

# URGENT ACTION

## ASYLUM-SEEKER RISKS DEPORTATION, TORTURE

**Yemeni asylum-seeker Saeed Ali Shamrookh is at imminent risk of deportation from Switzerland to Yemen, where he would be at risk of torture and other ill-treatment, for his association with a Southern independence movement in Yemen.**

Saeed Shamrookh applied for asylum on arrival in Switzerland on 18 February 2010, but Swiss immigration authorities rejected his application on 9 March and ordered his detention pending removal from Switzerland. He was given five days in which to submit his appeal, in accordance with Swiss asylum procedures. His lawyer filed an appeal on 16 March, but the Swiss Federal Administrative Tribunal rejected it on 13 April. Saeed Shamrookh was transferred on 16 April from Zürich Kloten Transit Zone to the Zürich Kloten Airport Prison pending deportation. The Swiss authorities have obligations, both under domestic and international law, not to return anyone to a country where they would be at risk of torture and other serious human rights violations.

Saeed Shamrookh is understood to be closely associated with the opposition group Southern Movement in the province of Shabwa in south-east Yemen, which opposes government policies in the south of Yemen and calls for the independence of the south.

The Southern Movement has organized a number of protests over the government's failure to address discrimination against people from the south of the country. The government's response to these protests has been heavy-handed, with peaceful demonstrators being shot in the streets and those leading protests promoting local demands arrested and detained. Since the protests began in 2007, the security forces have arrested and detained, in many cases arbitrarily, thousands of demonstrators, bystanders, leaders of the Southern Movement and activists. Leaders of the Southern Movement and critics of government policies in the south of Yemen are repeatedly targeted by the Yemeni authorities. Amnesty International fears that Saeed Shamrookh would be in grave danger if forcibly returned to Yemen, and he might be a prisoner of conscience if he were imprisoned on return.

### **PLEASE WRITE IMMEDIATELY in French, German, Italian or your own language:**

- urging the Swiss authorities not to forcibly return Saeed Shamrookh to Yemen, as he is likely to face torture and other serious human rights violations if returned;
- calling on them to fulfil their obligations under international law to provide individuals at risk of serious human rights violations with international protection and ensure that Saeed Shamrookh is not forcibly sent to Yemen or any other country where he would be at risk of such violations;
- calling on them to allow Saeed Shamrookh the opportunity to challenge any decision on his deportation from Switzerland, including, if necessary, by submitting a new asylum claim with state-funded legal representation; and
- urging them to consider appropriate alternatives to detention, pending further review of Saeed Shamrookh's claim for international protection, and to provide him with legal assistance in order to challenge his continued detention.

### **PLEASE SEND APPEALS BEFORE 1 JUNE 2010 TO:**

Alard du-Bois Reymond  
 Director, Federal Office for Migration  
 Quellenweg 6  
 CH 3003 Bern-Wabern, Switzerland  
**Fax: +41 31 325 93 79**  
**Email: [info@bfm.admin.ch](mailto:info@bfm.admin.ch)**  
**Salutation: Dear Mr du-Bois**  
**Reymond**

Eveline Widmer-Schlumpf  
 Head of Department, Federal  
 Department of Justice and Police  
 Federal Palace, West Wing  
 CH 3003 Bern, Switzerland  
**Fax: +41 31 322 78 32**  
**Email: [info@gs-ejpf.admin.ch](mailto:info@gs-ejpf.admin.ch)**  
**Salutation: Dear Federal Councillor**

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date.

**AMNESTY  
 INTERNATIONAL**



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### ADDITIONAL INFORMATION

Switzerland's obligations under domestic and international law, including the 1951 Convention Relating to the Status of Refugees, the Convention against Torture and the European Convention on Human Rights, prohibit it from returning anyone to a country where they would be at risk of torture and other serious human rights violations.

Amnesty International has concerns about the Swiss asylum procedure, in particular as access to the asylum procedure can be refused to people without identity documents, and in many cases, state-sponsored legal representation can also be refused to those who cannot afford a lawyer during the initial asylum claim and decision. Moreover, irregular migrants can be detained pending expulsion for up to 18 months, including while their identity is determined.

Torture and other ill-treatment is widely reported in Yemen. Dozens of detainees held in connection with protests in the south of Yemen were reported to have been beaten and sprayed with tear gas at a prison in August 2009 after chanting demands for the south to be given independence, and for their own release. Seven detainees, who were seen as ringleaders, were reportedly suspended by their wrists and ankles for several hours, causing them severe pain.

Protests in the south of Yemen have been taking place sporadically for about three years. They began with protests by retired soldiers from the south, who have increasingly been complaining that they do not receive the same treatment in employment, salary and pensions as soldiers from the north of the country. Most of the retired soldiers are from the army of the former People's Democratic Republic of Yemen (PDRY), commonly known as South Yemen. Following the unification of the country in 1990, the armies of both the PDRY and the Yemen Arab Republic (YAR), commonly known as North Yemen, were merged into a single army for the new Republic of Yemen. However, after the civil war in 1994, which ended in the defeat of the south, many of the soldiers of the former PDRY were dismissed from the army. They, as well as those who remained in the current unified army, allege that they are subject to discrimination compared to soldiers originally from the army of the YAR. The Southern Movement appears to have emerged following these protests as well as being sparked by the general discrimination that the people in the south believe they face.

UA: 84/10 Index: EUR 43/001/2010 Issue Date: 20 April 2010

