

URGENT ACTION

REFUSED ERITREAN ASYLUM-SEEKER STILL AT RISK

Despite fresh legal applications by his lawyers, Yosief Michael Kidane still faces forced removal from the United Kingdom (UK) to Eritrea, where he would be at risk of arrest, incommunicado detention and torture or other ill-treatment for his political activity and for seeking asylum.

Yosief Michael Kidane's lawyers have made a further written application to UK immigration authorities not to forcibly remove him to Eritrea. They have also made a fresh application to the High Court of England and Wales for a judicial review of the decision to remove him to Eritrea, and have asked the European Court of Human Rights to prevent his forced removal. Both Courts are considering the applications. Current UK policy guidance to the immigration authorities allows them to remove a refused asylum-seeker without waiting for the outcome of the judicial review application, if they consider it to be "on the same issues or similar grounds" to a previous, unsuccessful, application made in the last three months. Yosief Michael Kidane has been transferred to Brook House Immigration Removal Centre, near London Gatwick Airport, where he remains detained pending removal.

Yosief Michael Kidane, a 60-year-old-man, arrived in the UK in 2002 and applied for asylum in November 2006. UK authorities rejected his application, and his appeal was dismissed in February 2009. Amnesty International has seen medical reports suggesting that he may be unfit to fly, due to two deep vein thromboses.

Yosief Michael Kidane is a member of a prominent Eritrean opposition political party and has participated in political activities in the UK, including attending demonstrations opposing actions by the Eritrean government. He could be held incommunicado, tortured and otherwise ill-treated for his political activism and for claiming asylum abroad, which Eritrean authorities regard as a betrayal. The April 2009 guidelines of the Office of the UN High Commissioner for Refugees (UNHCR) call on all governments to "refrain from all forced returns of rejected asylum-seekers to Eritrea and grant them complementary forms of protection instead". However, the UK authorities maintain that Yosief Michael Kidane is not at risk.

PLEASE WRITE IMMEDIATELY in English or your own language:

- urging UK authorities not to forcibly return Yosief Michael Kidane to Eritrea, where he would be at serious risk of incommunicado detention, torture or other ill-treatment;
- reminding UK authorities of their obligations under international law prohibiting them from returning anyone to a country where they would be at risk of torture and other serious human rights violations;
- urging them to provide Yosief Michael Kidane with an effective opportunity to submit a fresh claim for international protection in the UK, and to consider appropriate alternatives to detention pending further review of such a claim and any pending legal challenges before domestic and international courts;
- calling on UK authorities to follow the guidelines issued by the Office of the UNHCR not to return Yosief Michael Kidane or any other rejected asylum-seekers to Eritrea where they are at risk of serious human rights violations.

PLEASE SEND APPEALS BEFORE 06 JULY 2010 TO:

Rt Hon Theresa May MP
Secretary of State for the Home
Department
Home Office, 2 Marsham Street
London SW1P 4DF, United Kingdom
Fax: +44 20 7035 0900
Email: privateoffice.external@homeoffice.gsi.gov.uk
Salutation: Dear Home Secretary

Damian Green MP
Minister of State (Borders and
Immigration)
Home Office, 2 Marsham Street
London SW1P 4DF, United Kingdom
Fax: +44 870 336 9034
Email: privateoffice.external@homeoffice.gsi.gov.uk
Salutation: Dear Minister

Please note that both posts have newly appointed Ministers (as of 12 and 13 May respectively). It is crucial that the new postholders receive your messages, even if you have previously taken action on this case, and have received an automated response from the UK Border Agency.

Also send copies to diplomatic representatives accredited to your country. Check with your section office if sending appeals after the above date. This is the first update of UA 108/10 (EUR 45/004/2010). Further information: <http://www.amnesty.org/en/library/info/EUR45/004/2010/en>

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ADDITIONAL INFORMATION

The United Kingdom's obligations under domestic and international law, including the 1951 Convention Relating to the Status of Refugees, the Convention against Torture and the European Convention on Human Rights, prohibit it from returning anyone to a country where they would be at risk of torture and other serious human rights violations.

The Office of the UN High Commissioner for Refugees (UNHCR) issued guidelines to all governments in April 2009, which are still in force, opposing the return of rejected Eritrean asylum-seekers on the grounds of the Eritrean authorities' record of serious human rights violations, stating that those forcibly returned faced "arrest without charge, detention, ill-treatment, torture or sometimes death at the hands of the authorities".

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, practising their religious faith as members of banned evangelical or other churches, evading military conscription or trying to flee the country. Eritrean authorities regard the act of applying for asylum abroad as evidence of treason, and a reason to detain anyone forcibly returned to Eritrea. According to accounts given by escaped detainees, Eritrean security officials are particularly interested in what refused asylum-seekers have said about Eritrea during their asylum application process. Under torture, or threat of torture, returned asylum-seekers have been forced to state that they have committed treason by falsely claiming persecution in their asylum applications.

Egypt, Sudan, Germany, Sweden and the UK have forcibly returned Eritrean refugees and asylum-seekers from November 2007 onwards. These expulsions disregarded the fate of earlier refugees who had been arbitrarily detained and tortured, and ignored the UNHCR guidelines advising against any forced returns to Eritrea.

Further information on UA: 108/10 Index: EUR 45/006/2010 Issue Date: 25 May 2010

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