

16 March 2007

UA 67/07 Forcible return/ Fear of torture and ill-treatment/ death sentence

SYRIA/ IRAN Ali Bouazar (m), aged 24  
Kamal Nawaseri (m), aged 25  
Afnan Yousuf Azizi Bani Toruf (m), aged 23  
Salahuddin Hilali Majd Sawari (m), aged 24  
Ahmad Assadi (m), aged 28  
Jaber Obeyat (m), aged 20

The six Iranian Arab men named above, most of them students at the University of Damascus, were arrested in the Syrian capital Damascus on 5 March. It is believed that two of them, Ali Bouazar, who reportedly faces a death sentence in Iran, and Kamal Nawaseri, may have been forcibly returned to Iran on the day of their arrest. The remaining four men are reportedly held incommunicado at an unknown location, where they are at risk of torture and of being forcibly returned to Iran. If returned, they would face persecution and, in at least one case, the death penalty.

According to reports, five of the six men are UN-recognized refugees and the sixth man is an asylum seeker. The Syrian authorities reportedly denied personnel from the United Nations High Commissioner for Refugees (UNHCR) access to the men and have not yet confirmed whether any forcible return took place.

Ali Bouazar reportedly arrived in Syria around the end of December 2006, having fled Iran after being sentenced to death by a Revolutionary Court there. Kamal Nawaseri arrived in Syria around August 2006 and, as a refugee, was reportedly accepted for resettlement in the US. Ali Bouazar was reportedly forcibly returned to Iran about 12 hours after his arrest. Kamal Nawaseri may also have been forcibly returned at the same time. The whereabouts of both men are unknown.

Afnan Yousuf Azizi Bani Toruf, a civil engineering student, has reportedly been accepted for resettlement in Australia. He is the son of Yousuf Azizi Bani Toruf, a journalist and member of the Writers' Association (*Kanoun-e Nevisandigan*) in Iran. Yousuf Azizi Bani Toruf was arrested on 25 April 2005, after condemning the Iranian security forces' violent suppression of anti-government demonstrations in Khuzestan province. He was released on 28 June 2005 (see UA 109/05, MDE 13/020/2005, 6 May 2005 and follow-up).

Salahuddin Hilali Majd Sawari and Jaber Obeyat are both students at the University of Damascus. Ahmad Assadi, an Arabic literature student, was reportedly arrested at his place of work in a hotel in Damascus. His room at the university was searched and some of his possessions were confiscated.

#### BACKGROUND INFORMATION

Much of Iran's Arab community lives in the province of Khuzestan, which borders Iraq. Following mass demonstrations in April 2005, and bombings which took place in Ahvaz city in Khuzestan in June and October 2005 and in January 2006, hundreds have been arrested and there have been reports of torture and at least 10 men have been executed following unfair trials. At least 15 Iranian Arabs are reportedly under sentence of death, apparently having been designated as "*mohareb*" (at enmity with God) (see UA 57/06, MDE 13/023/2006, 10 March 2006 and follow up; and UA 301/06, MDE 13/126/2006, 13 November 2006 and follow up). The charges they face include involvement in the bombings, distributing material against the state, and endangering state security. Amnesty International recognizes the right and responsibility of governments to bring to justice those suspected of criminal offences, but is unconditionally opposed to the death penalty as the ultimate violation of the right to life.

Four Iranian men of Arab ethnicity are believed to have been forcibly returned to Iran in 2006 (see UA 132/06, MDE 24/037/2006, 15 May 2006 and follow ups). At least one of these men is facing a death sentence.

Syria is a State Party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which prohibits the return of any individual to a country where they would be at risk of torture or ill-treatment.

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

**To the Iranian authorities:**

- seeking clarification of whether Ali Bouazar and Kamal Nawaseri were forcibly returned to Iran;

- if they have been returned and are in Iranian custody, expressing concern for the safety of Ali Bouazar and Kamal Nawaseri and asking the Iranian authorities to disclose the place of detention of the two men, and give them immediate access to lawyers, their family, interpreters, and any medical treatment they may require;
- asking for details of any charges or verdicts against them, and, if held, calling on the authorities to release them immediately unless they are to be promptly charged with a recognizably criminal offence;
- seeking assurances that, if held, they are not being tortured or ill-treated.

**To the Syrian authorities:**

- expressing grave concern that the Syrian authorities may have forcibly returned two Iranian Arab men, Ali Bouazar and Kamal Nawaseri, recognized refugees, to Iran on 5 March 2007 where they would be at risk of torture, ill-treatment or the death penalty and asking for clarification of their current whereabouts;
- expressing concern that the remaining four men named above (naming them) are facing forcible return to Iran, where they would be at risk of torture, ill-treatment or the death penalty, and calling on the Syrian authorities to ensure that are not returned to Iran, either directly or via any third country;
- expressing concern that this is in violation of Syria's obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and contravenes the principle of *non-refoulement*, which prohibits the return in any manner whatsoever of any person to a situation where they would be at risk of torture, ill-treatment, or other serious human rights abuses.

**APPEALS TO:**

**Iranian authorities:**

Leader of the Islamic Republic

Ayatollah Sayed 'Ali Khamenei,

Leader of the Islamic Republic

The Office of the Supreme Leader, Shahid Keshvar Doost Street, Tehran. Islamic Republic of Iran

**Fax: +98 251 7774 2228 (mark "For the Office of His Excellency, Ayatollah Khamenei")**

**Email: Via website, in English: <http://www.leader.ir/langs/EN/index.php?p=sendletter>**

**Salutation: Your Excellency**

Head of the Judiciary

Ayatollah Mahmoud Hashemi Shahroudi

Ministry of Justice, Ministry of Justice Building, Panzdah-Khordad Square, Tehran, Islamic Republic of Iran

**Fax: + 98 21 3390 4986 (please keep trying; send appeals by post or email if you cannot get through)**

**Email: [info@dadgostary-tehran.ir](mailto:info@dadgostary-tehran.ir) (In the subject line write: For the attention of Ayatollah Shahroudi)**

**Salutation: Your Excellency**

**Syrian authorities:**

President

His Excellency Bashar al-Assad, Presidential Palace, Abu Rummaneh, al-Rashid Street

Damascus, Syrian Arab Republic

**Fax: + 963 11 332 3410**

**Salutation: Your Excellency**

Minister of the Interior

His Excellency Major General Bassam Abdel Magid, Ministry of Interior, 'Abd al-Rahman Shahbandar Street

Damascus, Syrian Arab Republic

**Fax: + 963 11 2223428**

**Salutation: Your Excellency**

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

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 27 April 2007.

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