

URGENT ACTION

ASYLUM-SEEKERS AND REFUGEES RISK FORCIBLE RETURN

A group of 12 Eritrean refugees and asylum-seekers are at imminent risk of being forcibly returned to Eritrea by the Sudanese authorities. If returned, they would be at grave risk of arbitrary detention and torture.

The 12 men and women are currently being held in Kassala prison in Sudan, near to the border with Eritrea. They were among a group of 20 Eritreans who were arrested during the first week of May and transferred to Kassala prison, charged with illegal entry into the country.

All 20 men and women were found guilty of violating immigration law, and were sentenced to deportation, in addition to either paying a fine of 300 Sudanese Pounds (US \$112) or 20 days' imprisonment. They all opted for imprisonment rather than return to Eritrea, but a third party paid the fine on behalf of eight members of the group and they were deported against their will between 26 May and 2 June. It is believed the Eritrean authorities were involved in paying the fine. The group have not been heard from since deportation. An appeal was submitted on behalf of the rest of the group, but on 9 June the initial ruling was upheld. At least two members of the group have been handed over to the immigration authorities for deportation. Another group of at least 17 Eritrean asylum-seekers are having their appeal heard on 14 June and are also at risk of deportation. At least nine Eritreans have been deported from Kassala in the last two weeks.

Asylum-seekers returned to Eritrea are routinely subjected to human rights violations, including incommunicado detention (detention without access to lawyers, family or medical treatment), torture and other forms of ill-treatment, particularly those who have fled from compulsory military service. The act of seeking asylum itself is considered as an act of treason by the Eritrean authorities, meaning all returned asylum-seekers are at risk of detention on this basis.

PLEASE WRITE IMMEDIATELY in English, Arabic or your own language:

- Urge the Sudanese authorities not to forcibly return to Eritrea the 12 Eritrean asylum seekers in Kassala, whose appeal was rejected on 9 June, or the 14 whose appeal will be heard on 14 June;
- Call on the Sudanese authorities to immediately stop all forcible returns of asylum-seekers and others to countries where they would be at risk of torture and other serious human rights violations;
- Urge them to respect Sudan's international obligations under the 1951 Convention Relating to the Status of Refugees and the UN Convention Against Torture not to forcibly return asylum-seekers or others to countries where they would be at risk of torture and other serious human rights abuses;
- Ask them to ensure that all asylum-seekers are given immediate access to the Office of the UN High Commissioner for Refugees in Sudan to assess their asylum claims.

Please send appeals before 21 JULY 2011 to:

Minister of Interior
Mr Ibrahim Mohamed Hamed
Ministry of Interior
PO Box 873
Khartoum, Sudan
Salutation: Your Excellency

Minister of Justice
Mr Mohammed Bushara Dousa
Ministry of Justice, PO Box 302
Al Nil Avenue
Khartoum, Sudan
Fax: +249 183 764 168
Salutation: Your Excellency

And copies to:
Rapporteur of the Advisory Council
Ahmed Idris Ali
Advisory Council on Human Rights
PO Box 302
Khartoum
Sudan

Also send copies to diplomatic representatives accredited to your country. Check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

A small number of the group are recognised refugees. All remaining members of the group have informed UNHCR that they wish to seek asylum in Sudan, which is a guaranteed right under international law. On 23 May 2011, all members of the group were found guilty of violating immigration law. On 9 June the court ruled to uphold the sentence of the court of first instance which would result in the deportation of the group. A further appeal is being submitted to a higher court.

UNHCR is urging the Sudanese authorities to annul the deportation order for the recognised refugees and to delay any ruling on the remainder of the group until the asylum claims of each member of the group have been duly considered.

It is believed that at least 17 Eritrean asylum-seekers are involved in two further ongoing trials, and are also at risk of deportation to Eritrea within the next week, depending on the outcome of the trials. At least nine asylum-seekers have been deported from Kassala since 25 May after the Attorney's Office and a Court ruled that they were economic migrants.

All forcibly returned Eritreans are at risk of torture and other forms of ill-treatment during interrogation. Amnesty International believes that no rejected or non-assessed Eritrean asylum-seekers should be returned to Eritrea on the grounds of the record of serious human rights violations in Eritrea.

Refugees and asylum-seekers returned to Eritrea have been detained incommunicado, and tortured. Thousands of people are detained incommunicado in Eritrea, in secret and indefinitely, without charge or trial. They have been arrested for suspected opposition to the government, practicing their religious beliefs as members of banned evangelical or other churches, evading military conscription or trying to flee the country. Appalling detention conditions in Eritrea in themselves amount to cruel, inhuman or degrading treatment. Individuals belonging to unregistered religious groups, and those who have evaded military conscription or deserted mandatory military service, are particularly at risk if they are returned.

The deportation of a refugee or an asylum seeker whose claim has not yet been decided to their country of origin is also in violation of Sudanese obligations under the 1951 Convention and the Sudan Asylum Act of 1974.

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