

The Honourable Jason Kenney
Minister of Citizenship and Immigration
Jean Edmonds South Tower, 13th Floor
365 Laurier Avenue West
Ottawa, ON K1A 1L1

11 February 2010

Dear Hon. Jason Kenney:

We are writing this letter to you with the utmost urgency and concern. We, at the Canadian Centre for Victims of Torture (CCVT), are highly disturbed by the news about the treatment of Eritrean refugees in Libya and their deplorable prison conditions. Over the past few months, Libyan authorities have provided Eritrean officials with access to Eritrean refugees in Libyan detention centres including Misrata, Zawya, Garbule, Surman and Zleitan. Officials have taken detainees' pictures and have tried to make them fill out forms, leading to certain identification and deportation. Those who have refused have been beaten severely by the Libyan security forces. Accordingly, several hundred of them are facing impending deportation to Eritrea. For all intents and purposes, this is a well-planned move towards refugees' enforced repatriation. We have been told that in Grabula-2 prison, detainees who suffer from hepatitis and skin rashes are locked up in isolation without treatment and without being informed about their diagnosis. They are in danger of deportation to Eritrea due to no reason but their illness. We have also received upsetting news about the Libyan practice of keeping refugees in detention indefinitely.

Libya has not yet ratified the 1951 Geneva Convention relating to the Status of Refugees and its 1967 Protocol. Libya has, however, acceded to the UN Convention against Torture and the African Refugee Convention. The country's 1969 Constitutional Proclamation is quite explicit about the principle of non-refoulement: "The extradition of political refugees is prohibited" and its Law 20 of 1991, On Enhancing Freedom, says, "The Jamahiriya supports the oppressed and...should not abandon the refugees and their protection."

On the basis of the above instruments, Libya is legally obligated to respect the non-derogable right of every human person not to be returned to torture and persecution. Through testimonies of our clients and sister agencies, we have valid records about systemic violations of the fundamental rights of humankind, including arbitrary detention and systemic torture, in Eritrea. The government of

Eritrea has imposed indefinite military service on Eritrean people and there is a "shoot to kill" order against those who dare to escape tyranny there.

Canada is one of the leading countries in advocating for the respect of basic human rights of refugees and has an international reputation for offering resettlement to vulnerable refugees. We appeal to you, honorable Minister, to collaborate with the United Nations High Commissioner for Refugees (UNHCR), and provide Eritrean refugees at great risk with the possibility of their future resettlement in Canada. Those who are in Canada should be assisted through an expedited process of family reunification. Please, Mr. Minister, urge the UNHCR to find a durable solution for Eritrean refugees in Libya and other African countries. I further appeal to you, Honourable Jason Kenney, to use all bilateral and multilateral means in pressuring the Libyan government to consider the following urgent demands:

1. Release those refugees who are detained in various Libyan detention centres;
2. Collaborate with the UNHCR to provide all possible protection to Eritrean refugees, including their registration and their access to medical, employment and educational services;
3. In collaboration with the UNHCR, provide refugees with the possibility of their future resettlement in other countries on an urgent basis;
4. Assure refugees of its fair and humanitarian treatment and its commitment against their forced repatriation;
5. Accede to the 1951 Refugee Convention and its 1967 Protocol.

Thank you for your consideration and I am looking forward to hearing from you.

Yours sincerely,

Mulugeta Abai
Executive Director