

PUBLIC

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26 January 2009

Further Information on UA 348/08 (MDE 12/025/2008, 18 December 2008) Forcible return/ Torture and other forms of ill-treatment

EGYPT Dozens of Eritrean asylum-seekers

At least 36 people who had been held in a detention facility in Nakhl, northern Sinai, were among some 100 Eritrean asylum-seekers forcibly returned from Egypt between 23 December 2008 and 18 January 2009. Their fate is not known, but a large number of asylum-seekers forcibly returned to Eritrea in June 2008 are still in custody, where they are at risk of torture and other ill-treatment. Dozens of others still held in the Nakhl detention centre are at risk of deportation to Eritrea.

On 23 December 2008, a group of 15 men and five women, including one pregnant woman, detained in Nakhl detention facility, were removed by force from their cells by the Egyptian security forces. They were reportedly beaten as they resisted their removal. They were then driven on the same day to Cairo Airport and put on board an EgyptAir flight to Asmara, Eritrea.

Reports indicate that a number of the Eritrean asylum-seekers detained in Nakhl had been returned from Israel in the last five months. They had crossed from Egypt into Israel and were summarily deported back to Egypt by the Israeli army without being given the chance to have their asylum claims considered, as is their right under international law. Others who attempted to cross from Egypt to Israel were stopped and detained by Egyptian security forces.

On 11 January 2009, another group of 32 Eritrean asylum-seekers were forcibly returned to Eritrea. A further 10 asylum seekers were returned a week later, on 18 January. Both groups were put on board EgyptAir flights departing from Cairo Airport. None of those deported was allowed access to representatives from the office of the UN High Commissioner for Refugees (UNHCR) in Cairo, in order to have their claims to asylum assessed nor were they granted the right to challenge their expulsion and its lawfulness before a competent authority.

The UNHCR has issued guidelines to all governments opposing the return to Eritrea of rejected Eritrean asylum-seekers on the grounds of the country's record of serious human rights violations. These guidelines are still in force.

Detainees are routinely subject to torture and other ill-treatment in Eritrea, including beatings and being tied in painful positions. They are commonly held incommunicado for long periods of time, often in damp, overcrowded and unhygienic conditions, with almost no access to medical care.

Thousands of people are secretly detained in Eritrea without charge or trial. They have been arrested for practising their religious beliefs, being suspected of opposition to the government, evading military conscription or deserting military service.

BACKGROUND INFORMATION

In June 2008, up to 1,200 Eritrean asylum-seekers were forcibly returned by Egypt to Eritrea on specially chartered EgyptAir flights (see UA 165/08, MDE 12/011/2008, 12 June 2008, and follow-ups). This was in disregard of the international law principle of *non-refoulement*, whereby states should refrain from deporting anyone to another state where the person is at risk of torture and other ill-treatment, or other serious human

rights violations. While some of the returned asylum-seekers were released after weeks in detention, including pregnant women and women with children, the majority were transferred to the remote Wia prison and other military facilities, where they are still being held.

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

- calling on the Egyptian authorities to immediately stop all forcible returns of asylum-seekers to Eritrea;
- urging them to respect Egypt's international obligations under the 1951 Convention relating to the Status of Refugees and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishments not to forcibly return asylum-seekers to Eritrea where they would be at risk of torture and other serious human rights violations;
- asking them to ensure that all Eritrean asylum-seekers are given immediate access to the Office of the UN High Commissioner for Refugees in Egypt to assess their asylum claims;
- calling on the authorities to investigate allegations of torture or other ill treatment against Eritrean asylum-seekers detained in Egypt and ensure that those responsible are brought to justice in a fair trial;
- urging the Egyptian authorities to disclose the names of all Eritrean asylum-seekers forcibly returned.

APPEALS TO:

Minister of Interior

Minister Habib Ibrahim El Adly

Ministry of the Interior

25 Al-Sheikh Rihan Street

Bab al-Louk, Cairo, Egypt

Fax: +20 22 796 0682

Email: center@iscmi.gov.eg or moi@idsc.gov.eg

Salutation: Dear Minister

COPIES TO:

National Council for Human Rights

Ambassador Mokhless Kotb

Secretary General

National Council for Human Rights

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Salutation: Dear Captain

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and to diplomatic representatives of Egypt accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 9 March 2009.