

PUBLIC

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UA 348/08 Forcible return/Fear of torture or other ill-treatment

EGYPT At least 104 Eritrean asylum-seekers

A group of some 104 Eritrean asylum-seekers held in a detention facility in NakhI, northern Sinai, could be forcibly returned to Eritrea in the next few days. The group, which is believed to comprise 78 men, 23 women, including one pregnant woman, and three children, was visited by officials from the Eritrean Embassy in Egypt to arrange for their deportation. None of the asylum-seekers has been allowed access to representatives from the office of the UN High Commissioner for Refugees (UNHCR) in Cairo, for assessment of their claims for asylum.

The members of the group were required to fill in forms and have their photographs taken in preparation for deportation. If returned to Eritrea, Amnesty International fears that they will be held incommunicado for long periods of time, like others forcibly returned from Egypt earlier this year (see UA 225/08, AFR 64/004/2008, 13 August 2008). Prisoners in Eritrea are commonly held in damp, over-crowded and unhygienic conditions, with almost no access to medical care. Any member of this group, if forcibly returned, could also face torture or other ill-treatment, particularly as many of them are believed to have left Eritrea to avoid forced conscription. The standard punishment for those evading or escaping military service in Eritrea is detention without trial and torture or other ill-treatment by beatings and being tied in painful positions.

Dozens of other Eritrean asylum-seekers are also believed to be facing deportation from Egypt, including Eritreans held in Al-Arish prison, north Sinai, and in Al-Qanater prison, north of Cairo. An unknown number of Eritreans are currently detained in different locations in Egypt. None of them are allowed access to UNHCR representatives.

According to the agreement between Egypt and UNCHR, the Egyptian authorities have the obligation to allow asylum-seekers to meet with UNHCR representatives and to respect their assessments of refugee status. UNHCR has issued guidelines to all governments opposing the return of rejected Eritrean asylum-seekers to Eritrea on the grounds of the record of incommunicado detention, torture and other ill-treatment in Eritrea.

BACKGROUND INFORMATION

In June 2008, up to 1,200 Eritrean asylum-seekers were forcibly returned by Egypt to Eritrea on specially chartered EgyptAir flights (see UA 165/08, MDE 12/011/2008, 12 June 2008, and follow-ups). This was in disregard of the principle of *non-refoulement*, whereby states should refrain from deporting anyone to another state where the person is at risk of torture and other ill-treatment or other serious human rights violations.. While some of returned asylum-seekers were released after weeks in detention, including pregnant women and women with children, the majority were transferred to the remote Wia prison and other military facilities, where they are still being held.

Since mid-2007, hundreds of Eritreans, Sudanese and nationals of other Sub-Saharan countries have been trying to cross the Egyptian border into Israel. At least 28 were shot dead by security forces at the border in 2008. Hundreds were referred to military court for attempting to "illegally" cross the Egyptian eastern border and were sentenced to one year prison terms and fines. Deportation arrangements are typically initiated after

such individuals serve their sentences, which include contacting the official representatives of their country of origin in Egypt to issue them with travel documents.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Arabic or your own language:

- calling on the Egyptian authorities not to forcibly return any of the 104 Eritreans detained in Nakhl, or any other Eritreans asylum-seekers, to Eritrea;
- asking them to ensure that all Eritreans are given immediate access to Office of the UN High Commissioner for Refugees in Egypt to assess their protection needs and to any medical care they might need;
- 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 Eritreans to Eritrea, where they would be at risk of torture and other serious human rights abuses.

APPEALS TO:

Minister of Interior

Minister Habib Ibrahim El Adly

Ministry of the Interior

25 Al-Sheikh Riham Street

Bab al-Louk, Cairo, Egypt

Fax: +20 22 796 0682

Email: center@iscmi.gov.eg or moi@idsc.gov.eg

Salutation: Dear Minister

COPIES TO:

Minister of Foreign Affairs

Minister Ahmed Ali Aboul Gheit

Ministry of Foreign Affairs

Corniche al-Nil, Maspiro

Cairo, Egypt

Fax: +20 22 574 8822

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+20 22 574 9533

E-mail: minexter@idsc1.gov.eg

Salutation: Dear Minister

National Council for Human Rights

Ambassador Mokhless Kotb

Secretary General

National Council for Human Rights

1113 Corniche El Nil

Midane Al Tahrir

Specialized National Councils Building – 11th floor

NDP Building, Cairo, Egypt

Fax: +2022 574 7497

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and to diplomatic representatives of Egypt accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 29 January 2009.