

AMNESTY INTERNATIONAL

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Spain: Amnesty International condemns forcible return of Basel Ghalyoun to Syria.

London - Amnesty International condemns the forcible return of Basel Ghalyoun to Syria, which took place on 22 July 2008, despite warnings to the Spanish authorities that he would be at risk of torture and other ill-treatment. Amnesty International believes that in Syria, Basel Ghalyoun is certainly at risk of torture and other ill-treatment. He was only told of the expulsion order on 17 July, when he was released from prison and immediately taken into custody. On 20 July, his lawyer submitted the case to the European Court of Human Rights asking for, among others, a precautionary measure to suspend the forcible return. According to his lawyer, however, he was notified by phone that the Court rejected such claim.

Amnesty International believes that this forcible return took place in breach of international human rights law and standard. Spain is a state party to several international treaties that expressly prohibit the return of anyone to a country where they would be at risk of torture, including the European Convention on Human Rights, the International Covenant on Civil and Political Rights and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Basel Ghalyoun was convicted by Spain's National Criminal Court in October 2007 of involvement in the 11 March 2004 bomb attack on commuter trains in Madrid that killed 191 people. However, on 17 July 2008 the Supreme Court acquitted him of all charges on appeal. The Court ruled that Basel Ghalyoun had Islamist views and had been in contact with some of the people responsible for the terrorist attack, but found no evidence indicating that he was personally involved in the actual attack. He left prison later that day, but was immediately told that he was under an expulsion order, and was taken into police custody to await expulsion to Syria. His lawyer has not been given a copy of the expulsion order, and neither he nor Basel Ghalyoun knew of its existence until Basel Ghalyoun was taken into custody.

Amnesty International calls on the Spanish government to uphold its obligations under international law and halt any plans for the return of any asylum seekers -or any other individuals whose expulsion or extradition could put their lives and physical integrity at risk-, until a fair and satisfactory procedure allows these individuals to exercise their human right to seek and enjoy asylum. Amnesty International reminds Spain of its obligation under regional and international law not to return any person, regardless of their status, to a situation in which they would face torture or other serious human rights violations.

Background information

Torture and other ill-treatment is widespread in Syria's detention and interrogation centres. Anyone the authorities believe is an Islamist, or possesses information about terrorism, is at particular risk.

Syrian national Muhammad Zammar was tortured after he was forcibly returned from Morocco in December 2001. He had been brought before a court in Hamburg, Germany, where he lived, on suspicion of involvement with the "Hamburg cell," a group said to include the presumed leaders of the 11 September 2001 attacks on the United States, but the German authorities did not have enough evidence to detain him. After he was forcibly returned to Syria he was held for nearly five years before he was put on trial, much of it incommunicado in solitary confinement, during which he was tortured. After a grossly unfair trial he was sentenced to 12 years' imprisonment for membership of the outlawed Muslim Brotherhood. The organisation denied having any connection with him, and no evidence of any such connection was presented at the trial.

Public Document

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