

URGENT ACTION

ASYLUM-SEEKERS AND MIGRANTS RISK FORCIBLE RETURN

Fthawi Zenawi Teklealefa, Bahlbi Goytom Aynalem, Abrham Afwerki Tafele and 85 other asylum-seekers and migrants, including four Ethiopian and scores of Eritrean nationals are at imminent risk of being forcibly returned to Eritrea and Ethiopia by the Egyptian authorities. If returned, they would be at grave risk of arbitrary detention, torture and unfair trials.

Fthawi Zenawi Teklealefa, an Eritrean national aged 22, **Bahlbi Goytom Aynalem** and **Abrham Afwerki Tafele**, are reportedly detained at al-Mustaqbal police station in Ismailia, north-east Egypt, with 85 other asylum-seekers and migrants.

Fthawi Zenawi Teklealefa was reportedly shot at by Egyptian security forces on 20 April 2010 as he tried to cross the border into Israel. He was wounded in his thigh and arrested. He was then transferred to a hospital in al-Arish, north Sinai, and then to the capital, Cairo, where he underwent surgery. He was later returned to al-Mustaqbal police station, where he continued to be detained in poor conditions with Bahlbi Goytom Aynalem, Abrham Afwerki Tafele and 85 others. At least two of them are reportedly wounded as a result of injuries sustained when they tried to cross the border into Israel.

Asylum-seekers returned to Eritrea are routinely subjected to human rights violations, including *incommunicado* detention, torture and other forms of ill-treatment, particularly those who have fled from compulsory military service.. Ethiopian asylum seekers who fled the country based on support of opposition groups, suspected support of an insurgent group, would be at risk of arbitrary detention, torture and unfair trial, if forcibly returned to Ethiopia.

In recent years, Eritrean and other asylum-seekers have reached Egypt either via its southern border with Sudan or by sea, south of the city of Hurghada. Others are recognized as refugees by the Office of the UN High Commissioner for Refugees (UNHCR) in Sudan, and are fleeing Sudan to avoid being forcibly returned to Eritrea by Sudan..

PLEASE WRITE IMMEDIATELY in English, Arabic or your own language:

- Urging the Egyptian authorities not to forcibly return Fthawi Zenawi Teklealefa, Bahlbi Goytom Aynalem, Abrham Afwerki Tafele and others detained with them back to Eritrea or Ethiopia;
- Calling on the Egyptian authorities to immediately stop all forcible returns of asylum-seekers and others to countries where they would be at risk of torture and other serious human rights violations;
- Urging them to respect Egypt's international obligations under the 1951 Convention Relating to the Status of Refugees and the UN Convention Against Torture not to forcibly return asylum-seekers or others to countries where they would be at risk of torture and other serious human rights abuses;
- Asking them to ensure that all asylum-seekers are given immediate access to Office of the UN High Commissioner for Refugees in Egypt to assess their asylum claims.

PLEASE SEND APPEALS BEFORE 17 JUNE 2011 TO:

Minister of Interior

His Excellency Mansour Abdel Kerim
Moustafa Essawy
Ministry of Interior
25 El Sheikh Rihan Street
Bab al-Louk, Cairo, Egypt.
Fax: +20 22 796 0682
Email: moi@idsc.gov.eg
Salutation: Dear Minister

Prosecutor General

Abd El-Megeed Mahmoud
Dar al-Qadha al-'Ali
Ramses Street, Cairo, Egypt
Fax: +20 22 577 4716
Salutation: Dear Counsellor

And copies to:

Deputy Assistant Minister of Foreign
Affairs for Human Rights
Laila Bahaa Eldin
Human Rights and International
Humanitarian and Social Affairs
Ministry of Foreign Affairs
Corniche al-Nil, Cairo, Egypt
Fax: +20 22 574 9713

Also send copies to diplomatic representatives accredited to your country. Check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

Amnesty International has repeatedly called on the Egyptian authorities to end abuses against refugees, asylum-seekers and migrants who continue to be shot at when seeking to cross the border into Israel or imprisoned and forcibly returned to countries where they are at risk of serious human rights violations. Forcible return of migrants, refugees and asylum-seekers to countries where they would be at risk of torture and other serious human rights violations clearly breaches Egypt's obligation under international law. The Egyptian security forces have also used excessive and lethal force against individuals who attempt to cross the border from Egypt into Israel. Most are from Sudan and Eritrea and some are likely to be refugees or asylum-seekers. Amnesty International has repeatedly condemned these killings and use of excessive force.

On 2 March 2010, the UN High Commissioner for Human Rights also condemned these killings saying that "it is a deplorable state of affairs, and the sheer number of victims suggests that at least some Egyptian security officials have been operating a shoot-to-kill policy". The Egyptian authorities have constantly denied the allegations and defended the use of lethal force by border guards, which in international law can be used only when necessary in self defence.

Egypt is party to both the UN Convention Relating to the Status of Refugees and the Organization of African Unity (OAU) Refugee Convention; both require Egypt to provide international protection to refugees. According to a 1954 Memorandum of Understanding between Egypt and UNHCR, the Egyptian authorities are obliged to allow asylum-seekers to meet with UNHCR representatives and to respect UNHCR's assessments of their refugee status. Egypt is currently the chair of the UNHCR Executive Committee, governing the organization.

The UNHCR issued guidelines to all governments opposing return to Eritrea of rejected Eritrean asylum-seekers on the grounds of the record of serious human rights violations in Eritrea. These guidelines are still in force.

Refugees and asylum-seekers returned to Eritrea have been detained incommunicado, and tortured. 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. The act of seeking asylum itself is considered as an act of treason by the Eritrean authorities, rendering all returned asylum seekers at risk of detention on this basis. Appalling detention conditions in Eritrea in themselves amount to cruel, inhuman or degrading treatment.

Political opponents, dissidents and suspected supporters of opposition or insurgent groups are regularly detained in Ethiopia. A significant number of political detainees remain in detention in the country. Some are subjected to prolonged periods of arbitrary detention. Trials of members of political opposition parties, and individuals accused of support for insurgent groups, regularly fail to meet international standards of fair trial. Torture and ill-treatment are commonplace in pre-trial detention centres around the country, including police stations and military camps. Ethiopian nationals who have fled the country due to targeting by the authorities based on their actual or assumed political beliefs are at risk of human rights violations if returned to Ethiopia.

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