

EXTERNAL

AI Index: AMR 20/02/97

EXTRA 86/97 + CORRECTIONS

Fear of refoulement/Fear for safety

11 June 1997

CANADAHani Abd al-Rahim al-Sayagh, aged 27

Amnesty International is concerned at reports that Hani Abd al-Rahim al-Sayagh, a Saudi Arabian national currently in detention in Canada, is at imminent risk of deportation to countries where he would be at risk of serious human rights violations.

Hani Abd al-Rahim al-Sayagh arrived in Canada in August 1996 seeking asylum. He was arrested on 18 March 1997 in Ottawa, reportedly in connection with the bombing of the US military complex in al-Khobar, Saudi Arabia in June 1996 which resulted in the death of 19 US servicemen and injury of others. On 5 May 1997, a federal court ruled him to be a "terrorist or member of a terrorist group", a ruling against which there was no opportunity to appeal. A conditional deportation order against him was issued on 14 May which came into effect on June 4 following a decision by the Minister of Immigration and Citizenship not to hear his refugee claim. The deportation of Hani Abd al-Rahim al-Sayagh is likely to take place following the routine seven-day period under which the order is stayed. Although it has not been stated where Hani Abd al-Rahim will be deported to, it appears likely that he will be sent to Saudi Arabia or the United States of America. Amnesty International is concerned that Hani Abd al-Rahim al-Sayagh, if charged in connection with an act of terrorism, may face torture and/or execution in Saudi Arabia, or execution in the USA.

In Saudi Arabia, "terrorist" offences are legally punishable by death. Those charged with such capital offences are, as a rule, denied the right to a fair trial. In violation of international standards, they are denied adequate opportunity to be defended by lawyers, and confessions, even when obtained as a result of torture, are used by courts as evidence, and may be the sole evidence upon which a conviction is based. Fears of Hani Abd al-Rahim al-Sayagh being returned to Saudi Arabia are heightened following the recent deportation of Bandar Bin Fahd al-Shihri, another Saudi Arabian national asylum-seeker in Canada who was returned to Saudi Arabia on 29 May (see background information below).

If sent to the USA and charged with causing the death of the 19 US servicemen referred to above, Hani Abd al-Rahim al-Sayagh could face execution under US federal law.

While Amnesty International recognizes the right of states to bring to justice anyone suspected of recognizably criminal offences it opposes the use of torture and the death penalty in all cases. The organization is urging the Canadian authorities to ensure Hani Abd al-Rahim al-Sayagh is not at risk of being subjected to torture or execution, irrespective of any accusation that might be brought against him by Saudi Arabia or the United States of America. If sufficient evidence is available, he could be brought to justice in Canada or under the jurisdiction of another country where he will be assured of a fair trial, and would not be at risk of torture or the death penalty.

BACKGROUND INFORMATION

Amnesty International wrote to the Canadian Minister of Justice and Attorney General in March 1997 concerning Hani Abd al-Rahim al-Sayagh and Bandar Bin Fahd al-Shihri, another Saudi Arabian national in detention in Canada at that

time. The organization provided the Minister with information relating to the risks of torture and execution that both individuals could face if returned to Saudi Arabia, and urged that this be taken into account in consideration of their cases, in line with the internationally-recognized principle of *non-refoulement*. This principle, as expressed in both the 1951 Convention relating to the Status of Refugees and Article 3 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (both of which Canada is a state party to), prohibits the forcible return of any person to a country where he or she risks serious human rights violations. Article 3 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment provides for no exceptions, and states under no circumstances may a state return a person to a country where he or she could be at risk of torture. No response has been received from the Canadian authorities.

Bandar Bin Fahd al-Shihri was deported from Canada to Saudi Arabia on 29 May 1997. Reports allege that he is currently in detention in Riyadh. Amnesty International has written to the Saudi Arabian Government seeking clarification of his detention and calling for his immediate and unconditional release if he is held solely for his conscientiously held beliefs. To date, no response has been received from the government.

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

- expressing concerns that if deported Hani Abd al-Rahim al-Sayagh would be at risk of torture and/or execution in Saudi Arabia, or execution in the USA, and urging the Canadian authorities to ensure that he would not be put at such risk irrespective of the accusations against him;
- calling for an end to the forcible return of any persons to a country where they may risk serious human rights abuses, in accordance with the 1951 Convention relating to the Status of Refugees and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Canada is a state party.

APPEALS TO:

Minister of Justice and Attorney General
 The Honourable Alan Rock
 Department of Justice
 Justice Building
 Ottawa
 Ontario K1A 0H8
 Canada

Salutation: Dear Minister

Faxes: +1 613 990 7255

Minister of Citizenship and Immigration
 The Honourable Lucienne Robillard
 Place du Portage 1, 23rd Floor
 50 rue Victoria
 Hull
 PQ, K1A 1L1
 Canada

Salutation: Dear Minister

Faxes: +1 613 957 2688

Solicitor General of Canada
The Honourable Herb Gray
Sir Wilfred Laurier Building
340 Laurier Avenue West
Ottawa
Ontario K1A 0P8
Canada
Telegrams: Solicitor General Gray,
Salutation: Dear Minister
Faxes: +1 613 952 2240

COPIES TO: diplomatic representatives of CANADA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 9 July 1997.

CORRECTION

Please Note:

Due to elections, some of the postholders listed in the appeal addresses for the Canada authorities have changed.

The Minister of Justice/Attorney General is the Honourable Anne McLellan

The Solicitor General is The Honourable Andrew Scott

Lucienne Robillard remains the Minister of Citizenship and Immigration.

Also Telegrams:

Justice Minister, Ottawa, Canada
Minister Lucienne Robillard, Quebec, Canada
Solicitor General, Ottawa, Canada

So any further appeals, where possible should go to these new postholders.