

PUBLIC

AI Index: EUR 41/014/2008

18 July 2008

UA 205/08

Fear of forcible return/Fear of torture or other ill-treatment

SPAIN

Basel Ghalyoun (m), Syrian national

The Spanish authorities are preparing to forcibly return Basel Ghalyoun to Syria, where Amnesty International believes he would be at risk of torture and other ill-treatment. He was only told of the expulsion order on 17 July, when he was released from prison and immediately taken into custody. His lawyer has not had been given notification of the expulsion order and so is unable to submit an appeal. He may be expelled at any time.

Spain is a state party to several international treaties that expressly prohibit the return of anyone to a country where they would be at risk of torture, including the European Convention on Human Rights, the International Covenant on Civil and Political Rights and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Basel Ghalyoun was convicted by Spain's National Criminal Court in October 2007 of involvement in the 11 March 2004 bomb attack on commuter trains in Madrid that killed 191 people. However, on 17 July 2008 the Supreme Court acquitted him of all charges on appeal. The Court ruled that Basel Ghalyoun had Islamist views and had been in contact with some of the people responsible for the terrorist attack, but found no evidence indicating that he was personally involved in the actual attack. He left prison later that day, but was immediately told that he was under an expulsion order, and was taken into police custody to await expulsion to Syria. His lawyer has not been given a copy of the expulsion order, and neither he nor Basel Ghalyoun knew of its existence until Basel Ghalyoun was taken into custody.

Basel Ghalyoun arrived in Spain on a student visa in 2001. He later obtained a residency and work permit and was present legally in the country when he was arrested.

BACKGROUND INFORMATION

Torture and other ill-treatment is widespread in Syria's detention and interrogation centres. Anyone the authorities think is an Islamist, or possesses information about terrorism, is at particular risk.

Syrian national Muhammad Zammar was tortured after he was forcibly returned from Morocco in December 2001. He had been brought before a court in Hamburg, Germany, where he lived, on suspicion of involvement with the "Hamburg cell," a group said to include the presumed leaders of the 11 September 2001 attacks on the United States, but the German authorities did not have enough evidence to detain him. After he was forcibly returned to Syria he was held for nearly five years before he was put on trial, much of it incommunicado in solitary confinement, during which he was tortured. After a grossly unfair trial he was sentenced to 12 years' imprisonment for membership of the outlawed Muslim Brotherhood. The organisation denied having any connection with him, and no evidence of any such connection was presented at the trial.

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

- urging the authorities to ensure Basel Ghalyoun is able to exercise his right to appeal against the order to return him to Syria, and to halt any expulsion proceedings until his appeal has been considered;
- urging the authorities not to forcibly return Basel Ghalyoun to Syria, where he would be in grave danger of torture and other ill-treatment, or to any other country from which he might be sent on to Syria;
- pointing out that to forcibly return Basel Ghalyoun to Syria would be a breach of Spain's obligations under the European Convention on Human Rights, the International Covenant on Civil and Political Rights and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

APPEALS TO:

Minister of the Interior

Excmo. Sr. D. Alfredo Pérez Rubalcaba

Fax: +34 91 537 14 83

**Email: (via his secretary, Belen Gimenez: ask her to forward your message to the Minister)
bgimenez@mir.es**

Salutation: Dear Minister / Estimado Señor

Local government representative in Madrid

Sra. D^a Soledad Mestre García

Fax: +34 91 272 91 90

Salutation: Dear Madam / Estimada Señora

and to diplomatic representatives of Spain accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 29 August 2008.