

EXTERNAL

AI Index: AFR 04/01/96

UA 211/96

Fear for safety / Refoulement

23 August 1996

ETHIOPIA / DJIBOUTI Girmay Moges Newaye-Mariam, aged 38

Girmay Moges Newaye-Mariam, an Ethiopian refugee in Djibouti, was arrested by Djiboutian police in a refugee camp 30 kilometres from the capital, Djibouti, on 17 August 1996. He has not been seen since. There are reports that he has been handed over to the Ethiopian authorities and that he is currently in detention at an unknown location in Ethiopia.

Born in Tigray, in the late 1970s Girmay Moges Newaye-Mariam fled Ethiopia to fight with the Tigre People's Liberation Front (TPLF) against the government of Mengistu Haile-Mariam. He left the TPLF in 1981 and returned to Ethiopia. He fled to Djibouti in 1991 when the Mengistu Haile-Mariam government was overthrown by the TPLF-led opposition forces. As a TPLF defector, he feared reprisals from the new government.

At the time of his arrest he was director of a school in the refugee camp. He is married with a three-year-old son.

Amnesty International is concerned for his safety in detention in Ethiopia. It is also concerned that, despite being a refugee registered by the United Nations High Commissioner for Refugees (UNHCR), he is reported to have been handed over to the Ethiopian government by the Djibouti authorities without any legal process or guarantees of his safety on return, in violation of the fundamental principle of non-*refoulement* as outlined in Article 33 of the 1951 Convention Relating to the Status of Refugees, to which Djibouti is a state party.

BACKGROUND INFORMATION

Hundreds of other Ethiopian refugees in Djibouti have returned voluntarily and safely in recent months but others have refused to return, fearing reprisals on account of their positions in the armed forces or the government of Mengistu Haile-Mariam, or because of their opposition to the current government. Two former senior officials were handed over to the Ethiopian authorities in 1994 and are currently awaiting charge and trial in connection with major human rights violations, where they will face the death penalty.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or your own language:

(A) To the Ethiopian authorities:

- requesting assurances of the safety of Girmay Moges Newaye-Mariam, who is allegedly in detention in Ethiopia after being arrested in a refugee camp in Djibouti and handed over to the Ethiopian authorities on or shortly after 17 August 1996;
- asking for a public statement of where he is held, and for him to be given access to his family and legal counsel;
- requesting assurances that if suspected of a criminal offence he will be charged within a reasonable period and given a prompt and fair trial without recourse to the death penalty.

His Excellency Dr Negaso Gidada
President of the Federal Democratic Republic of Ethiopia
Office of the President

P O Box 1031, Addis Ababa, Ethiopia
Telegrams: President Negaso, Addis Ababa, Ethiopia
Faxes: +2511 552030
Salutation: Your Excellency

His Excellency Meles Zenawi
Prime Minister
Prime Minister's Office
P O Box 1031, Addis Ababa, Ethiopia
Telegrams: Prime Minister Meles, Addis Ababa, Ethiopia
Faxes: +2511 552030
Salutation: Your Excellency

Mr Mahteme Solomon
Minister of Justice
Ministry of Justice
P O Box 1370, Addis Ababa, Ethiopia
Telegrams: Justice Minister, Addis Ababa, Ethiopia
Faxes: +2511 550722
Salutation: Dear Minister

COPIES TO: diplomatic representatives of ETHIOPIA accredited to your country.

(B) To the Djibouti authorities:

- expressing deep concern that Girmay Moges Newaye-Mariam, an Ethiopian refugee, is reported to have been detained on 17 August 1996 and subsequently handed over to the Ethiopian authorities against his will and without any court process or reference to the Office of the UNHCR;
- reminding the Government of Djibouti of its obligation under the 1951 Convention Relating to the Status of Refugees which provides that no one should be forcibly returned to a country where he or she is likely to face human rights violations;
- calling on the Government of Djibouti, as a matter of urgency, to obtain from the Ethiopian authorities assurances of his safety and that he will not face the death penalty if brought to trial;
- calling for an immediate and impartial investigation into the circumstances that led to a UNHCR-registered refugee being arrested and forcibly removed from a refugee camp.

APPEALS TO:

His Excellency Hassan Gouled Aptidon
President of the Republic of Djibouti
BP 6, Djibouti, Republic of Djibouti
Faxes: +253 355049
Telegrams: President, Djibouti, Djibouti
Salutation: Your Excellency

COPIES TO:

Executive Secretary
Office of National Assistance to Refugees (ONARS)
BP 55, Djibouti, Republic of Djibouti

and to diplomatic representatives of DJIBOUTI accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 5 October 1996.