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Sudan must end forced returns of asylum seekers to Eritrea

Sudan must comply with its international legal obligations and stop all forced returns of refugees and asylum seekers to Eritrea - where they are at risk of persecution or other serious human rights violations. The forced return of asylum seekers, who have not had their claims for asylum properly reviewed, constitutes a serious violation of international law.

On 24 July the government of Sudan forcibly returned nine asylum seekers and one refugee to Eritrea. The ten - six Eritrean nationals and four Ethiopian nationals - were convicted earlier in July by a court in Dongola of unlawfully entering Sudan and sentenced to a two-month term in prison and deportation. They were not allowed to appeal against their convictions and sentences. At least one was a recognised refugee, while the others are believed to be asylum seekers.

Seeking asylum abroad is considered by the Eritrean government to be an act of treason. Asylum seekers should not be returned to Eritrea, because they will be at grave risk of serious human rights violations.

Eritreans forcibly returned to Eritrea face a real risk of being subjected to violations, including incommunicado detention, torture and other forms of serious ill-treatment. In addition, detention conditions in Eritrea are appalling, and in themselves amount to cruel, inhuman or degrading treatment.

The government of Sudan also violated international law by deporting to Eritrea, citizens of Ethiopia who had claimed asylum in Sudan.

The ten people deported to Eritrea, following their conviction for unlawful entry to Sudan, had been tried alongside 41 other asylum seekers and refugees, also accused of entering Sudan illegally. During their trial, all 51 were denied access to lawyers and to translators. Only one person understood Arabic. The judge allegedly refused to consider evidence of the individuals' status as refugees and asylum seekers.

All 51 were sentenced to serve two months in prison before deportation. However, the deportation of the ten took place only two weeks after this ruling. During this two week period, the group of 51 reportedly requested access to the UN Refugee Agency, UNHCR, and associated international protection. Amnesty International is concerned that the group's request for access to UNHCR may have prompted the decision to forcibly return some of them to Eritrea earlier than expected.

The government of Sudan must ensure that its asylum policies and practices are fully consistent with its international legal obligations, including by ensuring that judicial and immigration personnel do not violate the rights of refugees and asylum seekers.

In addition, the government of Sudan must allow the UNHCR unrestricted access to asylum seekers and refugees to enable them to assess the claims of those seeking international protection from persecution. All asylum seekers currently in prison should have immediate access to asylum procedures.

Governments that return individuals to countries where they face a real risk of human rights violations breach the fundamental principle of *non-refoulement*, enshrined in major international human rights treaties, including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the 1951 Convention Relating to the Status of Refugees.

Notes

Sudan is a State-party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, and the Convention Governing the Specific Aspects of Refugee Problems in Africa. These international legal instruments require the government of Sudan to ensure that it does not remove any person from its territory to a country where they face a real risk of persecution. Sudan's own laws bar the government from removing from Sudan any person with a genuine fear of persecution in their country of origin. The law regulating the grant of refugee status in Sudan is Regulation of Asylum Act 1974 [Sudan], 21 May 1974.