

EXTERNAL

AI Index: EUR 39/04/96

EXTRA 36/96

Fear of imminent refoulement

8 March 1996

ROMANIA Bassam Muhammed Shaker, Iraqi Shia' asylum-seeker
Hussain Kamil, Syrian asylum-seeker

Bassam Muhammed Shaker, an Iraqi asylum-seeker detained in Romania, faces imminent and forcible return to Iraq where he would be at serious risk of arbitrary detention, "disappearance", torture or execution.

Bassam Muhammed Shaker, a graduate in Business Studies, was reportedly arrested and held in detention without charge in Samawa, Iraq, for almost one year from April 1994 to February 1995. According to information received by Amnesty International, he was interrogated in connection with the 1991 uprising in the south of Iraq and his visit to Abu Ghreib prison, where he went to collect the corpse of his friend Raid Muhammed Hussein who had died in detention. Bassam Muhammed Shaker evaded military conscription in Iraq in 1992 and used false documentation to conceal this fact.

Bassam Muhammed Shaker fled Iraq for Jordan on 15 August 1995. He entered Jordan illegally, without a passport. On 16 January 1996, he flew from Amman to Bucharest using a false Swedish passport. He has been detained in Otopeni Airport ever since.

The prospect of Bassam Muhammed Shaker being forcibly returned from Romania has been greatly heightened by the *refoulement* of Hussain Kamil, a Syrian asylum-seeker, on 5 March 1996. Hussain Kamil was forcibly returned to Syria from the Transit Zone, Otopeni Airport, Romania, where he had been detained since entering the country in January 1996.

Hussain Kamil was arrested in Syria in 1987 in connection with Hizb al- 'Amal al- Shuyu'i, Party of Communist Action (PCA). He was not brought for trial until 13 October 1992. The outcome of the trial is not known but he was released on 26 March 1994. Amnesty International considers him to have been a prisoner of conscience as he did not use or advocate violence and was detained solely for his opinions. His *refoulement* to Syria has placed him at grave risk of further human rights violations.

BACKGROUND INFORMATION

The Ba'th Party in power in Iraq is known to have taken extreme action against suspected political opponents, including arbitrary detention, torture, "disappearance", or even execution. Asylum-seekers returned to Iraq may be at risk of serious human rights violations. Facing particular danger of execution are those who evade military service.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Romanian or English or your own language:

- urging the Romanian authorities not to forcibly return Bassam Muhammed Shaker to Iraq or to Jordan but that he be given the opportunity to present his asylum application in Romania;
- reminding the Romanian authorities of Romania's obligation under the internationally-recognized principle of *non-refoulement* as enshrined in Article 33 of the 1951 Geneva Convention relating to the Status of Refugees, not to forcibly return anyone to a country where he or she would be at risk of serious human rights violations;

- urging the Romanian authorities to clarify the fate and whereabouts of Hussain Kamil in Syria;
- reminding the Romanian authorities that Jordan is not a safe country to return asylum-seekers from Iraq to;

if possible also:

- remind the Romanian authorities of their obligation under the 1951 Geneva Convention relating to the Status of Refugees, to allow asylum-seekers access to a full and thorough asylum determination procedure;
- remind the Romanian authorities that the detention of asylum seekers which effectively impedes the preparation of an asylum application is contrary to the spirit and intention of the Geneva Convention relating to the Status of Refugees.

PLEASE DRAW TO THE ATTENTION OF THE REFUGEE COORDINATOR IN YOUR SECTION

APPEALS TO:

1) D-lui Ion Iliescu
Pre_edintele Romăniei
Pia_a Victoriei
Bucure_ti, Romania
Faxes: +4 01 312 1179
Telegrams: President Iliescu, Bucharest, Romania
Salutation: Dear President

2) D-lui Ioan Doru Taracila,
Ministru de Interne,
Str.. Mihai Vodă nr. 6,
Sectorul 5, Bucure_ti, Romania
FAXES: +401 3113555; 401 613 0625 (if voice, ask for fax)
Telegrams: Interior Minister Taracila, Bucharest, Romania
Salutation: Dear Minister

3) D-lui Teodor Viorel Melescanu,
Ministru Afacerilor Externe
Piata Victoriei,
Bucure_ti, Romania
FAXES: +401 613 2040
Telexes: 11220
Telegrams: Foreign Minister Melescanu, Bucharest, Romania
Salutation: Dear Minister

COPIES TO:

Colonel Buzoianu,
Head of the General Directorate of Passports,
Border Police, Aliens and Migration Problems:
29 Strada Nicolae Iorga,
Bucharest, Romania
FAXES: +401 312 15 00

Colonel Monteanu,
Head of Border Police at Otopeni Airport:

29 Strada Nicolae Iorga,
Bucharest, Romania
FAXES: +401 312 15 00

and to diplomatic representatives of ROMANIA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 10 April 1996.