

EXTRA 172/99 Fear of forcible return / Fear for safety

2 December 1999

AUSTRALIA Libyan asylum-seekers with children. Names not given to protect their identity

After a failed attempt on 1 December 1999 to deport a Libyan asylum-seeker and his family to Libya, Amnesty International is very concerned that they are at risk of another attempt by the Australian authorities to deport them imminently. Amnesty International believes that if returned, the asylum-seeker would be at serious risk of torture.

Central to their claim for asylum is that the Libyan asylum-seeker is a member of the illegal Libyan opposition group National Front for the Salvation of Libya (NFSL), which Amnesty International has also had confirmed. Despite documents from the NFSL in exile confirming his membership of the organization, the Australian Refugee Review Tribunal did not accept that he was a member. This finding was a crucial factor in the Tribunal's rejection of his case.

The asylum-seeker lived in hiding for several months until he and his family fled the country in 1993.

Amnesty International has also received allegations that the adult members of this family were ill-treated at the airport while in the custody of officials attempting to forcibly deport them. The allegations include that they were verbally and physically abused and that a nurse attempted to sedate one of them while he was forcibly restrained. Amnesty International understands that the airline carrier refused to carry these passengers due to the physical condition of one asylum-seeker. They are now in a detention facility in Australia.

BACKGROUND INFORMATION

Political opposition is not tolerated in Libya. Amnesty International continues to receive testimony of political detainees being routinely tortured in incommunicado detention. Detainees are routinely tortured in order to extract confessions from them which are then used to incriminate them. Alleged methods of torture include beating, hanging by the wrist from a high ceiling, chaining to a wall for hours, clubbing, being suspended from a pole inserted between the knees and elbows, electric shocks, burning with cigarettes and attacks by aggressive dogs.

Amnesty International has documented cases of returned refugees being arrested on arrival in Libya and who remain in detention without charge or trial. Amnesty International has also received information on returned refugees who were tortured in detention.

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

- expressing concern at reports that this Libyan family are at risk of being forcibly returned to Libya and calling for all attempts at removal to be halted;
- urging the Australian government to end the forcible return of any person to a country where they are at risk of serious human rights violations, in accordance with Australia's international obligations, including the United Nation's Convention relating to the Status of Refugees and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

- calling on the Minister for Immigration to review the merits of this case and initiate an independent investigation into the allegations of ill-treatment of the asylum-seekers at the airport and to make the findings public.

APPEALS TO:

Hon. Philip Ruddock
Minister for Immigration & Multicultural Affairs
Parliament House
Canberra ACT 2600
AUSTRALIA
Telegrams: Immigration Minister, Canberra, Australia
Faxes: + 61 2 6273 4144
Salutation: Dear Minister

Hon. Alexander Downer
Minister for Foreign Affairs
Parliament House
Canberra ACT 2600
AUSTRALIA
Telegrams: Foreign Affairs Minister, Canberra, Australia
Faxes: + 61 2 6273 4100
Salutation: Dear Minister

COPIES TO:

Mr Hitoshi Mise
Regional Representative
UNHCR
9 Terrigal Crescent
Canberra ACT 2606
AUSTRALIA
Faxes: + 61 2 6290 1315

and to diplomatic representatives of Australia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.