

PUBLIC

AI Index: MDE 19/014/2004

06 September 2004

Further Information on UA 232/04 (MDE 19/012/2004, 28 July 2004) - Forcible return/fear for safety/fear of torture

LIBYA/ERITREA	Over 130 Eritrean nationals detained in Libya
	Over 110 Eritrean nationals forcibly returned on 21 July
New cases:	76 Eritrean nationals forcibly returned on 27 August

The Libyan authorities attempted to forcibly return a further 76 Eritrean asylum-seekers, including 22 women and six children, on 27 August. Some of the Eritreans hijacked the plane that was carrying them, and forced it to land in the Sudanese capital, Khartoum, where they have all applied for refugee protection.

The 76 Eritreans, who had reportedly deserted from the army or evaded conscription, were put on a military cargo plane together with 145 Nigerian illegal immigrants. The plane stopped first in Nigeria, and was hijacked after it took off. Once it had been forced to land in Khartoum, the hijackers surrendered to the Sudanese authorities. They and the other Eritrean deportees on the plane were taken into police custody. They were given access to officials of the United Nations High Commissioner for Refugees (UNHCR), and applied for refugee protection. They have reported being ill-treated and denied medical attention in custody in Libya.

On 31 August, 15 of them were taken to court in Khartoum and charged in connection with the hijacking, during which one crew member reportedly suffered minor injuries. They were sentenced to five years in prison followed by deportation. They were given two weeks to appeal.

The Eritreans still detained in Libya reportedly now number at least 130, and possibly many more. They are believed to have fled to Libya via Sudan, hoping to reach Italy. Other Eritreans are said to be in hiding in Libya.

There is no new information about over 110 asylum-seekers forcibly returned by Libya to Eritrea on 21 July. They are believed to be detained incommunicado in a secret prison in Dahlak Kebir island on the Red Sea, where conditions are harsh.

BACKGROUND INFORMATION

Libya has signed the Organization of African Unity (OAU – now the African Union) Convention on the Specific Aspects of Refugee Problems in Africa, which obliges them not to return anyone to a country where they would be at risk of serious human rights violation. UNHCR has recommended that even rejected asylum-seekers should not be forcibly returned to Eritrea.

Over 220 Eritreans, including asylum seekers, were forcibly deported to Eritrea from Malta in 2002, and were detained and tortured. A judicial inquiry into these deportations is now underway in Malta. Except for some women and children and about 30 men who later fled to Sudan for a second time, the Malta deportees are believed to be still detained incommunicado, without charge or trial, in various secret prisons in Dahlak Kebir island or the Eritrean mainland.

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

- expressing concern that the authorities attempted to forcibly return 76 people to Eritrea on 27 August, though the plane was hijacked by some of the Eritrean detainees and forced to land in Khartoum;
- calling on the Libyan authorities not to forcibly return anyone else to Eritrea, where they would be at risk of torture, as well as indefinite detention without charge or trial;
- reminding the Libyan authorities that they have signed the 1969 Organisation of African Unity Refugee Convention, which obliges them not to forcibly return anyone to a country where they would be at risk of serious human rights abuses such as torture, as would be the case in Eritrea;
- asking for all Eritreans detained in Libya to be treated humanely and given immediate access to the Office of the UN High Commissioner for Refugees (UNHCR) in Tripoli to enable them to apply for protection if they wish to do so.

APPEALS TO:

His Excellency Mu'ammar al-Gaddafi,
Leader of the Revolution,
Office of the Leader of the Revolution
Tripoli,
Great Socialist People's Libyan Arab Jamahiriya
Telex: 70 0901 20162 ALKHASU LY
Salutation: Your Excellency

His Excellency Ali Omar Abu Bakr
Secretary of the General People's Committee for Justice
Secretariat of the General People's Committee for Justice
Tripoli
Great Socialist People's Libyan Arab Jamahiriya
Salutation: Your Excellency

and to diplomatic representatives of Libya in your own country

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 15 October 2004.