or trial, or a military trial which may fall short of international fair trial standards and in which they may be sentenced to death for desertion.

The two pilots had landed a military helicopter in Djibouti on 9 or 10 June, and reportedly sought asylum in the country. They were reportedly detained incommunicado in the capital of Djibouti, Djibouti-ville, without being charged with a criminal offence or allowed access to a lawyer to challenge the detention. The office of the United Nations High Commissioner for Refugees (UNHCR) in Djibouti was denied access to them. The pilots reportedly applied for asylum on the grounds that they would be at risk of serious human rights violations if they were forcibly returned to Ethiopia as they allegedly had refused to use the helicopter to attack opposition demonstrators in Addis Ababa who were protesting at alleged electoral fraud during Ethiopia's elections on 15 May.

On 19 July Djibouti's Interior Minister told a British Broadcasting Corporation (BBC) reporter that the two pilots "were handed over last week after agreeing to go home". Family members of the pilots, however, have denied that the two pilots had returned to Ethiopia voluntarily. Amnesty International fears that they may have been forcibly returned without having had their asylum claims assessed in a fair and satisfactory procedure in accordance with international refugee law and standards.

The reported forcible return of Behailu Gebre and Abiyot Mangudai was in violation of Djibouti's obligations under international human rights and refugee law, including the UN Convention Relating to the Status of Refugees and its 1967 Protocol.. Under the terms of this Convention, the Government of Djibouti is obliged to guarantee any person protection from forcible return (*refoulement*) to a country where he or she would be at risk of serious human rights abuses, including torture or other ill-treatment. This implies that all asylum-seekers should be allowed to remain in the country of asylum until their claims have been assessed in fair and satisfactory asylum procedures in accordance with international human rights **and** refugee law and standards.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible
To the Ethiopian authorities (in English or your own language):**

- expressing concern at reports that two Ethiopian air force helicopter pilots, Captain Behailu Gebre and Abiyot Mangudai, have been forcibly returned from Djibouti to Ethiopia without being given access to fair and satisfactory asylum procedures in accordance with international human rights refugee law and standards;
- calling for a prompt and impartial investigation into the allegations that the two men have been tortured in detention in Ethiopia, and assurances that anyone found responsible for torture will be brought to justice;
- urging the authorities to guarantee that the men are being treated humanely in detention, and are not subjected to torture or ill-treatment;

- calling for their whereabouts in custody to be clarified immediately and for them to be given immediate access to their relatives, lawyers and any medical treatment they may require.

To the Djibouti authorities (in French, English or your own language):

- expressing deep concern at reports that two Ethiopian airforce helicopter pilots, Captain Behailu Gebre and Abiyot Mangudai, were forcibly returned to Ethiopia in early July without being given access to fair and satisfactory asylum procedures in accordance with international human rights and refugee law and standards, and are now detained incommunicado at Debre Zeit airforce base where they have allegedly been tortured;

- urging the Djibouti government to end the forcible return of any person to a country where he or she would be at risk of serious human rights violations, including torture or other ill-treatment, in accordance with the Djibouti's international obligations under international human rights and refugee law, including the 1951 Convention Relating to the Status of Refugees and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

APPEALS TO:

Ethiopian authorities

Prime Minister

His Excellency Meles Zenawi

Office of the Prime Minister, PO Box 1031, Addis Ababa, Ethiopia

Fax: + 251 1 552020/ 552030 (please keep trying)

Salutation: Your Excellency

Minister of Justice

Mr Harka Haroye

Ministry of Justice, PO Box 1370, Addis Ababa, Ethiopia

Fax: + 251 1 517775/ 520874

Email: ministry-justice@telecom.net.et

Salutation: Dear Minister

Djibouti authorities

President of the Republic

Monsieur Ismail Omar Guelleh

La Présidence

BP 6, Djibouti

République de Djibouti

Fax: +253 350174

Email: sqqpr@intnet.dj

Salutation: Son Excellence Monsieur le Président de la République / Dear President

Minister of the Interior

Monsieur Yacin Elmi Bouh

Ministère de l'Intérieur

BP 2086, Djibouti

République de Djibouti

Fax: +253 354 862

Salutation: Monsieur le Ministre/ Dear Minister

COPIES TO:

Ethiopian Minister of Foreign Affairs

Mr Seyoum Mesfin, Ministry of Foreign Affairs

PO Box 393, Addis Ababa, Ethiopia

Fax: + 251 1 514300

Email: mfa.addis@telecom.net.et

Djibouti Commissioner for Refugees

Monsieur Abdillahi Elmi Houdon

Office National d'Assistance aux Réfugiés et Sinistrés (ONARS),

BP55, Djibouti

République de Djibouti

Fax: + 253 350 914

and to diplomatic representatives of Djibouti and Ethiopia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 2 September 2005.