

EXTERNAL (for general distribution)

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UA 216/91

Summary expulsion of refugee

25 June 1991

FRANCE/GABON: Abdelmoumen Diouri, refugee from Morocco

Amnesty International is concerned at the summary expulsion from France to Gabon on 20 June 1991 of Abdelmoumen Diouri, a Moroccan who has been living in France as a recognized refugee since the early 1970's. Amnesty International believes that, if he were returned to Morocco, he would be at risk of imprisonment as a prisoner of conscience and torture. Furthermore, in view of the close links between the governments of Morocco and Gabon, Amnesty International is concerned for his personal safety in Gabon.

Abdelmoumen Diouri is the author of two books accusing the Moroccan Government of human rights violations. He has alleged that he was harassed by French security service officials after the announcement of the forthcoming publication of a third book "*A qui appartient le Maroc?*" ("Who Owns Morocco?"). On the morning of 20 June 1991, he was arrested at his home in Paris by French plain-clothes police officers and taken into custody. He was held throughout the day without being allowed to see his lawyer. That evening, he was put on a flight to Gabon.

On arrival in Gabon he was reportedly taken into custody by the Gabonese security services. Although he appeared on television in Gabon and stated that he had been well-treated and was not detained, it is reported that he is guarded by members of the Gabon security police and is under house arrest.

Abdelmoumen Diouri was expelled from France under the *urgence absolue* (extremely urgent) procedure, according to which the French authorities can expel a person for "compelling reasons of public or state security" ("*nécessité impérieuse pour la sécurité publique ou la sûreté de l'Etat*") with no possibility for the person concerned to appeal against the decision before expulsion.

However, as a recognized refugee in France, Abdelmoumen Diouri is entitled to the protection of the 1951 Convention relating to the Status of Refugees, to which France and Gabon are party. The French authorities have stated that they have obtained guarantees from the Gabonese authorities that Abdelmoumen Diouri will not be returned to Morocco. However, Amnesty International is concerned about his safety in Gabon because of a tradition of very close relations between the Gabonese and Moroccan governments.

Amnesty International is concerned that the Gabonese authorities should observe the obligation of *non-refoulement* set out in Article 33 of the 1951 Convention and not return Abdelmoumen Diouri to Morocco where he would be at risk of serious human rights violations. It is also concerned that in Gabon he might not be adequately protected against the threat of assault or abduction by individuals or groups connected with the Moroccan authorities. In view of this, and the risk that he might be forcibly returned to Morocco from Gabon, Amnesty International is concerned that the French authorities have acted in breach of their obligations under Article 33 of the 1951 Convention.

Furthermore, Amnesty International is concerned that the French authorities have expelled Abdelmoumen Diouri to Gabon apparently without giving him the benefit of due process of law, including allowing him a reasonable opportunity to present his case and the right to legal representation, as required under Article 32 of the 1951 Convention. Even if the French authorities had compelling reasons for believing that Abdelmoumen Diouri posed a threat to French national security, it is a clear violation of France's international legal

obligations to expel a refugee to a country where he may not be adequately protected from the authorities of the country he fled, or where he may not have effective and durable protection against being returned to the country from which he has fled. Moreover, in any such case, under Article 32.3 of the 1951 Convention the French authorities are required in cases of expulsion to "allow such a refugee a reasonable period within which to seek legal admission into another country". Amnesty International is concerned that Abdelmoumen Diouri was not given any such opportunity.

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BACKGROUND INFORMATION

Abdelmoumen Diouri is a 53-year-old Moroccan writer, a close companion of Mehdi Ben Barka, the Moroccan socialist leader who was arrested by French police at Orly in the mid-1960's and afterwards "disappeared". Mehdi Ben Barka, condemned to death *in absentia* in the 1964 trial of leaders of the Moroccan *Union nationale des forces populaires* (UNFP), is believed to have been handed over to the Moroccan authorities, and subsequently extrajudicially executed. A trial in Paris in 1966 found two members of the French police forces and the Moroccan Minister of the Interior guilty of kidnapping Ben Barka.

Abdelmoumen Diouri was condemned to death in the same trial as Mehdi Ben Barka but released after an amnesty in April 1965. In 1971 he went to France, where he was granted refugee status in 1974.

RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters:

TO THE GABONESE AUTHORITIES:

- requesting assurances that the Gabonese authorities will respect the principle of *non-refoulement* in the case of Abdelmoumen Diouri, who has been recognized as a refugee in France, and will neither return him to Morocco nor to any other country from where he might be returned against his will to Morocco;

- expressing concern at reports that Abdelmoumen Diouri is reportedly held under house arrest (*en residence surveillée*) in Libreville, Gabon, and urging that, while precautions should be taken to prevent his being returned against his will to Morocco, he should be allowed complete freedom of movement for as long as he remains in Gabon, and the freedom to leave Gabon for any other country of his choice which will grant him entry.

APPEALS TO:

Son Excellence El-Hadj Omar BONGO
La Présidence
BP 546, Libreville, Gabon

Telegrams: President Bongo, Libreville
Telexes: 5211 PREGAB GO; 5301 SIFMAR GO

Monsieur Casimir Oyé MBA
Premier Ministre et Chef du Gouvernement
La Présidence
BP 546, Libreville, Gabon

Telegrams: President Bongo, Libreville
Telexes: 5211 PREGAB GO; 5301 SIFMAR GO

Monsieur Anton MBOUMBOU MIYAKOU

Ministre de l'Administration du territoire et des collectivités locales
Ministère de l'Administration du territoire et des collectivités locales
BP 2110, Libreville, Gabon
Telexes: 5638 MINATEL GO

COPIES TO:

Le Redacteur Africa No. 1 (radio)
Gabon-Matin (newspaper) BP 1, Libreville, Gabon
BP 168, Libreville, Gabon

Le Redacteur
L'Union (newspaper)
BP 3849, Libreville, Gabon
and to diplomatic representatives of Gabon in your country

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TO THE FRENCH AUTHORITIES:

- reminding the French authorities of their obligations under the 1951 Convention relating to the Status of Refugees, in particular Article 33 which prohibits the forcible return **in any manner whatsoever** of people to a country where they risk serious human rights violations;
- expressing concern that:
 - Abdelmoumen Diouri has been summarily expelled to Gabon, where his life or freedom may be threatened;
 - this expulsion occurred apparently without allowing Abdelmoumen Diouri the benefit of due process of law as required by Article 32 of the 1951 Convention, including the right to present reasons against his expulsion and the right to legal representation;
 - he was not allowed a reasonable opportunity to seek admission to another country;
 - and that he seems to have been expelled because of his non-violent political activities;
- calling on the French authorities:
 - to thoroughly review the decision to expel Abdelmoumen Diouri, and to make the reasons for it known to him so that he can prepare an appeal against the decision;
 - and in the meantime to immediately allow him to return to France.

APPEALS TO:

Philippe MARCHAND
Ministre de l'Interieur

Ministère de l'Interieur
Place Beauveau
75008 Paris, France
Telexes: 290922 MININTR
Faxes: + 33 1 43 59 89 50

COPIES TO:

Mme Edith CRESSON
Premier Ministre
Hôtel Matignon
58 rue de Varenne
75008 Paris, France
Faxes: + 33 1 45 44 15 72

Roland DUMAS
Ministre des Affaires extérieures
Ministère des Affaires extérieures
Quai d'Orsay
75007 Paris, France
Faxes: +33 1 47 53 47 53

François MITTERAND
Président de la République
Palais de l'Elysée
55 rue du Faubourg St Honoré
75008 Paris, France
Faxes: + 33 1 42 92 80 01

Radio France Internationale (RFI)
BP 9516
116 ave du Président Kennedy
75016 Paris, France
Faxes: +33 1 42 30 40 31

and to diplomatic representatives of France in your country

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 25 July 1991.