

PUBLIC

AI Index: AFR 25/005/2007

16 April 2007

UA 88/07 **Incommunicado detention/ fear of torture or ill-treatment/ health concern**

ETHIOPIA **Bashir Ahmed Makhtal (m), Canadian national**
Halima Badrudine Hussein (f), Comorian national
Ayub Abdurazak (m), French resident
Tesfaldet Kidane Tesfasgi (m), Eritrean national, television cameraman
Saleh Idris Salim (m), Eritrean national, television journalist
Osman Ahmed Yassin (m), Swedish national
Sophia Abdi Nasir (f), Swedish national
Ines Chine (f), Tunisian national
Abdi Muhammed Abdillahi (m), Kenyan national

And up to 75 other men, women and children of various nationalities

The people named above are among over 80 detainees held incommunicado in at least three different locations in Ethiopia. They are at risk of torture or ill-treatment, and may not be receiving access to the medical treatment they need.

These people were arrested between 30 December 2006 and February 2007 as they tried to cross the border from Somalia into Kenya. They were detained in various locations in the Kenyan capital, Nairobi, before being transferred to Somalia on three charter flights between 20 January and 10 February. Once in Somalia they were transferred to Ethiopia. They were denied the chance to challenge their forcible removal at any stage. Most of the detainees are apparently suspected by the Kenyan and Ethiopian authorities of links with the Council of Somali Islamic Courts (COSIC) or with al-Qa'ida.

Amnesty International believes they are being held in at least three different locations in Ethiopia. Some, such as Bashir Ahmed Maktal and the two named Eritreans, are reported to be held in the police Central Investigation Bureau in the capital, Addis Ababa, otherwise known as Maikelawi. Others are most likely held in at Ethiopian military bases of Debre Zeit, southeast of Addis Ababa, and Jijiga, about 60 km from the border with Somalia.

Among those detained are several women and children, the youngest of whom is thought to be aged around four. Tunisian national Ines Chine was pregnant at the time of her arrest and had suffered a bullet wound to her back. She did not receive adequate medical care while in detention in Kenya, and Amnesty International is concerned her current detention continues to endanger her health and that of her unborn baby. Comorian national Halima Badrudine Hussein and Swedish national Sophia Abdi Nasir are both detained with their children, although the ages of their children is not known. Amnesty International believes that there may be another five women detained.

After repeatedly denying holding any prisoners transferred from Kenya and Somalia, the government of Ethiopia announced on 10 April that 29 of the transferred detainees would be released, having earlier freed five others. However, so far none of the 29 has been freed.

None of the detainees were taken to court or charged with a recognizable offence within the 48 hours prescribed by Ethiopian law. Several were questioned by US intelligence officers both in Kenya and Ethiopia, and most were denied access to consular personnel accredited to their countries.

BACKGROUND INFORMATION

In December 2006, war broke out in Somalia between the militias of the Council of Somali Islamic Courts (COSIC) and the Ethiopian troops supporting the Transitional Federal Government (TFG) of Somalia. After several days of fighting in the Somali capital, Mogadishu, the COSIC militias were defeated. In January, US and Ethiopian forces carried out several air strikes in southwestern Somalia, and the Ethiopian forces continued their ground operations in the region well into March 2007, with the official purpose of 'rooting out' any remnants of COSIC and possible al-Qa'ida fighters.

The conflict and continuing tension in Somalia has led to a large flow of asylum seekers seeking to cross the border into Kenya. However, on 2 January 2007, the Kenyan authorities announced the closure of their border for security reasons. Since December 2006, the Kenyan security forces have been patrolling the border and have arrested a number of those seeking to cross it. Kenya has deported at least 84 of those arrested back to Somalia. Two of those deported who were released in late March have confirmed that they were detained in Ethiopia. In addition, one man arrested in Kenya in March, Kenyan national Abdul Malik Mohamed, was transferred to the US prison camp in Guantanamo Bay, Cuba.

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

- expressing concern at reports of the continued detention, without charge or trial, of some 80 people arrested while trying to cross the Somali border with Kenya;
- calling for guarantees that they will be treated humanely in detention, and not tortured or ill-treated;
- urging the authorities to grant them immediate access to all necessary medical treatment, and to their lawyers and families;
- expressing concern at the reported detention of a number of children, and noting that Ethiopia is a state party to the UN Convention on the Rights of the Child, Article 37 of which states that "No child shall be deprived of his or her liberty unlawfully or arbitrarily... every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age";
- calling on the authorities to release the detainees immediately if they are not charged with a recognizably criminal offence;
- calling for the Ethiopian authorities to immediately disclose the whereabouts of the 80 detainees.

APPEALS TO:

Prime Minister

His Excellency Meles Zenawi, Office of the Prime Minister, PO Box 1031, Addis Ababa, Ethiopia

Fax: +251 11 1552020

Salutation: Dear Prime Minister

Minister of Foreign Affairs

Mr Seyoum Mesfin, Ministry of Foreign Affairs, PO Box 393, Addis Ababa, Ethiopia

Fax: +251 11 551 43 00

Email: mfa.addis@telecom.net.et

Salutation: Dear Minister

COPIES TO:

Minister of Justice

Mr Assefa Kesito, Ministry of Justice, PO Box 1370, Addis Ababa, Ethiopia

Fax: +251 11 5517775 / 5520874

Email: ministry-justice@telecom.net.et

Salutation: Dear Minister

and to diplomatic representatives of Ethiopia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 28 May 2007.