

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Bosnia and Herzegovina: Stop taking measures to deport Imad Al Husein

Amnesty International is concerned that the actions taken by representatives of the State Agency for Foreigners (Agency) in Bosnia and Herzegovina (BiH) might lead to a forcible deportation of Imad Al Husein (known also as Abu Hamza) to Syria, a country where he would face serious risk of torture and other ill-treatment.

The organization is concerned that the measures undertaken by the Agency may pre-empt the upcoming decisions by the Court of BiH and by the European Court of Human Rights (ECtHR) in Strasbourg.

Following his appeal the Constitutional Court of BiH (CCBiH) decided on 4 October 2008 that the case of Imad Al Husein should be sent for a re-trial to the Court of BiH. According to the judgment by the CCBiH, the Court of BiH while considering the case should take into account the rights guaranteed by the European Convention on Human Rights.

Despite the above-mentioned judgment on 6 October 2008 Imad Al Husein was detained in the Immigration Centre in Lukavica to await the execution of a deportation order which had already been issued by the Agency prior to the CCBiH decision of 4 October 2008.

Amnesty International is concerned that the deportation order was issued despite the fact that the case is still pending before the BiH judiciary. In addition, as was ruled by the CCBiH, the judgment on which the deportation order was based was issued in violation of the European Convention on Human Rights.

Amnesty International considers the measures undertaken by the Agency to detain Imad Al Husein are not necessary to ensure compliance with his regular reporting to the Agency, as he has been undertaking this regularly. According to his lawyer Imad Al Husein has no intention to leave the country. Imad Al Husein is a father of six, currently taking care of his ill wife and their children. According to his lawyer he has been fully complying with all orders to report to the Agency.

Amnesty International has been urging the authorities of BiH to fulfil their obligations under the principle of non-refoulement by ensuring that Imad Al Husein would not be forcibly returned to a country where he would face serious risk of torture and other ill-treatment.

Background

Imad Al Husein came to the Socialist Federal Republic of Yugoslavia in 1983 to study first in Belgrade (Serbia) and later on in Rijeka (Croatia). In 1992, during the war in BiH he joined the Army of Bosnia and Herzegovina (Armija BiH) as a member of El Mujahid group. In 1994 he was granted citizenship of BiH. Since the end of the war he has been working for Muslim charities and has been actively involved in the Muslim movement in BiH.

In 2001 his citizenship was revoked by the authorities of the Federation of Bosnia and Herzegovina (FBiH – one of two semi-autonomous entities in Bosnia and Herzegovina). His appeals to the FBiH Supreme Court, the State Council of Ministers and the State Court respectively, have been rejected.

On 7 March 2007 Imad Al Husein filed an appeal against the above-mentioned decision to the Constitutional Court of BiH.

In May 2007 he was refused a temporary residence permit on the grounds of being a threat to national security. Subsequently, his asylum application and his request for temporary protection measures against deportation have been rejected.

On 22 January 2008 the Court of BiH rejected his appeal against the previous decisions to deny measures of temporary protection and asylum.

On 29 January 2008 the ECtHR requested the authorities in BiH to undertake temporary measures to stop the deportation pending the final decision of the CCBiH and for a period of seven days after the notification of its verdict.

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