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Syria: Ongoing risks for Syrian returnees

In recent months scores of Syrian returnees, including several children, have been arrested, or remain detained incommunicado without charge or pending unfair trials, and at risk of torture. In the past three years, at least ten returnees appear to have “disappeared” and several have died as an apparent result of torture and ill-treatment. Particularly at risk appear to be those with present, past or familial connections with the unauthorised Muslim Brotherhood (MB). The violations are taking place despite assurances of safe return being given to former political exiles. Despite this, foreign governments continue to deport failed asylum seekers in the apparent belief that they would not be at risk of persecution.

Mus'ab al-Hariri, aged 18, remains detained at Sednaya prison without access to his family or lawyer since his arrest at the Syrian-Jordanian border in July 2002, during his first visit to Syria. The Syrian Embassy in Saudi Arabia, to where the parents had moved in 1981, had reportedly assured Mus'ab's mother that he could return safely. He was reportedly tortured soon after his arrest, and later during interrogation by Military Intelligence. He is being tried before the Supreme State Security Court (SSSC), whose trials fall far short of international standards for fair trials, charged with belonging to the MB. In 1998 his brothers Yusef and 'Ubada, then aged 15 and 18, were arrested shortly after entering Syria, and sentenced by Field Military Courts (FMCs), whose secret trials are grossly unfair, for alleged membership of a secret organization. They were released in 2000 and January 2004. The final hearing for Mus'ab al-Hariri is scheduled for 19 June.

Ahmad 'Ali al-Masalma, an MB member, died on 28 March 2005, two weeks after being released from detention and two months after his return from exile in Saudi Arabia. He died reportedly as a result of torture and ill-treatment suffered in detention, including the denial of essential medication. He had reportedly received an assurance from the Syrian Embassy that he could return safely.

Majid Bakri Suleyman remains detained since his arrest on return from exile in Yemen to Syria on 13 January 2005. His decision was based on a pardon issued by the Syrian authorities on 15 July 2004 related to military personnel who fled the country. Mahmoud Samaq was also arrested on his arrival from exile in Yemen on 12 April 2005, having reportedly received assurances from the Syrian Embassy.

'Abdel Salam al-Saqaa remains detained since being arrested at the Jordanian border on 27 August 2004. He has apparently been tortured. His family had been living in exile in Jordan but had then received passports at the Syrian Embassy in Amman. In March 2002, MB-affiliate Mohammad Hasan Nassar died in incommunicado detention after being arrested one week earlier on his voluntary return from exile in Jordan. Since 2000 Jordan is said to have become less hospitable for Syrian exiles who may be deported on account of alleged minor misdemeanours.

Several Syrians remain detained since their deportation from countries where they failed to obtain

asylum. These include MB member Mohammed Osama Sayes who on 3 May 2005 was arrested on arrival after his forcible return from the UK, via the Netherlands. On 19 January 2005 MB-affiliate 'Abd al-Rahman al-Musa was arrested on arrival from the USA, also via the Netherlands. Both reportedly have been denied access to a lawyer, have not been charged with any offence nor have been brought before a court. MB member Muhammad Sa'id al-Sakhri was released after 11 months' detention in October 2003, after reports that he died under torture, following his arrest on forcible return from Italy along with his wife Maysun Lababidi and their four children.

At least ten Syrians returning from exile in Iraq have suffered human rights abuses. 'Abdullah Qadour al-Thamr and Ziad al-Dakheel died in custody in May and April 2004 respectively, both reportedly as a result of being denied specialized medical treatment and very unhealthy conditions of detention. 'Abdullah Qadour al-Thamr's two brothers Mu'az and Mohammad, are among nine others who appear to have "disappeared" after their arrests upon return between September 2002 and April 2003. The SSSC sentenced to death two other MB-affiliates returning from Iraq during the same period, Mahmud 'Ali al-Nabhan and Muhammad Ahmad al- Effendi, then commuted the sentence to 12 years in prison.

Dual Syrian-Canadian national Arwad Muhammad 'Izzat al-Boushi was apparently sentenced to 12 years imprisonment for alleged MB membership after a grossly unfair trial before an FMC in July 2003. He was arrested on 3 July 2002 when he returned from Canada to visit his ailing father. He was reportedly tortured during pre-trial detention. Similarly dual Syrian-Canadian national 'Abdallah al-Malki was arrested on arrival in May 2002 and detained for 22 months, without charge, during which he was tortured. Dual Syrian-Canadian Maher Arar was released in October 2003 after 13 months' detention without charge, during which he was tortured, after being "rendered" from the USA via Jordan. In October 2004 Syrian-born German national Muhammad Haydar Zammar was "disappeared" from his solitary confinement cell in Damascus where he had been held without charge for about three years. He was arrested in Morocco in October or November 2001 then secretly transferred to Syria.

Background

Affiliation to the Muslim Brotherhood is punishable by the death penalty under Syrian Law 49 of July 1980, although the sentence is usually commuted to a 12 year prison term. Many Muslim Brotherhood supporters and sympathisers, and their families, fled Syria following armed clashes which began in the late 1970s, and the introduction of Law 49 in 1980.