

PUBLIC

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UA 351/02      Forcible return/Incommunicado detention/fear of torture or ill-treatment

SYRIA/ITALY    **Muhammad Sa'id al-Sakhri (m), aged 44, engineer**  
**Maysun Lababidi (f), aged 31**  
**Ragda al-Sakhri (f), aged 11**  
**Muhammad al-Sakhri (m), aged 9**  
**Marwa al-Sakhri (f), aged 6**  
**Rudina al-Sakhri (f), aged 2**

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Amnesty International is concerned at the reported incommunicado detention of Syrian citizen Muhammad Sa'id al-Sakhri, his wife Maysun Lababidi and their four children. Italian authorities forcibly returned them to Syria on 28 November and their relatives have not heard from them since. It is feared that they may be held at one of the Syrian intelligence interrogation centres in Damascus, where torture of detainees is routine.

Muhammad Sa'id al-Sakhri and his family arrived in Milano airport in Italy on 23 November having travelled from Baghdad in Iraq via Amman in Jordan. The family had lived in exile in Baghdad for more than 11 years. Upon arrival in Italy the family applied for political asylum. According to their lawyer, who was refused access to them, the family were denied an asylum interview by the Italian authorities, who refused to consider their application. The family was then deported to Syria on 28 November.

Muhammad Sa'id al-Sakhri may be tortured or ill-treated, given his opposition to the Syrian government. In 1982, he was reportedly charged by the Syrian authorities with membership of the unauthorized Muslim Brotherhood Organization, whose armed faction was involved in violent confrontations with the Syrian security forces in the late 1970s and 1980s. Syrian opposition figures returning home voluntarily or after being forcibly returned by other governments are especially in danger of arrest, torture or ill-treatment. Earlier this year, a former member of the unauthorized Muslim Brotherhood Organization who voluntarily returned from exile to Syria died in custody.

#### **BACKGROUND INFORMATION**

Amnesty International considers the forcible return to Syria, without examination of the claim for protection in a full, fair and satisfactory asylum procedure, to be a violation of the principle of *non-refoulement*. This prohibits the forcible return of a person to a country where their life or freedom would be threatened. It is a principle of international law, which binds all states.

Italy is a state party to the Convention relating to the Status of Refugees and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which specifically prohibit forcible return in these circumstances. Syria is a party to the International Covenant on Civil and Political Rights which prohibits torture, cruel, inhuman or degrading treatment or punishment.

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

**To the Syrian authorities:**

- expressing concern for the safety of Muhammad Sa'id al-Sakhri and his family, who are being held at an unknown location in Syria;
- calling for the immediate release of Muhammad Sa'id al-Sakhri and his family unless they are to be charged with a recognizably criminal offence;

- urging that they will be treated humanely and not subjected to torture or ill-treatment in detention;
- asking that the whereabouts of Muhammad Sa'id al-Sakhri and his family are disclosed and that they be allowed immediate and unrestricted access to a lawyer and their family;
- recalling that Syria is bound by international law to observe these minimum standards of treatment.

**To the Italian authorities:**

- expressing concern that the deportation to Syria placed Muhammad Sa'id al-Sakhri and his family at risk of human rights violations including incommunicado detention, torture and ill-treatment;
- seeking an explanation as to why Muhammad Sa'id al-Sakhri and his family were not given access to a fair and satisfactory asylum procedure;
- stressing that the forcible return of any person to a country where they are at risk of torture or ill-treatment is a violation of the principle of *non-refoulement*;
- highlighting that Italy is bound by the principle of *non-refoulement* as a party to the Convention relating to the Status of Refugees and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- urging the authorities to take all possible steps to ensure that, Muhammad Sa'id al-Sakhri and his family's rights are fully restored including ensuring respect for the right not to be subjected to torture, cruel, inhuman or degrading treatment or punishment, the right of anyone to be informed of the reasons for detention and to be able to challenge the lawfulness of detention, to the presumption of innocence, to prompt access to and the assistance of a lawyer, and to be able to communicate with, and receive visits from family and friends.

**APPEALS TO:**

**To the Syrian authorities:**

His Excellency President Bashar al-Assad  
 President of the Republic  
 Presidential Palace  
 Abu Rummaneh, Al-Rashid Street  
 Damascus, Syrian Arab Republic  
**Fax: + 963 11 332 3410**  
**Telegrams: President al-Assad, Damascus, Syria**  
**Telexes: 419160 prespl sy**  
**Salutation: Your Excellency**

His Excellency Major General Ali Hammud  
 Minister of the Interior  
 Ministry of Interior  
 Merjeh Circle  
 Damascus, Syrian Arab Republic  
**Fax: + 963 11 222 3428**  
**Telegrams: Interior Minister, Damascus, Syria**  
**Telexes: 411016 AFIRS SY**  
**Salutation: Your Excellency**

**To the Italian authorities:**

Onorevole Giuseppe PISANU  
 Minister of the Interior/Ministro dell'Interno  
 Ministry of the Interior/ Ministero dell'Interno  
 Palazzo Viminale  
 via Agostino Depretis  
 00184 Rome  
 ITALY  
**Fax: + 39-06 47 41717**  
**Salutation: Dear Minister**

Onorevole Franco Frattini  
Minister of Foreign Affairs/Ministro degli affari esteri  
Ministry of Foreign Affairs/Ministero degli affari esteri  
Piazzale della Farnesina, 1  
00194 Rome, ITALY

**Fax: +39 06 / 36914199**

**Salutation: Dear Minister**

**COPIES TO** diplomatic representatives of Syria and Italy accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 15 January 2003.