

PUBLIC

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UA 34/07 Forcible return/Torture and ill-treatment

LIBYA 430 Eritrean nationals

According to reports, 430 Eritrean nationals, including over 50 women and children, are currently detained by Libyan authorities and are facing imminent deportation to Eritrea. Reports suggest that the Libyan authorities may have beaten and raped or sexually abused some detainees, and some detainees may even have died in custody as a result of such torture or other ill-treatment.

According to Amnesty International's information, of the 430 detainees, 130 detainees, including several women and children, are detained at a detention centre in al-Marj, 1,000 km from the Libyan capital Tripoli, while the remaining 300 are detained in Misratah, about 200km from Tripoli.

Most of the detainees are conscripts who fled Eritrea to avoid military service. The right to conscientious objection is not recognized in Eritrea and if returned they will be at high risk of being arrested and tortured. Military service in Eritrea, which, in practice, lasts for an indefinite period, is compulsory for women and men aged 18 to 40, although the age limit for women was reportedly reduced to 27. There are no military courts and military offenders are arbitrarily punished with torture – being beaten and tied for hours or days in painful positions – and indefinite incommunicado detention in harsh conditions.

Groups of refugees who were forcibly returned to Eritrea from Libya in 2004 and from Malta in 2002 were held incommunicado upon their arrival. Many were tortured and some died while in custody. Amnesty International documented their treatment in its report *Eritrea: 'You have no right to ask' – Government resists scrutiny on human rights* (AFR 64/003/2004, May 2004). In August 2006, 300 Eritreans were detained in Libya and threatened with deportation. It however appears that they were not deported although the whereabouts of some of them remains unknown (see UA 225/06, MDE 19/004/2006, 24 August 2006).

Libya is a state party to the International Covenant on Civil and Political Rights and the Organization of African Unity (OAU – now the African Union) Convention on the Specific Aspects of Refugee Problems in Africa, both of which oblige the authorities not to return anyone to a country where they would be at risk of serious human rights violations, including torture. The United Nations High Commissioner for Refugees (UNHCR) has recommended that even rejected asylum-seekers should not be forcibly returned to Eritrea. It is not clear that these detainees have been allowed access to UNHCR officials in Libya or any opportunity to formally apply for asylum.

BACKGROUND INFORMATION

On 21 July 2004, Libyan authorities deported 110 Eritrean nationals, most of them asylum seekers fleeing military conscription, back to Eritrea, reportedly at the request of the Eritrean authorities. On arrival in Eritrea they arrested, tortured and detained incommunicado in secret military prisons. On 27 August 2004, the Libyan authorities attempted to deport a further 76 Eritrean asylum seekers, including six children. The plane was, however, hijacked by some of the passengers and landed in Sudan. All passengers, except for the hijackers, were given refugee status in Sudan.

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

- calling on the Libyan authorities not to forcibly return any Eritrean nationals to Eritrea, where they would be at risk of torture, as well as indefinite detention without charge or trial;

- reminding the Libyan authorities that they have signed the International Covenant on Civil and Political Rights and the 1969 Organization of African Unity Refugee Convention, both of which oblige them not to forcibly return anyone to a country where they would be at risk of serious human rights abuses such as torture, as would be the case in Eritrea;
- calling for all Eritreans detained in Libya to be treated humanely and given immediate access to the Office of the UN High Commissioner for Refugees (UNHCR) in Tripoli to enable them to apply for protection if they wish to do so.

APPEALS TO:

Head of State

Colonel Mu'ammar AL-GADDAFI
Office of the Leader of the Revolution
Tripoli
Great Socialist People's Libyan Arab Jamahiriya
Salutation: Your Excellency

Prime Minister

Dr Al-Baghdadi Ali AL-MAHMOUDI
Secretary of the General People's Committee
Secretariat of the General People's Committee
Tripoli
Great Socialist People's Libyan Arab Jamahiriya
Email: via the form on the government of Libya's webpage (in Arabic only):
www.gpc.gov.ly/online/contactus.php

(The form reads as follows:

1- Name; 2- Email address; 3- to: (please pick the first one)The Brother, head of the General Public Committee, Dr. al-Baghdadi Ali al-Mahmoudi; 4- content; 5- send)

Salutation: Your Excellency

Justice Minister

Mr Mustafa Muhammad ABDELJALIL
Secretary of the General People's Committee for Justice
Secretariat of the General People's Committee for Justice
Tripoli
Great Socialist People's Libyan Arab Jamahiriya
Email: secretary@aladel.gov.ly
Salutation: Your Excellency

COPIES TO:

Foreign Minister

Mr 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

and to diplomatic representatives of Libya accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 22 March 2007.