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Tunisia must stop returning asylum-seekers to Libya

The Tunisian authorities must allow asylum-seekers to enter the country through Libyan border crossings and give them access to UN officials to establish their refugee status, Amnesty International said today, after another group of asylum-seekers was returned across the Libyan border.

In the latest in a series of such incidents, on 10 December Tunisian security forces returned a group of sub-Saharan African asylum-seekers to their point of entry along the Libyan border.

The group of more than 10 Somalis and Eritreans included a family with newborn babies, and had arrived at the Choucha refugee camp in Tunisia during the previous night after being stranded for weeks on the Libyan side of the Ras Ajdir border crossing.

“These asylum-seekers had informed the Tunisian authorities of their claim to asylum and have a right to be granted access to the UN refugee agency to determine their status,” said Hassiba Hadj Sahraoui, Amnesty International’s Middle East and North Africa Deputy Director.

“Returning them to languish in Libya - where there is no mechanism for recognizing or protecting refugees - is not an option.”

Libya currently lacks any procedures to formally register asylum-seekers and recognize refugees. It also lacks sufficient guarantees to protect refugees against forcible return to their countries of origin.

In recent months, Tunisian security forces have repeatedly returned groups of asylum-seekers who entered Tunisia from Libya, citing a lack of valid entry visas as the reason for the forcible returns.

But since the individuals have informed the Tunisian authorities that they intend to apply for asylum, their need for international protection must be assessed. Amnesty International believes there is a credible risk that many of the asylum-seekers would face serious human rights violations in their home countries.

The UN High Commissioner for Refugees (UNHCR) is managing Choucha refugee camp in Tunisia, where it can carry out refugee status determination (RSD) procedures for asylum-seekers.

Amnesty International is aware of others who are still at the Ras Ajdir border crossing, in hopes of being allowed entry into Tunisia.

International law prohibits countries from rejecting asylum-seekers at the border if it would result directly or indirectly in their return to a country where they risk serious human rights violations.

Refugees who have recently crossed into Tunisia have told Amnesty International that on the Libyan side of the border, armed men have been forcing sub-Saharan Africans to carry out unpaid labour.

During the recent armed conflict in Libya, sub-Saharan Africans were particularly vulnerable to arbitrary

arrest and violent attacks on account of their skin colour, following reports that troops loyal to Colonel Mu'ammarr al-Gaddafi were using "African mercenaries". Many had their homes raided, were arrested and were beaten or otherwise ill-treated by anti-Gaddafi forces.

"The new Libyan authorities must protect all migrants, refugees and asylum seekers from harassment, attacks and exploitation, regardless of their countries of origin," said Hassiba Hadj Sahraoui.

"Libya must take immediate steps to develop safeguards for refugees and allow the UNHCR to determine the refugee status of asylum-seekers within Libya."

Amnesty International also calls on the international community to offer places to resettle refugees and asylum-seekers who fled the conflict in Libya, in order to meet their protection needs.