

EXTERNAL

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Fear of refoulement / Fear for safety

28 August 1996

SYRIA / HUNGARY

Anthony Zakaria Laki, Sudanese asylum-seeker

Samuel Lado Zakaria, Sudanese asylum-seeker

Amnesty International has learned with grave concern that within the next few days, two Sudanese asylum-seekers, Anthony Zakaria Laki and Samuel Lado Zakaria, may be forcibly returned from Syria to Sudan where they would be at serious risk of detention and torture.

The two brothers had claimed asylum in Hungary in early June 1996 but had their claims rejected and were expelled within a matter of days to Syria, the country through which they had travelled. Since then they have been in detention in Syria, mainly in Yarmuk immigration prison.

The two brothers are Christians from the South of Sudan. Anthony Zakaria Laki is a soldier, possibly a conscript, and deserted the Sudanese military upon fleeing the country. As a deserter, Anthony Zakaria Laki is likely to be detained upon returning to the country, and is at serious risk of being tortured. Amnesty International fears that Samuel Lado Zakaria would also face the same fate, as an accomplice to military desertion.

If carried out, the forcible expulsion of the two Sudanese brothers would be a grave violation of the internationally recognised principle of non-refoulement. This principle states that no individual should be forcibly returned, directly or indirectly, to a country where he or she would face serious human rights violations. Therefore, it would be Hungary as well as Syria whose actions contravened this principle of international law.

BACKGROUND INFORMATION

Deserters from the Sudanese military are at grave risk of serious human rights violations if returned to the Sudan. They are liable to be arrested immediately upon arrival and detained. They would most likely face ill-treatment during their detention and there is as well a possible risk of torture. They might in addition be forced to serve in the military in war zones in the South of the country.

Amnesty International has in recent months received information regarding numerous cases of Sudanese asylum-seekers deported from European countries to Syria. The military government of Sudan is openly friendly with the current Syrian regime, and the organization fears that in many cases the asylum-seekers are subsequently *refouled* to Sudan. Amnesty International is not aware of any procedures existing in Syria whereby individuals fearing human rights violations in their country can obtain request and obtain effective and durable protection.

Amnesty International has written twice to the Syrian authorities about the two brothers named above, on 4 July and 12 August, but has received no reply.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Arabic, English or your own language:

A: To the Syrian authorities:

- Pointing out that the internationally recognised principle of non-*refoulement* is binding on all states, regardless of whether or not they have ratified specific conventions on the rights of refugees;
- Urging the authorities to release the two brothers from detention and afford them effective and durable protection from *refoulement*;
- Urging the authorities to establish adequate procedures whereby those individuals at risk of serious human rights violations if returned to their country could obtain effective and durable protection.

His Excellency Dr Muhammad Harba
Minister of the Interior
Merjeh Circle, Damascus
Syrian Arab Republic
Telegrams: Interior Minister, Damascus, Syria
Telexes: 411018 AFIRS.SY
Salutation: Your Excellency

His Excellency
Faraq al-Shar'a
Minister of Foreign Affairs
Ministry of Foreign Affairs
Al-Rashid Street, Damascus
Syrian Arab Republic
Telegrams: Foreign Minister, Damascus, Syria
Salutation: Your Excellency

B: To the Hungarian authorities:

- Expressing concern that the two brothers were refused effective and durable protection in Hungary and that consequently they may be *refouled* to Sudan, where they face grave human rights violations;
- Reminding the authorities of their treaty obligation under the 1951 Convention Relating to the Status of Refugees to abide by the principle of non-*refoulement*;
- Urging the authorities to seek assurances from the Syrian government that the two men will not be *refouled* to Sudan;
- Urging the authorities to establish an adequate procedure whereby those individuals at risk of human rights violations if returned to their country could obtain effective and durable protection;

Gábor Kuncze
Minister of Interior
József Attila u. 2-4
1051 Budapest
Hungary
Telegrams: Interior Minister, Budapest, Hungary
Telexes: 22-5216
Salutation: Dear Minister

President Árpád Göncz
Office of the President
Kossuth Lajos tér 1-3
1055 Budapest V
Hungary
Telegrams: President, Budapest, Hungary
Faxes: +361 268 4183
Salutation: Dear President

COPIES TO: diplomatic representatives of Syria / Hungary accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 28 September 1996.