

Amnesty International

Public Statement

AI Index: MDE 19/007/2008
News Service No: 130
11 July 2008

Libya: Amnesty International warns against deportation of Eritreans

In a letter addressed to the Libyan authorities on 11 July, Amnesty International urged the authorities not to return involuntarily any Eritrean asylum-seekers to their country, where they would be at grave risk of torture and other serious human rights violations.

According to reports received by Amnesty International, some 700 Eritrean nationals who had fled Eritrea to seek asylum abroad are being held in a detention centre in Misratah, 200 km east of Tripoli and might be at risk of deportation. Amnesty International is very disturbed by reports suggesting that on 21 June 2008 Libyan authorities took preparatory steps to forcibly return some 230 of the Eritrean detainees to Eritrea later that day, falsely informing them that they were to be flown to Italy for resettlement. We understand that the detaining authorities prepared “laissez passer” travel documents and photographs taken at an earlier date for 230 detainees and instructed them to be prepared for medical examinations and transportation to the airport. To our knowledge no detainees have been deported from the Misratah detention centre to date. However, some detainees fear that their deportation to Eritrea is imminent and has merely been postponed due to the intervention of the Office of United Nations High Commissioner for Refugees (UNHCR).

Most of the 700 Eritreans held in Misratah, who include approximately 60 women and 30 children, are registered with the UNHCR office in Tripoli. While Amnesty International notes that the Libyan authorities permit the UNHCR office in Tripoli and its implementing partners to regularly visit the Misratah detention centre and provide medical and food assistance; Amnesty International is concerned by reports suggesting that the detainees are held in inhumane conditions.

Amnesty International is concerned that, if returned to their country, the Eritrean nationals would be detained on arrival, with a high risk of being tortured as punishment for “betraying” the country or fleeing military service and held incommunicado indefinitely without charge or trial. In 2004, UNHCR issued guidelines to all governments calling for careful assessments of asylum claims submitted by Eritreans and opposing forced 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.

Background

Libya is not a party to the 1951 Convention related to the Status of Refugees or its 1967 Protocol. Furthermore, to Amnesty International’s knowledge, Libya had not signed a cooperation agreement for a formal UNHCR presence in the country. This means that anyone wishing to present an asylum claim to the UNHCR has limited opportunity to do so. In national legislation, there are no procedures which would allow asylum-seekers to present an application for recognition of their refugee status by the Libyan authorities.

As a party to the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee

Problems in Africa; Libya is under the obligation not to return any individuals to a country where they would be at risk of torture or where their “life, physical integrity or liberty would be threatened”.

Public Document

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