

AMNESTY INTERNATIONAL

PRESS RELEASE

AI Index: EUR 33/001/2002 (Public)
News Service No: 180
10 October 2002

Malta: The government should suspend deportations of Eritreans

Amnesty International today called on the Maltese government to suspend deportations of Eritreans back to Eritrea until a thorough, independent investigation has been made as to their fate and an assessment made as to whether Eritreans can be forcibly returned in safety and in dignity, with full respect for their human rights.

According to reports received by the organization, up to 223 Eritreans were forcibly deported between 30 September and 3 October 2002. The Eritreans were said to have been immediately arrested on arrival in Asmara and taken to a military camp, detained and incommunicado. The Eritrean authorities have neither acknowledged the detentions nor revealed the whereabouts of the detainees to their families or the public. Further deportations are feared.

The deportees were among over 400 Eritreans who had arrived in Malta in March 2002 onwards. They were detained on arrival. About half applied for asylum in Malta but had their claims rejected. Some 50 have submitted an appeal to the Maltese Constitutional Court which has ordered the suspension of deportations orders against the claimants. Others did not apply for asylum, reportedly hoping to be able to proceed to another country. Amnesty International has received allegations that, when faced with deportation, many reportedly wanted to apply for asylum but were ignored by the authorities.

"The Maltese government should ensure that all returns of Eritreans take place in conditions of safety and dignity and that those deported will not be subjected to human rights violations on return," Amnesty International said.

In view of unconfirmed reports of alleged use of excessive force during recent forcible deportation operations, Amnesty International is urging the Maltese government to ensure that police officers have clear instructions that no more force should be used in deporting a person than is reasonably necessary, in line with international standards on the use of force by law enforcement officials. It also urged a review of police restraint techniques and relevant guidelines and training for police and other personnel involved in deportation operations in order to ensure that such operations are carried out in accordance with relevant Council of Europe recommendations.

Background

On 27 September Amnesty International wrote to the Maltese Home Affairs and Environment Minister, Dr Tonio Borg, expressing concern that recently arrived asylum seekers from Eritrea and other countries could be at risk of serious human rights violations if they were returned to their countries of origin and their claims for protection were not adequately examined. The organization called on the

government to abide by its treaty commitment to the protection of refugees. It also raised concerns about their conditions of detention, particularly in the Ta'Kandja detention facility.

Amnesty International also warned of the disturbing human rights situation in Eritrea, about which it published a new report on 18 September, documenting the numerous arbitrary and secret detentions without charge or trial of prominent government critics, journalists, civil servants, and objectors to military service. Conscription is continuing in Eritrea even since the Ethiopian war ended in 2000, and all Eritrean men and women aged 18 to 40 are liable to military service, with no recognition of the right to conscientious objection. Hundreds of people are reported to have fled Eritrea in recent months to avoid or escape from military service. Those caught are reportedly arrested; tortured by beatings and being tied up for hours with their arms tied tightly behind their backs, restricting the blood flow and sometimes leading to paralysis or permanent injury. They are detained without any judicial process for months with hard labour; then sent back to the army. Under national service regulations, the punishment for evading conscription is up to three years imprisonment, but the penalty for desertion in time of war could be the death.

Amnesty International said that in the current human rights crisis in Eritrea, anyone deported to Eritrea who was suspected of opposition to the government or having evaded military service or deserted from the army would be arrested and possibly subjected to torture or ill-treatment. They could be detained for an indefinite period without charge or trial, without any protection against unlawful detention. If tried, they would face lengthy imprisonment or possibly the death penalty. Their relatives could also be detained on suspicion of assisting them to escape.

Amnesty International has also made an appeal to Eritrean President Issayas Afewerki that the returnees from Malta should not be ill-treated or arbitrarily detained as a result of conscientious objection to military service.

Amnesty International is concerned that the recent announcement of cessation of refugee status for Eritrean refugees sends a confusing message about conditions in Eritrea. The organization emphasised that the partial cessation of refugee status for Eritrean Refugees announced by the United Nations High Commissioner for Refugees in May 2002 and to take effect from 31 December 2002 is applicable to only two categories of Eritrean refugees - those who had been refugees during the 30-year Eritrean liberation war prior to Eritrea's independence from Ethiopia in 1991, and those who had fled during the later border war with Ethiopia from 1998 to 2000. Other Eritrean refugees fleeing persecution since independence up to now are unaffected. In addition, people in the two affected categories of the cessation are also given the right to have any individual claim for further protection examined. This is the case, for example, for over 100,000 Eritrean refugees who have been in Sudan for decades. Voluntary repatriation from Sudan to Eritrea has, however, just been suspended because of the tense relations between the two countries.

****The report, Eritrea: Arbitrary detention of government critics and journalists" (AFR 64/008/2002, 18 September 2002) can be found at www.amnesty.org***

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