

PUBLIC

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UA 232/04 Forcible return/fear for safety/fear of torture

**LIBYA/
ERITREA Over 200 Eritrean nationals detained in Libya**

Over 110 Eritrean nationals forcibly returned from Libya

The Libyan authorities are reported to have forcibly returned over 110 people to Eritrea on 21 July. It is feared that they are now in secret, incommunicado detention in military camps, where they are at serious risk of torture. At least 200 Eritrean nationals currently detained in Libya are also feared to be in imminent danger of forcible return. All were reportedly hoping to travel on from Libya to seek asylum in Europe.

It is feared that many Eritrean nationals held in detention centres in Kufra, Misrata, Tripoli and elsewhere, as well as others living in Libya, are at imminent risk of forcible return to Eritrea. This fear is compounded by reports that members of the Libyan security forces may have been searching for Eritrean nationals residing in the country, apparently with a view to arresting and deporting them. About 40 of those returned on 21 July were reportedly arrested in a street round-up in Tripoli in recent weeks. They were apparently convicted of drug- and alcohol-related offences, which they denied, and deported the same day. At least another 40 had been detained for longer in detention centres in Misrata and Tripoli, apparently for illegal entry. Others in the group had been detained since June, when the boat in which they were attempting to reach Italy was forced back by dangerous sea conditions.

Most of the detainees are believed to have either deserted from military service or evaded conscription. Military service is compulsory in Eritrea for all men and women aged 18 to 40, with further reserve duties later. It consists of six months' military service and 12 months' development service. The people forcibly returned on 21 July were reportedly taken to the remote Gelalo prison in eastern Eritrea, where conditions are harsh and temperatures are extreme.

BACKGROUND INFORMATION

Thousands of young Eritreans have fled from military conscription in the past few years. Eritrea does not recognise the right to conscientious objection to military service. Those caught deserting or evading military service are detained indefinitely without charge or trial in harsh conditions, and also tortured.

Libya has not yet ratified the UN 1951 Convention Relating to the Status of Refugees, nor has it established national asylum mechanisms, although it has signed the Organization of African Unity Convention on the Specific Aspects of Refugee Problems in Africa, which obliges them not to return anyone to a country where they would be at risk of serious human rights violations.

Seven Eritreans convicted of illegal entry into Libya and sentenced to three months' imprisonment in August 2002 were threatened with forcible return to Eritrea in 2003. They were finally released in April 2004, following international pressure, including appeals from Amnesty International members.

Over 220 Eritreans were forcibly returned from Malta in 2002. They were detained on arrival in the capital, Asmara, and sent to various secret military detention centres, where they were held incommunicado without charge or trial. They were accused of betraying their country and tortured as punishment. They were also tortured during questioning about links to opposition organizations. Most are still in custody.

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

To the Eritrean authorities:

- expressing concern for the safety of over 110 people reportedly forcibly returned from Libya on 21 July and since detained incommunicado in military camps;
- asking the authorities to reveal where they are held, produce them before a court and charge them with a recognisably criminal offence and give them a fair trial, or else release them;
- urging the authorities to allow them access to lawyers, their families and any medical treatment they may need;
- calling on the authorities to guarantee that they will not be tortured or ill-treated.

To the Libyan authorities:

- expressing concern that over 110 young Eritrean men and women were reportedly forcibly returned from Libya on 21 July and detained incommunicado on arrival in Asmara;
- calling on the authorities not to forcibly return anyone else to Eritrea, where they would be at risk of torture, as well as indefinite detention without charge or trial;
- reminding the Libyan authorities of their obligations under the 1969 Organisation of African Unity Refugee Convention, and customary international law, not to forcibly return anyone to a country where they are at risk of serious human rights abuses such as torture;
- asking for all Eritreans detained in Libya to be given immediate access to the Office of the UN High Commissioner for Refugees (UNHCR) to enable them to apply for asylum if they wish to do so.

APPEALS TO:

His Excellency Issayas Afewerki
President of the State of Eritrea
Office of the President
P O Box 257
Asmara, Eritrea

Fax: + 2911 126422
Salutation: Your Excellency

General Sebhat Ephrem
Minister of Defence
Ministry of Defence
PO Box 629
Asmara, Eritrea

Fax: +2911 124920
Salutation: Dear Minister

His Excellency Mu'ammar al-Gaddafi,
Leader of the Revolution,
Office of the Leader of the Revolution
Tripoli,
Great Socialist People's Libyan Arab Jamahiriya

Telex: 70 0901 20162 ALKHASU LY
Salutation: Your Excellency

His Excellency Ali Omar Abu Bakr
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
Salutation: Your Excellency

and to diplomatic representatives of Libya and Eritrea accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 8 September 2004.