

URGENT ACTION

AHMED H. MUST BE ALLOWED TO RETURN HOME

Ahmed H. has been separated from his Cypriot wife and two daughters for almost four years. In September 2015, he was imprisoned in Hungary and wrongfully convicted for “complicity in an act of terrorism” in a blatant misapplication of Hungary’s counter-terrorism laws. Ahmed H. was conditionally released on 19 January 2019 and is being held in immigration detention in Hungary. As he is a Syrian national he is at risk being forcibly returned to Syria, a country that is not safe. Cyprus must allow his return home to be reunited with his family.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Minister Constantinos Petrides
Ministry of Interior
PO Box 25196
1307 Nicosia
Cyprus
Email: dktorides@moi.gov.cy

Dear Minister,

I am writing regarding Ahmed H., a Syrian national and former long-term resident of Cyprus who is currently being held in immigration detention in Hungary. Ahmed H.’s wife and his two young daughters are Cypriot nationals.

In August 2015, Ahmed H. left his family home in Cyprus to help his elderly parents and six other family members flee the conflict in Syria and find safety in Europe. One month later, they found themselves among hundreds of refugees stranded at the Hungarian border after police fenced off the crossing with Serbia. Clashes broke out as some refugees attempted to get through. Ahmed H. was one of eleven people arrested, but the only one charged with a terrorism-related offence under Hungary’s vague and overly broad terrorism law. He was eventually found guilty of “complicity in an act of terrorism”.

Nothing Ahmed H. allegedly did during the disturbance at the border could reasonably be considered “complicity in an act of terrorism”. The Hungarian authorities misapplied Hungary’s draconian counter-terrorism laws to Ahmed H. in an attempt to label refugees and migrants as “terrorists”. Both the European Parliament and the US State Department expressed concern about the misuse of terrorism-related charges by Hungary in Ahmed H.’s case.

Ahmed H. has been separated from his wife and young daughters for almost four years. He was conditionally released from prison on 19 January 2019 and is currently held in immigration detention in Hungary, where he is potentially at risk of return to Syria.

I call on you to take all necessary measures to allow Ahmed H. to return to Cyprus promptly and be finally reunited with his family.

Yours sincerely,

ADDITIONAL INFORMATION

Ahmed H. lived in Cyprus since 2006 with his Cypriot wife. They have two young daughters. In August 2015, he left his home in Cyprus to help his elderly parents and other family members escape Syria. Upon arrival at the Hungary-Serbia border on 16 September 2015, they found themselves among hundreds of refugees stranded there after police fenced off the crossing with Serbia. Clashes broke out as some refugees attempted to get through. Hungary's police responded with tear gas and water cannon, injuring dozens. Some people threw stones, including Ahmed H. But news footage also clearly shows Ahmed H. using a megaphone to call on both sides to remain calm. For these acts, he was arrested and eventually convicted of "complicity in an act of terrorism" under Hungary's overly broad and vague counter-terrorism law.

Amnesty International closely followed the criminal proceedings, including monitoring the trial hearings, and concluded that the application of terrorism-related charges and Ahmed H.'s subsequent conviction for "complicity in an act of terrorism" were manifestly unfounded. The conviction rests entirely on the allegation that Ahmed H. attempted to induce the Hungarian police to open the border fence, and that he threw some objects during the disturbance at the border. While delivering the final judgement on 20 September 2018, the judge acknowledged that Ahmed H. had in fact tried to calm the crowd and mediate between the police and the crowd.

The government of Prime Minister Viktor Orbán in Hungary has sought – without evidence to back up their claims – to establish an inextricable link between refugees and migrants and the threat of terrorism. The misapplication of terrorism-related charges to Ahmed H.'s case was part of a wider effort to label refugees and migrants seeking safety as "terrorists" and threats to national security. Amnesty International has also documented statements by Hungarian government representatives that publicly pronounced Ahmed H.'s guilt before his trial even ended. Such statements compromised the fairness of the proceedings against Ahmed H. in violation of international fair trial standards, which include the presumption of innocence.

The right to private and family life is enshrined in Article 17 of the International Covenant on Civil and Political Rights and Article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Cyprus is a party to both these international human rights treaties. Any restrictions on this right must be in the interests of "national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others". The conviction of Ahmed H. in Hungary for "complicity in an act of terrorism" does not fall within the national security exception to the right to family life because of the misapplication of terrorism charges to his case and the violations of Ahmed H.'s right to fair trial during the criminal proceedings in Hungary.

If Hungary were to return Ahmed H. to Syria it would be in violation of the principle of *non-refoulement*. This international human rights law principle guarantees that no one should be returned to a country where they would face torture, cruel, inhuman or degrading treatment or punishment and other irreparable harm.

PREFERRED LANGUAGE TO ADDRESS TARGET: Greek and English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 6 November 2019

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Ahmed H. (he/his, full name withdrawn to protect the family's privacy)