

PUBLIC

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31 August 2005

UA 224/05 Incommunicado detention/ fear of torture or ill-treatment/ Fear of forcible return

YEMEN Mohammed Abdel Qadir (m), Somali national, aged 24

Mohammed Abdel Qadir, a Somali refugee, has not been seen since 25 August. It is believed he may be detained at the office of the Political Security branch in the capital Sana'a. He may be at risk of torture or ill-treatment in detention, and could be forcibly returned to Somalia, where he would be at risk of serious human rights violations.

Mohammed Abdel Qadir, a security guard at the office of the international news agency Associated Press (AP) in Sana'a, was reportedly arrested at the AP office at around 8am on 25 August by members of Political Security. The reasons for his arrest are unknown. The previous day, he had been arrested and held for around three hours by Political Security personnel after they raided the AP office. A file and two computers belonging to AP journalist Ahmed al-Hajj were confiscated in the raid. According to reports, while Mohammed Abdel Qadir was detained on 24 August, he was beaten by Political Security personnel apparently for refusing to give them information about AP journalists. Before releasing him, they confiscated his refugee documentation, leading to fears that he may be at risk of forcible return to Somalia.

Mohammed Abdel Qadir has lived in Yemen for eight years. The Yemeni government recognises Somali nationals as refugees on a *prima-facie* basis.

BACKGROUND INFORMATION

Amnesty International has recently expressed concern at the continuing harassment of journalists by security forces. Journalists critical of the government are being increasingly targeted and face abuses, including arbitrary arrest, beatings or confiscation of documents and computers. Such targeting by the security forces ostensibly aims to silence journalists and prevent them from reporting (see AI Public Statement, MDE 31/014/2005, 26 August 2005).

Somalia has had no effective government since the state collapsed into civil war in 1991. A new Transitional Federal Government was named in exile in Kenya in early 2005 after two years of peace talks between the warlords, but it has not yet been established in Somalia due to internal conflicts. There is frequent faction-fighting in Somalia and no recognizable system of justice. There is no authority in Somalia which could protect the human rights of a returned Somali refugee. The United Nations High Commissioner for Refugees (UNHCR) has advised against the return of rejected asylum seekers to Somalia on account of the extreme insecurity in the capital Mogadishu and the south.

Yemen is obliged under the 1951 Convention relating to the Status of Refugees, the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to uphold the principle of *non-refoulement*, which prohibits the forcible return of people to any country where they would be at risk of serious human rights violations, including torture and other ill-treatment.

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

- expressing concern for the safety of Mohammed Abdel Qadir, who has not been seen since his arrest on 25 August;

- calling for his whereabouts to be revealed, and for guarantees that he is being treated humanely if he is in detention, and not tortured or ill-treated;
- urging the authorities to grant him immediate access to his family, lawyer and the United Nations High Commissioner for Refugees (UNHCR);
- calling for his immediate and unconditional release if he is not to be charged with a recognised criminal offence;
- reminding the authorities of their obligation under international law, including the 1951 Convention relating to the Status of Refugees and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to uphold the principle of *non-refoulement*, which prohibits the forcible return of people to any country where they would be at risk of serious human rights violations;
- calling for assurances that Mohammed Abdel Qadir will not be forcibly returned to Somalia.

APPEALS TO:

Prime Minister

>Abd al-Qader Bajamal

Prime Minister of the Republic of Yemen

Sana'a

Republic of Yemen

Fax: + 967 1 274 662

Salutation: Your Excellency

Minister of Interior

Rashid Muhammad al->Alimi

Ministry of Interior

Sana'a

Republic of Yemen

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Salutation: Your Excellency

Minister of Human Rights

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Ministry for Human Rights

Sana'a

Republic of Yemen

Fax: + 967 1 419 700

Salutation: Your Excellency

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

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 12 October 2005.