

PUBLIC

AI Index: MDE 19/017/2003

07 August 2003

**Further Information on UA 227/03 (MDE 19/016/2003, 25 July 2003) Forcible return / fear for safety/ fear of torture**

<b>LIBYA</b>	<b>Zacharias Michael Belay (m),</b>	
	<b>Misghina Seyoum (m),</b>	
	<b>Mesfin Aman (m),</b>	]
	<b>Rezene Eyassu (m),</b>	]
	<b>Yonas Negussie (m),</b>	] [second names now known]
	<b>Michael Yemane,</b>	]
	<b>Abel Tekle (m)</b>	]

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The Libyan authorities are reportedly intending to deport the seven detainees named above to Eritrea in the coming days, apparently at the request of the Eritrean government which has close relations with Libya. Should they be forcibly returned, the seven Eritrean nationals are at high risk of being arrested on arrival, detained incommunicado and in secret without charge or trial for an indefinite period. They could also be tortured and those who had been previously detained for political reasons could face extrajudicial execution.

The seven men, aged in their late 20s or early 30s, are said to be held in a camp in Gherian near Jenduba town, about 90 kilometres south of Tripoli, where African illegal migrants are reportedly held. They had deserted from the Eritrean army and fled from Eritrea to Sudan and onwards to Libya. They had reportedly been hoping to reach a country of asylum in Europe, at different times in 2002. Other "illegal immigrants" from countries such as Ethiopia, Sudan and Morocco, who were earlier detained with the seven, have been released.

Zacharias Michael Belay, who was wounded while a medical assistant in the war with Ethiopia (1998-2000), had reportedly escaped from military custody during a short period of provisional release, after hearing that his life was in danger. He had reportedly been detained and tortured earlier for criticising the government. Similarly, Misghina Seyoum, who had been a fighter in the Eritrean People's Liberation Front, which now forms the government, also reportedly escaped from detention after being arrested for criticising the government.

### **BACKGROUND INFORMATION**

There are several thousand refugees in Libya registered by the Office of the United Nations High Commissioner for Refugees (UNHCR). However, Libya has not yet ratified the UN 1951 Convention Relating to the Status of Refugees, although it has signed the Organization of African Unity (OAU) Convention on the Specific Aspects of Refugee Problems in Africa.

### **RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Arabic or your own language or your own language:**

- renewing urgent appeals for the seven not to be returned to Eritrea, where they would be at high risk of being immediately detained incommunicado and secretly without charge or trial, and could be tortured or extrajudicially executed;
- calling for an urgent review of the continued detention of the seven men who have completed their prison sentences for illegal immigration, with a view to their immediate release;

- calling on the Libyan authorities to respect their obligations under the OAU Refugees Convention and international refugee law not to forcibly return anyone to a country where they would be at risk of facing grave human rights abuses;
- asking the Libyan authorities to grant them immediate access to the Office of the UN High Commissioner for Refugees (UNHCR) to enable them to apply for asylum.

**APPEALS TO:**

His Excellency Mu'ammara al-Gaddafi  
Leader of the Revolution  
Office of the Leader of the Revolution  
Tripoli  
Great Socialist People's Libyan Arab Jamahiriya  
**Telegrams:** Colonel al-Gaddafi, Tripoli, Libya  
**Telexes:** 70 0901 20162 ALKHASU LY  
**Salutation:** Your Excellency

His Excellency Muhammad Ali al-Misrati  
Secretary of the People's Committee for Justice and General Security  
Secretariat of the People's Committee for Justice and General Security  
Tripoli  
Great Socialist People's Libyan Arab Jamahiriya  
**Telegrams:** Muhammad Misrati, Tripoli, Libya  
**Salutation:** Your Excellency

His Excellency Abd al-Rahman Mohamed Shalgam  
Secretary of the General People's Committee for Foreign Liaison and International Cooperation  
Secretariat of the General People's Committee for Foreign Liaison and International Cooperation  
Tripoli  
Great Socialist People's Libyan Arab Jamahiriya  
**Telegrams:** Abd al-Rahman Mohamed Shalgam, Tripoli, Libya  
**Salutation:** Your Excellency

**COPIES TO:**

Dr. Muhammad 'Abduallah al-Harari  
Secretary for Legal Affairs and Human Rights of the General Peoples' Congress  
P.O. Box 84662  
Tripoli  
Great Socialist People's Libyan Arab Jamahiriya

and to diplomatic representatives of ERITREA accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 18 September 2003.