

URGENT ACTION

200 ERITREANS IN LIBYA AT RISK OF FORCED RETURN

More than 200 Eritrean nationals in Libya are said to have been beaten and forcibly transferred from Misratah Detention Centre to Sabha Detention Centre, where conditions of detention are much poorer. They are now at risk of forcible return to Eritrea, where they would be at risk of torture

Misratah Detention Centre and Sabha Detention Centre are both designed for "irregular migrants", although the Libyan authorities make little efforts to distinguish between asylum-seekers, refugees and migrants.

About two weeks ago, Libyan security officials circulated a form around Misratah detention centre in Tigrinya language, spoken in Eritrea, to be completed by Eritrean nationals. About half of the Eritrean nationals refused to do so; others completed the forms. Many of the detainees were concerned that any personal information that they disclosed would be passed on to the Eritrean authorities. As a result, on 29 June, about 15 detainees tried to escape from the detention centre, 13 of which were reportedly recaptured over the next two days.

According to information received by Amnesty International, on the night of 29 June 2010, about 100 military and police men surrounded the detention centre in Misratah. They were armed with tear-gas guns and weapons. On 30 June, at around 5 am, the military and police force entered the cells and started beating the detainees with sticks and whips. At least 14 people were reportedly seriously injured and taken to hospital the next day. That same day, more than 200 Eritrean detainees were forcibly transferred in two truck-containers to Sabha, guarded by a military and police convoy. At least four men were separated from their families. 13 Eritrean women and seven children are still in Misratah detention centre; none of them were transferred or beaten.

Eritreans now in Sabha Detention Centre are held in poor conditions with a shortage of food and water, bad sanitation and over-crowded cells. Several detainees who sustained serious injuries have been denied medical treatment. Eritreans currently detained fear forcible deportation to Eritrea, where they are at risk of torture and other ill-treatment as punishment for "betraying" the country or fleeing military service. Their fears are compounded by threats by Libyan security forces while beating them that they would either be killed or deported.

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

- Urging the Libyan authorities not to forcibly deport Eritrean nationals to Eritrea;
- Urging the Libyan authorities to ensure that detainees are protected from torture and other ill-treatment and to investigate allegations of torture and ill-treatment of several Eritrean detainees and to bring those found responsible to justice;
- Urging the authorities to immediately provide medical treatment as required for detainees who were injured;
- Urging the authorities to provide adequate water and food and sanitary conditions as required by international standards.

PLEASE SEND APPEALS BY 14 AUGUST 2010 TO:

Secretary General of General People's Committee

Dr Al-Baghdadi Ali Al-Mahmoudi

Email via

<http://www.gpc.gov.ly/html/contact.php>

(First box: name, second box: email, third box: subject of your message, paste appeal into large box)

Salutation: Your Excellency

Secretary of the General People's Committee of Justice

Mustapha Muhammed Abdeljalil

Email: secretary@aladel.gov.ly

Website: www.aladel.gov.ly

Fax: +218 21 4805427 (office of the minister); +218 21 4809266 (office of relations and cooperation)

Salutation: Your Excellency

Gaddafi Development Foundation

Executive Director

Youssef M. Sawani

Salutation: Dear Sir

Fax: +218 214778301

Email: director@gdf.org.ly

Salutation: Dear Sir

Also send copies to diplomatic representatives accredited to your country.

Check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Amnesty International also received information, from late December 2009 to mid-January 2010, that Eritrean embassy officials visited a number of detention centres in Libya including Garubule-2, Misratah, Surman, and Az-Zawia. In the course of these visits, Eritrean nationals were requested by Libyan security officials to complete forms in Tigrinya. The forms sought information on the biographical data of the detainees, the date and port of their departure from Eritrea and the length of their stay in Libya. The question regarding the detainees' desire to return to Eritrea caused particular fear among the detainees that the completion of these forms is aimed at facilitating their forcible return to Eritrea.

Amnesty International welcomes the Libyan government's decision on 25 June to allow the United Nations refugee agency to resume its activities in Libya. The office of the United Nations High Commissioner for Refugees (UNHCR) was expelled from Libya on 8 June, following a decision by the Libyan government. The UNHCR has been in Libya since 1991, but without any formal agreement, making its position precarious and impeding its ability to carry out protection work. Amnesty International called on the Libyan government to sign a memorandum of understanding to strengthen the UNHCR position and to enable the agency to carry out its protection work.

Amnesty International opposes forcible return of Eritrean nationals to their country, where they would be detained on arrival, with a high risk of being subjected to torture or other ill-treatment as punishment for "betraying" the country or fleeing military service, and held incommunicado indefinitely without charge or trial. In 2009, the UNHCR issued guidelines to all governments calling for careful assessments of asylum claims submitted by Eritreans and opposing forced return to Eritrea of all Eritreans, including rejected Eritrean asylum-seekers, on the grounds of the record of serious human rights violations in Eritrea. These guidelines are still in force.

The last documented and confirmed case of *refoulement* of Eritrean nationals from Libya was in July 2004, when the Libyan authorities forcibly returned some 110 Eritrean nationals. On arrival in Eritrea, they were reportedly arrested, detained incommunicado and tortured in secret military prisons. It was followed by two other attempts of forcible returns of Eritrean nationals respectively in 2004 and 2008.

Amnesty International calls on the Libyan authorities not to forcibly deport Eritreans to Eritrea. Any forcible return of Eritrean asylum-seekers would constitute a violation of Libya's obligation not to return any individuals to a country where they would be at risk of torture or other forms of ill-treatment or where their "life, physical integrity or liberty would be threatened" (the principle of *non-refoulement*). These obligations are enshrined in Article 7 of the International Covenant on Civil and Political Rights (ICCPR), Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and Article 2 of the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa (the OAU Refugee Convention), all of which are treaties to which Libya is a state party.

UA: 150/10 Index: MDE 19/015/2010 Issue Date: 2 July 2010

