

PUBLIC

AI Index: MDE 24/019/2005

18 April 2005

Further Information on UA 22/05 (MDE 24/005/2005, 26 January 2005) - Fear of torture/incommunicado detention

SYRIA/USA/NETHERLANDS

'Abd al-Rahman al-Musa (m), aged 41, grocery store manager

'Abd al-Rahman al-Musa has reportedly been moved from the Political Security Detention Centre in Hama, western Syria, and his whereabouts are now unknown. As far as Amnesty International is aware, he has never been allowed access to a lawyer, nor been charged with any offence or brought before a court.

'Abd al-Rahman was arrested in Syria on 19 January 2005 after the USA forcibly returned him. In February he reportedly received family visits, but these came to an end that month.

On 21 March, USA Immigration and Customs Enforcement responded to a letter from AI USA, saying that at the time of 'Abd al-Rahman al-Musa's asylum application, the issue of protection under the Convention against Torture (CAT) was not raised, and so the immigration and judicial authorities were not obliged to ascertain whether he was in danger of torture if returned to Syria. Amnesty International considers that even when the CAT is not explicitly invoked, State Parties have an obligation to apply the CAT in all cases of forcible return, and to subject each case to rigorous scrutiny in order to ensure that no one is returned to a country where they would be at risk of torture or ill-treatment.

'Abd al-Rahman al-Musa was affiliated with the outlawed Muslim Brotherhood (MB). He left Syria in 1982 following clashes in Hama between the security services and the MB, in which thousands were killed, reportedly including members of his family. He lived in the USA from around 1991, where he married and had two children. His asylum application was rejected in January 2005, and he was forcibly returned to Syria via the Netherlands. Amnesty International Netherlands approached the Dutch immigration authorities at the time, to raise concerns about him, but the authorities did not act on the information.

Torture and ill-treatment of MB affiliates and their relatives, and of people forcibly returned to Syria, is systematic. Under Law 49, affiliates of the MB can be sentenced to death, although usually the sentence is commuted, after an unfair trial, to a 12-year prison sentence.

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

To the Syrian authorities:

- urging them to immediately disclose 'Abd al-Rahman al-Musa's whereabouts;
- seeking assurances that 'Abd al-Rahman al-Musa is not being subjected to torture or ill-treatment;
- calling for the release of 'Abd al-Rahman al-Musa, if he is in custody, unless he is to be charged with a recognizable criminal offence and given a fair and prompt trial;
- urging the authorities to allow 'Abd al-Rahman al-Musa access to his family, a lawyer of his choice, and any medical care he may require.

To the USA authorities:

- expressing concern that the forcible return of 'Abd al-Rahman al-Musa to Syria was a potential breach of the USA's obligations under the Convention against Torture and customary international law, particularly given his apparent incommunicado detention in an unknown location since he arrived in Syria;

- urging them to use their influence to ensure that the Syrian authorities promptly disclose the whereabouts of 'Abd al-Rahman al-Musa, and ensure that he is not subjected to torture and ill-treatment, is allowed visits from his family, a lawyer of his choice and is given any medical assistance he may require;

To the Dutch authorities:

- urging them to investigate why the Dutch Constabulary did not act on Amnesty International's requests to provide an opportunity for Mr al-Musa to claim asylum at Schiphol Airport.

APPEALS TO:

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
Salutation: Your Excellency

His Excellency General Ghazi Kan'an
Minister of Interior, Ministry of Interior
Merjeh Circle
Damascus, Syrian Arab Republic
Fax + 963 11 222 3428
Email: mi@net.sy
admin@civilaffair-moi.gov.sy (please try to use both addresses)
Salutation: Your Excellency

USA authorities:

The Honorable Condoleezza Rice
Secretary of State, U.S. Department of State
2201 C Street, N.W.
Washington DC 20520
Fax: + 1 202 261 8577
E-mail: Secretary@state.gov
Salutation: Your Excellency

Attorney-General Alberto Gonzales
Department of Justice
950 Pennsylvania Ave. N. W.
Room 440
Washington DC 20530-0001
Fax: + 1 202 307 6777
Email: AskDOJ@usdoj.gov
Salutation: Dear Mr Gonzales

Dutch authorities:

Ministry of Justice
Minister of Immigration Affairs and Integration
Mrs. M.C.F. Verdonk, PO Box 20301
2500 EH THE HAGUE, Netherlands
Fax: + 31 70 370 79 39
Salutation: Your Excellency

COPIES TO: diplomatic representatives of Syria, the USA and the Netherlands accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 30 May 2005.