

EXTERNAL

AI Index: EUR 39/05/96

4 April 1996

Further information on EXTRA 36/96 (EUR 39/04/96, 8 March 1996) - Fear of imminent refoulement

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

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Bassam Muhammed Shaker, an Iraqi asylum-seeker detained in Romania and who faced imminent and forcible return to Jordan and eventually Iraq where he may have faced arbitrary detention, "disappearance", torture or execution, was released from detention on 12 March 1996 in Otopeni Airport, Romania, to enable him to present his application for refugee status. Apparently, Amnesty International's Urgent Action contributed to this turn of events.

However, there is still no news as to the whereabouts and fate of Hussain Kamil, a Syrian asylum-seeker and former prisoner of conscience, who was forcibly returned from Romania to Syria on 5 March 1996, without having the opportunity to present his asylum application.

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 forcible return to Syria has placed him at grave risk of further human rights violations.

The Romanian authorities have informed Amnesty International that Hussain Kamil voluntarily left Romania and that he did not lodge an application for refugee status with the Romanian authorities. However, according to the organization's information, Hussain Kamil was forcibly removed from Romania to Syria at 22.00 hours on 5 March 1996, in tears. According to information received, Hussain Kamil had expressed a desire to apply for refugee status before his forcible removal from Romania, and the office of the United Nations High Commissioner for Refugees (UNHCR) in Romania has confirmed this fact to Amnesty International.

Hussain Kamil had been arrested in connection with illegal border crossing in Arad, Romania, in November 1995 along with 12 Iraqi asylum-seekers. He was detained thereafter. On 4 March 1996, these 12 asylum-seekers were released from detention in Otopeni Airport, in order to present their applications for refugee status. Hussain Kamil was not released, despite the fact that UNHCR had communicated to the Romanian authorities on 4 March that Hussain Kamil had also expressed a desire to apply for refugee status. The following evening, Hussain Kamil was forcibly returned to Syria.

The Romanian authorities clearly have some responsibility for the fate of Hussain Kamil. They should act swiftly in order to ensure his safety in Syria.

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

- reminding the authorities of Romania's obligation under the internationally-recognized principle of *non-refoulement* as enshrined in Article 33 of the 1951 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 take all appropriate and necessary steps to ensure the safety of Hussain Kamil in Syria;
- seeking clarification from the Romanian authorities as to the reason for the discrimination in treatment between Hussain Kamil and the 12 Iraqi asylum-seekers he was arrested with in Arad, Romania, in November 1995 and why it was that these 12 asylum-seekers were released from detention in Otopeni Airport on 4 March 1996 to enable them to pursue their asylum applications, whereas Hussain Kamil was not.

**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 effective access to a full and fair asylum determination procedure;
- remind the Romanian authorities that the practice of detaining asylum-seekers in Romania can have the effect of impeding or deterring asylum applications.

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

**APPEALS TO:**

1) D-lui Ion Iliescu,  
Presedintele României,  
Pia\_a Victoriei,  
Bucur\_sti, 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 Vod\_, nr. 6,  
Sectorul 5, Bucure\_ti, Romania

**FAXES: +401 3113555; 401613 0625 (IF VOICE ASK FOR FAX)**

**Telegrams: Interior Minister Taracila, Bucharest, Romania**

**Salutation: Dear Minister**

3) D-lui Teodor Viorel Melescanu,  
Ministru Afacerilor Externe,  
Pia\_a Victories,  
Bucure\_ti, Romania

**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 15 May 1996.