

# URGENT ACTION

## ASYLUM-SEEKERS RISK DEPORTATION, TORTURE

**A group of seven Eritrean refugees and asylum-seekers are at imminent risk of being forcibly returned to Eritrea by the Kenyan authorities. If returned they would be at grave risk of arbitrary detention and torture.**

Tsigab Angosom, Mussie Ghebremedhin, Bisrat Keleta, Semere Sahlezghi, Efrem Kiflu, Zeria Gebre and Habtu Kiflay are in detention at Jomo Kenyatta International Airport in the Kenyan capital, Nairobi. They have been refused their right to claim asylum and have been told that their deportation is imminent.

The seven arrived at the airport from different places and at different times since the beginning of July. All claimed asylum upon arrival. The immigration services are refusing to let them claim asylum, because all seven arrived in Kenya via other countries rather than directly from Eritrea. Two of the group had previously been recognised as refugees in other countries.

The immigration authorities at the airport had decided on 16 July to deport the group, but they evaded deportation by shouting and fighting with immigration officials. On 18 July they were moved to a transit area in the airport and told that their deportation was imminent. Bisrat Keleta, the only woman, is being held separately from the men.

Asylum-seekers returned to Eritrea are routinely subjected to human rights violations, including incommunicado detention, torture and other forms of ill-treatment. One of the group, Tsigab Angosom, has previously been deported to Eritrea from Sudan. He was handed over to the Eritrean authorities in 2007, and was immediately put in detention where he remained for nine months before he escaped and once again fled the country. He was tortured while in detention. His experiences illustrate the risks that all seven face if they are returned to Eritrea.

### **Please write immediately in English, KiSwahili or your own language:**

- Urging the authorities not to forcibly return the seven asylum-seekers (naming them), or any other refugees or asylum-seekers, to Eritrea, where they would be at risk of torture and other serious human rights violations;
- Remind the authorities that failure to previously claim asylum in another country does not negate the right of the group members to do so in Kenya under the 1951 Refugee Convention, to which Kenya is party;
- Urging them to ensure that the seven Eritrean refugees and asylum-seekers are given immediate access to the Office of the UN High Commissioner for Refugees or the Department of Refugee Affairs to assess their asylum claims;
- Urging them to respect Kenya's obligations under the 1951 Refugee Convention and the UN Convention Against Torture not to forcibly return asylum-seekers to countries where they would be at risk of torture and other serious human rights abuses.

### **PLEASE SEND APPEALS BEFORE 24 AUGUST 2011 TO:**

#### Director, Immigration Services

Ambassador Albert A. Musasia  
Nyayo House  
P. O. Box 30191 - 00100  
NAIROBI, Kenya  
**Fax +254 20 220731**  
**Email: [dis@immigration.go.ke](mailto:dis@immigration.go.ke)**  
**Salutation: Your Excellency**

#### Commissioner for Refugee Affairs

Mr. Badu Katelo  
Castle House, James Gichuru  
Road,  
P.O. Box 42227-00100  
NAIROBI.  
**Fax: +254 20 8047923**  
**Salutation: Dear Commissioner**

**Also send copies to diplomatic representatives accredited to your country.**

Please check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



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## ASYLUM-SEEKERS RISK DEPORTATION, TORTURE

### ADDITIONAL INFORMATION

Asylum-seekers returned to Eritrea are routinely subjected to human rights violations, including incommunicado detention, torture and other ill-treatment, particularly those who have fled from compulsory military service. The Eritrean authorities consider the act of seeking asylum to be an act of treason, meaning all returned asylum-seekers are at risk of detention on this basis. All forcibly returned Eritreans are at risk of torture and other forms of ill-treatment during interrogation. Amnesty International believes that no rejected or non-assessed Eritrean asylum-seekers should be returned to Eritrea, because of that country's record of serious human rights violations.

All have different reasons for not having previously claimed asylum or having left the country where they were recognised as refugees. Two of the group are recognised refugees. Two others have told Amnesty International that they were granted refugee status in Ethiopia but have lost their papers. Two, who were previously in Sudan, have said they were too afraid to claim asylum in Shegerab refugee camp in that country because of the poor security situation and the close proximity of the camp to the Eritrean border. Many Eritreans face significant security concerns in Sudan.

All the rest of the group have told the Kenyan authorities that they wish to seek asylum in Kenya, which is a guaranteed right under international law. Under international refugee law, failure to make an earlier claim for asylum in another country does not negate the right to do so in Kenya. The group have not been given access to the Office of the UN High Commissioner for Refugees or Kenya's Department of Refugee Affairs to assess their asylum claims. Representatives of a Kenyan legal aid organisation were given brief access to the group on 17 July.

The deportation of a refugee, or an asylum-seeker whose claim has not yet been decided, to their country of origin is a violation of Kenya's obligations under the 1951 Convention. Under these obligations the authorities should annul the deportation order for the recognised refugees and should delay any ruling on the remainder of the group until the asylum claims of each member of the group have been duly considered.

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, practicing their religious beliefs as members of banned evangelical or other churches, evading military conscription or trying to flee the country. Appalling detention conditions in Eritrea in themselves amount to cruel, inhuman or degrading treatment. Individuals belonging to unregistered religious groups, and those who have evaded military conscription or deserted mandatory military service, are at particular risk if they are returned.

Names: Tsigab Angosom, Mussie Ghebremedhin, Bisrat Keleta (f), Semere Sahlezghi, Efrem Kiflu, Zeria Gebre and Habtu Kiflay

Gender: M and F

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