

EXTERNAL

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EXTRA 65/96

Fear of Refoulement

14 May 1996

**BENIN, CÔTE D'IVOIRE, GAMBIA, GHANA, Refugees from Liberia on board
GUINEA, GUINEA-BISSAU, NIGERIA, the Bulk Challenge may be denied
SIERRA LEONE, SENEGAL, TOGO Right to seek asylum**

Some 3,500 refugees from the war in Liberia, who fled on the freighter *Bulk Challenge*, are in danger of being forcibly returned to Liberia where their lives may be at risk. They have already been refused the right to seek asylum in Côte d'Ivoire and may be denied this right in Ghana, in violation of international law.

Thousands of Liberians and expatriates have fled from Liberia over the past month as a result of the resumption and intensification of the country's civil war after the breakdown of a fragile peace agreed in August 1995. The latest fighting brought the war to the country's capital Monrovia, which had been safe from direct fighting since 1992. For the past five weeks, fighting between several armed factions has raged in the streets of Monrovia, resulting in scores of deaths and the wounding and maiming of many more people. The civilian population has been terrorised. Looting and robberies at gunpoint have been common, and it is probable that many people have been deliberately and arbitrarily killed. Tens of thousands of civilians have fled their homes and taken refuge in the compounds of foreign embassies in Monrovia. Several thousand have bought tickets for passage on ships to seek asylum in other West African countries. While the fighting is currently focused on the capital, reports from other parts of Liberia indicate that hostilities have resumed in the rest of the country and that nowhere can be deemed to be "safe".

About 3,500 people left Monrovia on 5 May 1996 on board the Nigerian-registered freighter *Bulk Challenge* bound for Ghana. Three days later the ship developed problems, with two metres of water leaking into its hold, and it was forced to dock at San Pedro port in Côte d'Ivoire. It was allowed to dock for two days to conduct emergency repairs and supply water and food. About 50 women and children were allowed on humanitarian grounds to disembark in Côte d'Ivoire where United Nations (UN) officials were reported to be arranging road transport for them to Ghana. The rest of the passengers were prevented from leaving the boat because Ivorian officials claimed that many of them had been armed fighters in the Liberian war. Despite pleas from UN and aid agency officials that the boat was not seaworthy and that conditions on board were dangerous (with food and water running out, and lack of sanitation creating risk of disease), the boat was forced to leave for Ghana on 9 May.

The *Bulk Challenge* was initially refused entry to the Ghanaian port of Takoradi with officials there saying it did not want to encourage an exodus of refugees, and that the boat should return to Monrovia where West African peace-keeping troops were creating a safe area. By that stage three people had reportedly died on board the ship: a woman from internal bleeding and two other people in a shooting incident. However, the boat was allowed to refuel and passengers were fed and given water and medical attention, before being forced to leave the port on 13 May. As it left, some 300-400 people jumped off the ship into barges. Latest reports state that the boat was again allowed to dock in Takoradi early on 14 May. It is not known whether the passengers will be allowed to seek asylum.

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

A: To the Ghanaian authorities (English):

(i) Urging the authorities not to force the *Bulk Challenge* to return to Monrovia with the passengers;

(ii) Pointing out that as party to the 1951 Convention relating to the Status of Refugees and the fundamental principle of non-refoulement in article 33, they have a responsibility **not** to forcibly return anyone to a country where they may be at risk of serious human rights abuses;

(iii) Reminding them that despite the stated aim of the West African peace-keeping force, ECOMOG, to secure the capital, Monrovia is not safe and that tens of thousands of Liberians have been forced to seek refuge in the compound of the US Embassy;

if possible also:

(iv) Point out that Conclusion No. 22 of the Executive Committee of the UNHCR establishes an international principle that: "*In situations of large-scale influx, asylum seekers should be admitted to the State in which they first seek refuge and if that State is unable to admit them on a durable basis, it should always admit them on at least a temporary basis ... They should be admitted without any discrimination as to race, religion, political opinion, nationality, country of origin or physical incapacity.*"

(v) Say that the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa to which Ghana is a party states that "*No person shall be subjected by a Member State to measures such as rejection at the frontier, return or expulsion, which would compel him to return to .. a territory where his life, physical integrity or liberty would be threatened.*"

Dr Obed Asamoah, Secretary for Foreign Affairs, Ministry of Foreign Affairs,
PO Box M53, Accra, Ghana

Faxes: (via State House, Presidency) +233 21 66 40 89

Telegrams: Obed Asamoah, Foreign Affairs, Accra, Ghana

Salutation: Dear Secretary of Foreign Affairs

B: Please also arrange equal numbers of appeals to the governments of Benin (French), Côte d'Ivoire (French), Gambia (English), Guinea Bissau (Portuguese), Sierra Leone (English), Nigeria (English), Senegal (French) and Togo (French):

- Expressing concern that Côte d'Ivoire has refused access to refugees from the Liberian conflict aboard the *Bulk Challenge* and that the Ghanaian authorities appear reluctant to offer them asylum and may send some back to Monrovia;

- Pointing out the specific responsibility of these two countries and their own country (which could offer refuge to those fleeing) as parties to the 1951 Convention relating to the Status of Refugees to allow people the right to seek asylum and to take steps to ensure that no one is forcibly returned to a country where they may be at risk of serious human rights abuses;

if possible also:

- Include points (iii), (iv) and (v) from A.

- Urge them to remind the Ghanaian Government of its responsibilities under international law and appeal to them to offer the passengers refuge if they are not given permission to seek asylum in Ghana.

(Salutations: Dear Minister / Monsieur le Ministre / Vossa Excelência)

Monsieur Pierre Otcho, Ministre des Affaires Etrangères, Ministère des Affaires Etrangères, Cotonou, Republic of Benin

Faxes: +229 30 02 45

Telegrams: Ministre des Affaires Etrangères, Cotonou, Benin

Monsieur Amara Essy, Ministre des Affaires Etrangères, Ministère des Affaires Etrangères, Abidjan, Côte d'Ivoire

Faxes: +225 33 23 08

Telegrams: Ministre Affaires Etrangeres, Abidjan, Cote d'Ivoire

Mr Boubacarr Blaise Jagne, Minister of External Affairs, Ministry of External Affairs, 4 Marina Parade, Banjul, The Gambia

Telegrams: Minister External Affairs, Banjul, Gambia

Monsieur Kozo Zoumanigui, Ministre des Affaires Etrangères, Ministère des Affaires Etrangères, Quartier Almamy, Conakry, République de Guinée

Telexes 634; Faxes: (via Presidency) +224 41 1621

Telegrams: Ministre Affaires Etrangeres, Conakry, Guinea

Sua Excelência Fernando Delfim da Silva, Ministro dos Negócios Estrangeiros, Ministério dos Negócios Estrangeiros, Praça dos Heróis Nacionais, Bissau, República da Guiné-Bissau

Telegrams: Ministro Negocios Estrangeiros, Bissau, Guinea-Bissau

Chief Thomas Ikimi, Minister of Foreign Affairs, Maputo St., PMB 130, Abuja, Nigeria

Faxes: via State House - Presidency - +234 9523 2138

Telegrams: Minister Foreign Affairs, Abuja, Nigeria

Monsieur Moustapha Niasse, Ministre des Affaires Etrangères, Ministère des Affaires Etrangères, Place de l'Indépendance, Dakar, Senegal

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Telegrams: Ministre Affaires Etrangeres, Dakar, Senegal

Mr Maigore Kallon, Minister of foreign Affairs and International Cooperation, 14 Gloucester Street, Freetown, Sierra Leone

Faxes: +232 22 22 5615

Telegrams: Minister Foreign Affairs, Freetown, Sierra Leone

Monsieur Boubéra Alassounouma, Ministre des Affaires Etrangères et de la Coopération, Ministère des Affaires Etrangères, Place du Monument aux Morts, Lomé, Togo

Telegrams: Ministre Affaires Etrangeres, Lome, Togo

Telexes: 5239

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

Please bring to the attention of the Refugee coordinator in your Section.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 13 June 1996.