



AI Index: EUR 33/002/2003

Ref.: TG EUR 33/03.05

The Hon. Tonio Borg

Minister for Justice and Home Affairs

Ministry for Justice and Home Affairs

‘Casa Leoni’

476 St. Joseph High Road

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17 October 2003

Dear Minister,

Amnesty International is concerned about reports that the Government of Malta may be intending to deport Eritrean asylum-seekers back to Eritrea.

We followed closely the hunger-and-thirst strike carried out between 26 September and 7 October 2003 by over 50 Eritrean asylum-seekers in the detention centre located at Safi barracks in Malta. We understand the strikers requested a meeting with you and were complaining about their long and indefinite detention, in some cases since 2002, and their conditions of detention. Some of the group are said to be appellants in the Constitutional Court case, currently adjourned to mid-October 2003; others are rejected asylum-seekers whose appeals have not yet been heard; some are reportedly still waiting for a decision on their asylum applications. We note that a court order prohibits the deportation of some 46 while their appeal against rejection of asylum is before the Constitutional Court, while the Refugees Act prohibits the deportation of those whose cases are not yet determined or are being appealed.

Our concern is heightened by new information we have received about the 220 Eritreans deported by Malta to Eritrea over September and October 2002, about whom we have previously corresponded. According to this information, some of the deportees who were detained on arrival in Eritrea recently escaped and have arrived in Sudan and are in contact with UNHCR in Khartoum. Embassies and foreign journalists have had no access to the detained deportees, and the government has made no further response to the international concern about the deportees. You may already be aware of Amnesty International’s most recent statement of its human rights concerns in Eritrea - *Eritrea: Continued detention of prisoners of conscience and new arrests of members of religious groups*, 18 September 2003, AI Index: AFR 64/004/2003. A copy is attached.

According to the new information which we have received from some of the deportees who escaped from detention in Eritrea and who have asked Amnesty International not to disclose their identities because of their fears for their safety, all the deportees were detained on arrival in Asmara – contrary to a statement from the Eritrean Director for Refugees, and apparently away from the view of the Air Malta pilots who flew the deportees back to Eritrea and the escorting Maltese police officers. According to statements made by the deportees, there were no relatives of the deportees at the airport in Asmara, and none who remain in detention have been allowed any contact with their families since

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their return. No UNHCR officials were present on the arrival of the deportees at the airport and UNHCR has reportedly been unable to trace or have contact with any of those who were deported.

After the Air Malta flights left on their homeward journey, the deportees were all taken to Adi Abeto military detention centre near Asmara. After some days, the women, children and older persons were taken away and may have been released, although we have been unable to confirm this. The remainder (some 180) were kept in detention and tortured over the following two and a half months. Some tried to escape and were re-captured, with three of them shot and one dying from his wounds. They were all transferred in December 2002 to a secret detention centre on the main Dahlak island, where they were made to do forced labour. Some were later moved to mainland prisons in July 2003, from where several later escaped across the Sudan border, as mentioned above. The majority are still apparently detained incommunicado and indefinitely, without charge or trial or any opportunity for legal redress.

In Amnesty International's view, if the Eritrean asylum-seekers currently detained in Malta were returned to Eritrea, their treatment would be similar to that experienced by those earlier deported back to Eritrea. Their situation would probably be exacerbated as a consequence of the recent hunger-strike, given the unfavourable publicity which that has generated for the Eritrean government. Amnesty International believes they would be arrested on arrival, detained indefinitely without charge or trial or any legal redress, and tortured.

Amnesty International requests the Government of Malta to look more closely at the human rights situation in Eritrea and reconsider its position as regards the possibility of deporting Eritrean asylum-seekers to Eritrea. Amnesty International urges the government to ensure, as a matter of the highest importance, that no asylum-seeker is forcibly returned to their country of origin, directly or indirectly, where they would be at risk of serious human rights abuses. In particular at this time, we urge the Government of Malta not to deport Eritrean asylum-seekers to Eritrea while there are well-grounded fears that they could be detained or tortured.

Amnesty International believes that refugees are the responsibility of the whole international community and that it is important for all countries to work to end and prevent the human rights violations which lead to flows of asylum-seekers in different parts of the world. We suggest that the Government of Malta could assist in this regard in relation to supporting international efforts to secure better protection for human rights in Eritrea.

Considering the urgency of the human rights issues involved in these cases, I am sending a copy of my letter to the Council of Europe's Commissioner for Human Rights for his information in view of his imminent visit to Malta, as well as to the Office of the United Nations High Commissioner for Refugees in Rome, the Maltese Commissioner for Refugees and the Maltese Emigrants' Commission.

Yours sincerely,

For Irene Khan
Secretary General