

Flygtningenævnets baggrundsmateriale

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Treatment of returned failed asylum seekers.

Under the heading 'Lack of Protection and Forced Return of Refugees', page 66 of an April 2009 *Human Rights Watch* report states:

"The problems facing those who decide to flee Eritrea do not end when they cross the border. Indeed, their problems are only beginning. Despite the terrible human rights record of the Eritrean government, Eritrean refugees are often forcibly returned without regard to their rights under international refugee law and in spite of standing UNCHR guidance that even rejected Eritrean asylum seekers should be provided with some form of alternative protection instead of being forced to return home." (Human Rights Watch (April 2009) *Service for Life: State Repression and Indefinite Conscription in Eritrea*)

The May 2009 *Amnesty International* annual report for Eritrea states:

"Political prisoners, some held since 2001 or earlier, accused of support for armed opposition groups in exile, including Eritrean Liberation Front (ELF) factions, were presumed to be still detained without charge or trial. Prisoners of conscience included draft evaders, military deserters and failed asylum-seekers who had been returned to Eritrea." (Amnesty International (28 May 2009) *Amnesty International Report 2009 – Eritrea*)

The same report continues:

" Eritrea and were arrested and detained upon arrival. They were at grave risk of torture and other ill-treatment. While some pregnant women and women with children were released after weeks in detention, the majority of those returned were transferred to the remote Wia prison and other military facilities and were still held there at the end of the year. Egyptian authorities returned more than 20 additional Eritrean asylum-seekers in late December, while hundreds more remained at risk of return from Egypt.

On 14 May German immigration authorities forcibly returned asylum-seekers Yonas Haile Mehari and Petros Aforki Mulugeta to Eritrea. Both were arrested upon arrival and remained in detention, Yonas Haile Mehari was held incommunicado, and both were at grave risk of torture and other ill-treatment.

Some 700 Eritrean nationals, including 60 women and 30 children, who had fled from Eritrea to Sudan and then to Libya, were held in detention facilities in Mistarah, Libya, and other locations under threat of forcible return to Eritrea." (ibid)

A January 2009 *Human Rights Watch* report adds:

"Egypt should immediately halt deportations of Eritrean asylum seekers to their home country, where they face detention and the risk of torture, Human Rights Watch said today." (Human Rights Watch (8 January 2009) *Egypt: Stop Deporting Eritrean Asylum Seekers*)

The same report continues:

"Egypt and Israel are obliged under international human rights and refugee law not to return any person to a country where the person faces the risk of torture and persecution. This "nonrefoulement" obligation binds both Israel not to return Eritrean refugees and asylum seekers indirectly to Eritrea via Egypt, and Egypt not to return them directly to Eritrea, given that they face a real risk of torture or persecution in Eritrea." (ibid)

An April 2009 *UNHCR* report notes:

"In another case, a rejected asylum-seeker was detained by the Eritrean authorities upon her forcible return from the United Kingdom.¹⁹¹ On 14 May 2008, German immigration authorities forcibly returned two rejected asylum-seekers to Eritrea. They were reportedly detained at Asmara airport upon arrival and are being held incommunicado, and believed to be at risk of torture or other ill-treatment.

For some Eritreans, being outside the country may be sufficient cause on return to be subjected to scrutiny, reprisals and harsh treatment. Individuals may be suspected of having sought asylum, participating in diaspora-based opposition meetings or otherwise posing a (real or perceived) threat to the Government,¹⁹³ particularly where they have exited the country illegally.¹⁹⁴ It has been reported that, as of September 2008, a blanket restriction on passport and exit visa requests has been imposed by the Government.¹⁹⁵ Given the efficiency and reach of the State intelligence apparatus, there is a reasonable possibility that those in possession of exit visas obtained through bribery would be identified as having illegally left the country." (UNHCR (April 2009) *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Eritrea*)

The *United Kingdom Home Office* in an April 2009 Country of Origin Information Report states:

"Individuals who have been arrested or detained, having returned voluntarily and not as FAS, include Aster Yohannes, wife of one of the G15/G11 political detainees, and Saleh Ali Sheikh and his wife Saret Ramadhan, as reported by Amnesty International on 19 May 2004:

"Eritreans returning from abroad, like Aster Yohannes, risk arbitrary detention if they return to Eritrea and are suspected of opposing the government – even if they have a foreign passport. In May 2003 two Eritrean nationals, Saleh Ali Sheikh, and his wife, Saret Ramadhan, were reportedly detained on arrival from Saudi Arabia at Asmara airport and 'disappeared'." (United Kingdom Home Office (21 April 2009) Country of Origin Information Report – Eritrea)

Human Rights Watch in their January 2009 World Report for Eritrea notes:

"Eritreans flee the country by the thousands despite "shoot-to-kill" orders for anyone caught crossing the border. When Eritrea deployed troops to the border and clashed with Djiboutian forces in early 2008, at least 40 soldiers deserted. A refugee camp in northern Ethiopia became so cramped in 2008 that the United Nations High Commissioner for Refugees opened two new camps to accommodate new arrivals. Thousands of Eritreans escape through Sudan to Egypt and Libya despite efforts by Sudanese officials and Eritrean intelligence agents to return truckloads of people. Over 2,500 Eritreans arrived in Israel, mostly by way of Egypt, in the first nine months of 2008. In June 2008 Egypt forcibly returned about 1,200 refugees to Eritrea. Although women with children were soon released, single women and most men were incarcerated at Wi'a, a notorious military camp near the Red Sea." (Human Rights Watch (14 January 2009) *World Report 2009 – Eritrea*)

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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