

PUBLIC

AI Index: MDE 24/004/2003

15 January 2003

Further Information on UA 351/02 (MDE 24/050/2002, 4 December 2002) and follow-up (MDE 24/052/2002, 17 December 2002) - Forcible return/Incommunicado detention/ Fear of torture and 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

Muhammad Sa'id al-Sakhri is reportedly being held in incommunicado detention at a branch of the military intelligence in Aleppo in Northern Syria. Amnesty International fears that he remains at a high risk of torture and ill-treatment given his alleged former membership of the unauthorized Muslim Brotherhood.

Maysun Lababidi and their four children have been released and are staying with relatives in the town of Hama. Maysun Lababidi has to report to the security forces every week and she is reportedly prohibited from leaving the town of Hama.

On 28 November 2002, Italian authorities forcibly returned Muhammad Sa'id al-Sakhri, his wife Maysun Lababidi and their four children to Syria without examining their claim for protection in a full, fair and satisfactory asylum procedure.

BACKGROUND INFORMATION

In July 1980, the Syrian government passed Law 49 making membership of the Muslim Brotherhood a crime punishable by the death penalty. The law was passed in the wake of violent clashes between the security forces and armed factions of the Muslim Brotherhood. These had begun in the late 1970's and intensified during the first months of 1980. The clashes resulted in many civilian deaths and a number of government officials were assassinated by armed factions of the Muslim Brotherhood. In June 1980, between 600 and 1,200 suspected Muslim Brotherhood supporters who had been arrested, were reportedly extra-judicially executed in Tadmur Military Prison, where they had been held. The crackdown by the security forces continued into 1982 and culminated in the Hama massacre in February that year. Several thousand suspected members, supporters, or relatives of the Muslim Brotherhood were detained and hundreds "disappeared" following these events.

Scores of people have been detained during the past year following their return to Syria after years in exile. Muhammad Hasan Nassar died in custody after being detained incommunicado for a week. He was arrested on 17 March on his voluntary return to Syria after a long period of exile in Jordan. Muhammad Hasan Nassar, a teacher, married with nine children, reportedly fled Syria in 1980 following violent confrontations between the Muslim Brotherhood and the Syrian authorities. He was reportedly suffering from serious physical and psychological diseases, and required constant care.

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

- calling for the immediate release of Muhammad Sa'id al-Sakhri unless he is to be charged with a recognizably criminal offence;
- urging that he will be treated humanely and not subjected to torture or ill-treatment in detention;
- demanding that he be allowed immediate and unrestricted access to a lawyer, his family and any medical treatment he might need;
- calling for all restrictions imposed on Maysun Lababidi including the travel ban to be lifted;
- recalling that Syria is bound by international law to observe these minimum standards of treatment;

To the Italian authorities:

- 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;
- 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, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

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

and to diplomatic representatives of Syria/Italy accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 25 February 2003.