

UA 74/02

Fear of f**JAPANat least 19 Afghan asylum-seekers**

The Japanese authorities are reportedly intending to forcibly return at least 19 asylum-seekers to Afghanistan, where they would be at risk of torture and persecution. Deportation orders have already been issued for almost all of them.

Many are believed to be from the Hazara ethnic group, who were persecuted when the mainly Pashtun Taliban were in power. Despite the collapse of the Taliban regime, Amnesty International fears that they would be in grave danger if they were forcibly returned.

Since the 11 September attacks in the USA the Japanese immigration authorities have been denying entry to Afghan asylum-seekers when they arrive. The government has also been cracking down on Afghan asylum-seekers already living in Japan. Among those now at risk of deportation are nine men who had applied for refugee status some time before the 11 September attacks. They were interrogated on 17 September about any links they might have with Osama bin-Laden's Al-Qaeda organisation. In October they were arbitrarily detained, and some had their homes searched. All nine men's applications for refugee status were refused in November. Four of them who had been released in November were re-detained in December.

Many of those detained are reportedly in deteriorating mental and physical health, and detention is likely to worsen their condition. Several detainees are reportedly suffering from eating disorders and some from acute weight loss.

Many of those detained are held at Higashi-Nihon Immigration Centre in Ushiku, north of Tokyo. Others are held in detention centres across Japan. There have been reports of detainees receiving inadequate medical care. When a detainee reportedly collapsed on 13 February, officials at the Ushiku detention centre did not take him to hospital. The detainee reportedly has no memory of at least 24 hours following his collapse, and had to use a wheel chair for two weeks afterwards, as he could not walk. When another detainee vomited blood, an Immigration official told him it was not an emergency, and it was not necessary for him to see a doctor immediately. He was reportedly only taken to see a doctor after nearly three days. At least two detainees have attempted suicide, neither of whom was reportedly taken for any medical treatment after they were found.

BACKGROUND INFORMATION

Between January and November 2001, a number of Afghans arriving in Tokyo's Narita airport were allegedly sent back to Afghanistan without being given the opportunity to apply for asylum. Some were detained on arrival and have been kept in custody ever since. During this time some 77 Afghans, mostly Hazaras, are reported to have applied for refugee status in Japan. The Japanese government has recognised only three of these applications.

Japan is bound by the principle of *non-refoulement*, which obliges states not to forcibly return anyone to a country where they would risk serious human rights violations. The principle of *non-refoulement* is binding on all states, and is absolute under Article 33 of the 1951 Convention relating to the Status of Refugees, to which Japan is a signatory party. This principle is also binding

under Article 3 of the UN Convention against Torture and Other Cruel, inhuman or Degrading Treatment or Punishment, which Japan ratified in 1999.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Japanese or your own language:

- expressing grave concern at reports that the Japanese authorities are preparing to forcibly return at least 19 asylum-seekers to Afghanistan, where they would be at risk of serious human rights violations;
- calling on the authorities to cancel any deportation orders and abide by the fundamental principle of *non-refoulement*, which is a principle of customary international law;
- calling on the authorities to release all detained Afghan asylum seekers while their applications are considered;
- expressing concern that some Afghan asylum-seekers have reportedly been denied necessary medical treatment, and urging the authorities to ensure the safety of all Afghan asylum seekers.

APPEALS TO:

Ms MORIYAMA Mayumi
Minister of Justice
Ministry of Justice
1-1-1 Kasumigaseki
Chiyoda-ku
Tokyo 100-8977
Japan
Fax: + 81 3 3592 7008/5511 7200
e-mail: webmaster@moj.go.jp
Salutation:Dear Minister

Ms KAWAGUCHI Yoriko
Minister of Foreign Affairs
Ministry of Foreign Affairs
12F Sumitomo-Fudosan Shiba-koen Bldg.
2-11-1 Shiba-koen
Minato-ku
Tokyo 105-8519
Japan
Fax: + 81 3 6402 2551
Salutation:Dear Minister

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

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 23 April 2002.