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Appeal Case Update 2 – Syria

Deported to where?! Incommunicado detention, torture and unfair trials of forcibly returned Syrians

14/07/2006

AI INDEX: MDE 24/048/2006

This second update to *Appeal Case* (MDE 24/085/2005) and its first update (MDE 24/017/2006) includes new pieces of information relating to the following cases:

Muhammad Osama Sayes
‘Abd al-Rahman al-Musa
Nabil al-Marabh
Ahmet Muhammad Ibrahim
Muhammad Fa’iq Mustafa

Muhammad Osama Sayes was convicted by the Supreme State Security Court (SSSC) on 25 June 2006 under Law 49 of 1980, which states that membership of or affiliation to the Muslim Brotherhood (MB) is punishable by execution. As is usual in such cases, Muhammad Osama Sayes’ death sentence was immediately commuted to 12 years’ imprisonment. Amnesty International has repeatedly raised concerns that the SSSC procedures fall far short of international standards for fair trial.

Muhammad Osama Sayes was deported from the UK, via Amsterdam’s Schiphol airport, in May 2005, after his asylum claim in the UK was rejected, despite his known membership of the outlawed MB. He was arrested on arrival in Damascus and transferred to the Political Security branch in Damascus. He was reportedly held in incommunicado detention, without access to visits from his family or a lawyer putting



Muhammad Osama Sayes © private

him at greater risk of torture and ill-treatment, until January 2006. He is now thought to be held in Sednaya prison and is said to be receiving family visits.

‘**Abd al-Rahman al-Musa** was also convicted on or around 27 June 2006 by the SSSC under the same law, for membership of or affiliation to the MB. Again, he was sentenced to death immediately commuted to 12 years’ imprisonment.

‘Abd al-Rahman al-Musa has been detained since he was deported on 19 January 2005 from the US via Amsterdam’s Schiphol airport, despite his known, previous affiliation to the MB. According to our information he has been held largely in incommunicado detention but is apparently now receiving at least some visits from his family. He is thought to remain in Sednaya prison.

Amnesty International considers these two men to be prisoners of conscience held solely for their non-violent beliefs. (See also AI Public Statement Syria:

Rejected asylum-seeker deported from UK sentenced to 12 years’ imprisonment after unfair trial: at <http://web.amnesty.org/library/Index/ENGMDE240462006?open&of=ENG-SYR>).

Meanwhile, **Nabil al-Marabh** remains in ‘Adra prison awaiting a final decision by the SSSC apparently on charges relating to “subversion”. Reportedly, according to the Syrian government, the charges also relate to forging a passport, using false documents and “spreading false information abroad”.

In January 2004, Nabil al-Marabh was deported to Syria from the USA as an illegal alien. In May 2004, he went to register for military service in Damascus and was reportedly detained by two Syrian intelligence officers. There was then no word of him for over one year. He apparently began to receive monthly family visits from the end of 2005. He is currently held in ‘Adra prison outside Damascus. He does not have access to a lawyer.

The UN Working Group on Arbitrary Detention (WGAD) has considered all the above cases including another two which were also the subject of this Appeal prior to their release: **Ahmet Muhammad Ibrahim** (released on 22 January 2006) and **Muhammad Fa’iq Mustafa** (released on 3 November 2005) (see previous update). The WGAD found that each of the men are or have been subject to arbitrary detention which is a contravention of international human rights law, including the International Covenant for Civil and Political Rights (ICCPR) to which Syria has been a state party since 1969.



'Abd al-Rahman al-Musa © private



Nabil al-Marabh © private

Detention is arbitrary where there it has no legal basis, for example where an individual is held without charge or trial or after the expiry of his or her sentence; and where the individual has not been allowed the right to a fair trial.

The detention of Muhammad Osama Sayes, ‘Abd al-Rahman al-Musa, Nabil al-Marabh, Ahmet Muhammad Ibrahim and Muhammad Fa’iq Mustafa has contravened their rights enshrined in the ICCPR. Under the ICCPR, they are entitled to a fair and prompt “hearing by a competent, independent and impartial tribunal established by law”; to be informed promptly and clearly of charges against them; to be given access to legal counsel; and the right to appeal a conviction and / or sentence before a higher court. Over the years, Amnesty International has documented a great deal of evidence showing how trials held before the SSSC are grossly unfair. Its verdicts are not subject to appeal, defendants have restricted access to lawyers, judges are granted wide discretionary powers and “confessions” allegedly extracted under torture are accepted as evidence.

The WGAD also expressed its opinion that the forcible return of individuals to states where they face the risk of torture and other ill-treatment and/or being subject to trials which do not meet international standards for fair trial is a violation of both the ICCPR and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) to which Syria acceded in 2004. This refers to the forcible removal by the UK of Muhammad Osama Sayes, via the Netherlands; by the US of ‘Abd al-Rahman al-Musa, via the Netherlands.

Amnesty International remains gravely concerned that dozens of Syrians are subjected to unfair trials before the SSSC as well as the Field Military Court. For example, according to reports from the media and Syrian human rights defenders, on 25 June three Syrians - Yousef Omar Hussein, Muhammad Thabet Hilli and Fuad ‘Ali al-Shughri, were also sentenced to death by the SSSC for belonging to the MB. Their sentences were commuted to 12 years imprisonment. They were reportedly were arrested in 2005 when they returned to Syria, having left in the early 1980s.

The above cases highlight Amnesty International’s continuing concerns about scores of Syrian nationals being detained for prolonged periods without charge or trial, including individuals who were forcibly returned or returned voluntarily to Syria; and the sentencing following unfair trials of individuals alleged to be linked to the MB, effectively violating their right to freedom of expression. Amnesty International is concerned for the three men who remain in prison.

For further information on all these cases see the original *Appeal Case – Syria: Deported to where?! Incommunicado detention and torture of forcibly returned Syrians*, AI Index: MDE 24/085/2005, 19/09/2005. (Link:

<http://web.amnesty.org/library/Index/ENGMDE240852005?open&of=ENG-SYR> and

update: MDE 24/017/2006, see link:

<http://web.amnesty.org/library/Index/ENGMDE240172006?open&of=ENG-SYR>

WHAT YOU CAN DO:

- call for the immediate and unconditional release of **Muhammad Osama Sayes** and **‘Abd al-Rahman al-Musa** pointing out that they received grossly unfair trials and are prisoners of conscience held solely for their non-violent beliefs;
- expressing concerns about **Nabil al-Marabh’s** ongoing trial before the SSSC whose standards fall far short of international standards for fair trial;
- calling also for the immediate and unconditional release of **Nabil al-Marabh** since he is being subject to arbitrary detention;

- calling upon the Syrian authorities to take all measures to ensure that **Muhammad Osama Sayes**, **‘Abd al-Rahman al-Musa** and **Nabil al-Marabh** are given regular access to visits from family members, lawyers and to any medical assistance they may require;
- reminding them of the opinion of the WGAD and their obligations to ensure the right to a fair trial under the ICCPR;
- reminding the Syrian authorities that all allegations of torture should be investigated, that alleged perpetrators should be brought to justice, that any “confession” extracted as a result of torture or ill-treatment should be declared inadmissible in court, and that victims and their families be compensated, in line with Syria’s obligations to the UN Convention against Torture, to which it acceded in 2004;
- informing the relevant authorities in the UK (re **Muhammad Osama Sayes**), in the US (re **‘Abd al-Rahman al-Musa** and **Nabil al-Marabh**); and in the Netherlands (re **Muhammad Osama Sayes** and **‘Abd al-Rahman al-Musa**), of the situation of the above-named deportees to Syria and reminding them that the forcible return of individuals at risk of torture or ill-treatment is a violation of obligations under the UN Convention Against Torture, of the principle of non-refoulement under the 1951 Refugee Convention, and of customary international law;
- pointing out that the WGAD decided that these men have been arbitrarily detained following their forcible removal to Syria.

Write your appeals to one or more of the following:

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
Salutation: Your Excellency

His Excellency General Hassan Ali Turkmani
 Minister of Defence
 Ministry of Defence
 Omayyad Square
 Damascus
 Syrian Arab Republic
Fax: +963 11 223 7842
Salutation: Your Excellency

US authorities:

The Honorable Condoleeza Rice
 Secretary of State
 US Department of State
 2201 C Street, N.W.
 Washington DC 20520
Fax: + 1 202 261 8577
E-mail: Secretary@state.gov
Salutation: Your Excellency

Dutch authorities:

Mrs M C F Verdonk
Minister of Immigration Affairs and Integration
Ministry of Justice
PO Box 20301
2500 EH THE HAGUE, Netherlands

Fax: + 31 70 370 79 39

Salutation: Your Excellency

UK authorities:

The Right Honourable John Reid MP
Secretary of State for the Home Department
Home Office
2 Marsham Street
London SW1P 4DF
United Kingdom

Fax: + 44 207 273 3429 / 4034

Salutation: Dear Secretary of State

and to diplomatic representatives of Syria, the UK, the US and the Netherlands accredited to your country.