

amnesty international

Appeal Case – Syria

Deported to where?! Incommunicado detention and torture of forcibly returned Syrians

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This *Appeal Case* raises Amnesty International’s continuing concerns about a number of Syrian nationals being detained without charge or trial after being deported to Syria. Of the five men described here, detained for between four and 22 months, three have been denied access to visits from their families or a lawyer, and at least three of them have reportedly been tortured. Amnesty International does not know where two of them are being held and has grave fears for the safety of all five men.

Introduction

On 13 May 2005, Amnesty International publicly expressed concern that in recent months scores of Syrians, including children, had been arrested after returning to Syria, or remained detained incommunicado without charge or pending unfair trials, and at risk of torture (see *Syria: Ongoing risks for Syrian returnees* [MDE 24/025/2005]). These detainees included both individuals who had been forcibly returned to Syria, including in “rendition” cases coordinated with US or other foreign intelligence agencies, and others detained after returning to Syria voluntarily.

Torture continues to be widespread in Syrian detention and investigation centres, particularly during pre-trial detention, and during periods of incommunicado detention, ie when detainees receive no visits. Over the years, Amnesty International has documented 38 types of torture and ill-treatment used against detainees in Syria. “Confessions” extracted under duress are systematically used as “evidence” in Syrian courts, and the defendants’ claims of torture are almost never investigated. In 2004 at least nine people died reportedly as a result of torture and ill-treatment in Syria.

Here, Amnesty International focuses on the cases of five Syrians who had been living abroad but were forcibly returned to Syria despite concerns that they could be at risk of torture or other grave human rights abuses. They are:

Muhammed Osama Sayes, detained without charge and held incommunicado since he was deported from the United Kingdom on 3 May 2005, and at risk of torture;

Ahmet Muhammad Ibrahim, a Syrian Kurd, detained since he was deported from Turkey on 25 March 2005, and who has reportedly been tortured;

‘Abd al-Rahman al-Musa, detained without charge since he was deported from the US on 19 January 2005, and held incommunicado since April 2005;

Nabil al-Marabh, who “disappeared” in May 2004, four months after he was deported from the USA, is believed to be held in mainly incommunicado detention, without charge, and has reportedly been tortured;

and **Muhammad Fa’iq Mustafa**, who had obtained Bulgarian nationality, has been detained without charge since he was deported from Bulgaria on 22 November 2002, and has reportedly been tortured.

The cases

Muhammed Osama Sayes, aged 30, was deported from the UK to Syria in May 2005, via Amsterdam’s Schiphol airport, despite his known membership of the outlawed Muslim Brotherhood (MB). Members or affiliates of the MB can be sentenced to death according to Law 49 of 1980 and face torture, arbitrary arrest, prolonged detention and grossly unfair trials in Syria. Muhammad Osama Sayes was arrested on his arrival in Damascus but it is unclear whether his detention is related to his links to the MB. He was transferred to the Political Security branch in Damascus

shortly after arrest but has not been charged with any offence. His current place of detention is unknown and he has not been seen for over four months, adding to fears that he is at risk of torture.

Muhammad Osama Sayes was deported by the UK authorities after they rejected his application for political asylum in the UK and despite Amnesty International having provided lawyers representing Muhammad Osama Sayes with a statement in which it expressed “grave concern” at his imminent deportation given the known risks to MB members or people suspected of having links to the MB, which it detailed. However, the lawyers were unable to prevent the deportation and were denied access to him shortly before his forced deportation.

Ahmet Muhammad Ibrahim, aged around 21, is reportedly now being held in Tadmur prison in the



Ahmet Muhammad Ibrahim. © private

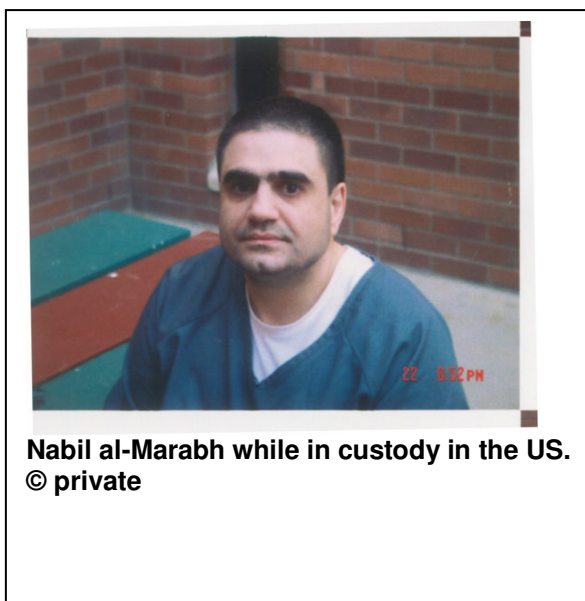
Homs desert, approximately 250km north-east of Damascus. The Turkish authorities deported him to Syria despite his claim for asylum still being examined by the United Nations High Commissioner for Refugees (UNHCR). He left Syria for Turkey early in 2004 following widespread human rights violations perpetrated against Kurds in north-eastern Syria (see AI report *Syria: Kurds in the Syrian Arab Republic one year after the March 2004 events*, MDE 24/002/2005, March 2005). He was detained by Turkish security forces close to the Syrian border on 22 August 2004, and was remanded to prison on allegations of membership of the Kurdish armed organization Kongra Gel (previously known as the PKK). Although he was acquitted by a Turkish court of all charges on 24 March 2005, he was handed over to the Syrian authorities and was immediately imprisoned in Qamishli, north-eastern Syria. In Syria, he has apparently been held in various detention centres under the control of different security branches. According to information received by Amnesty International, he has been held for the last three months in Tadmur prison. Reportedly he has been tortured, including with electrical wires, by being beaten, and by the “tyre” (*dullab*), which involves hanging the victim from a suspended tyre and beating him or her with sticks and cables. His mental health is said to be very poor. Ahmet Muhammad Ibrahim is believed to be charged with membership of a Kurdish opposition group. Of the at least nine people who died as a result of torture and ill-treatment in 2004, five were Kurds.

‘**Abd al-Rahman al-Musa**, aged 41, has been detained since January 2005 and since April 2005 has received no visits. Amnesty International does not have information about where he is being held. He was deported by the US authorities in January 2005, also via Amsterdam’s Schiphol airport, despite his known, previous affiliation to the MB. Unconfirmed reports suggest he will stand trial on unknown charges before the Supreme State Security Court (SSSC), whose procedures fall far short of international standards for fair trials. ‘Abd al-Rahman al-Musa was held initially at the Political Security Detention Centre in Hama, western Syria, before being transferred to another place of detention.



‘Abd al-Rahman al-Musa
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Prior to his deportation, Amnesty International appealed to the Dutch immigration and border



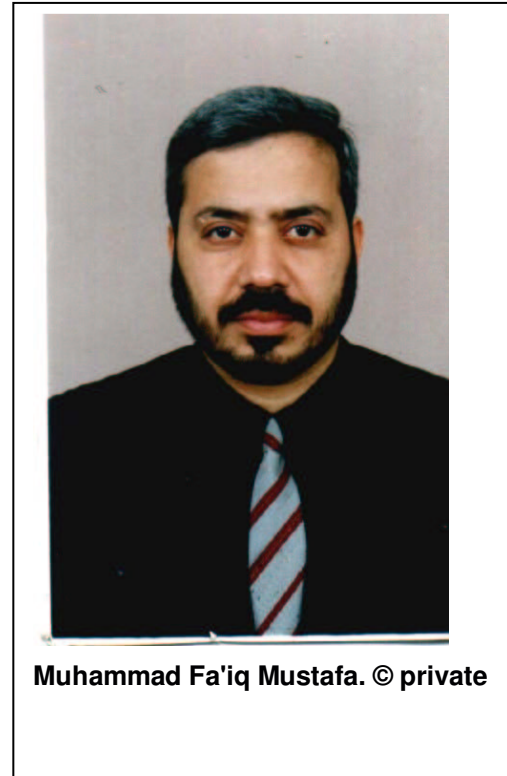
Nabil al-Marabh while in custody in the US.
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authorities to prevent his removal to Syria and subsequently complained formally to the Royal Dutch Constabulary when they failed to take action. (The police rejected the complaint but agreed that in future any intervention by Amnesty International or other human rights organisations regarding the removal of an individual to an unsafe country would be considered first by the Netherlands’ Immigration and Naturalisation Department.)

The US authorities deported Kuwaiti-born, Syrian national **Nabil al-Marabh**, aged 39, in January 2004. He had lived in the US periodically since 1989 and was arrested and held as a material witness following the 11 September 2001 attacks on New York and Washington, then was later

deported as an illegal alien. It is not known why he was detained in Syria but from late May 2004 until August 2005 he effectively “disappeared” after he went to register for military service. He was reportedly detained by two Syrian intelligence officers when at the medical centre attached to the military service centre in Damascus, and there was then no word of him for over one year. Amnesty International wrote to the Syrian authorities in July 2005 asking about his detention and whereabouts, but received no response. According to unofficial sources, however, he is now held at ‘Adra prison, outside Damascus, and has been tortured and ill-treated.

Muhammad Fa’iq Mustafa, aged about 42, was deported in November 2002 by the authorities in Bulgaria, where he had been living since 1981, studying and practising medicine. His Bulgarian passport was taken from him, reportedly without explanation. After nearly three years of detention without charge, it is now reported that he will “soon” stand trial before a Field Military Court, whose trials are grossly unfair, possibly on charges related to alleged membership of the MB. He is reported to have been tortured and ill-treated by Syrian authorities during the initial period of his detention. He is currently held at Sednaya prison, outside Damascus. Prior to his forcible return, Muhammad Fa’iq Mustafa is believed to have visited Syria only once since 1981, apparently within a year of his arrival in Bulgaria, though he had tried to regularize his status through the Syrian embassy in Sofia following President Bashar al-Assad’s accession to power in 2000. However, the Syrian authorities apparently declined to issue him and his children with Syrian passports.



Other Syrian nationals have also been detained in the past after being forcibly returned from countries in which they had unsuccessfully sought political asylum. For example, Kurdish activist **Hussain Daoud** was arrested upon arrival at Damascus airport in December 2000 following his deportation from Germany, where his asylum application had been rejected. He was held without charge in mostly incommunicado detention for two years during which he was reportedly tortured, then released on 11 December 2002. Similarly, **Muhammad Sa’id al-Sakhri**, a member of the MB was arrested when he arrived at Damascus airport together with his wife and their four children after being forcibly returned from Italy, where they had been denied political asylum. He was held without charge until October 2003 then released after reports circulated suggesting that he had died under torture.

WHAT YOU CAN DO:

- express concern to the Syrian authorities that **Muhammed Osama Sayes** has been held in incommunicado detention for over four months without charge, and is now held at an unknown location, and is at risk of torture; that **Ahmet Muhammad Ibrahim** has been detained since March 2005 and has reportedly been tortured; that **‘Abd al-Rahman al-Musa** has been held without charge since January 2005, has not been visited since April 2005, and is at risk of torture; that **Nabil al-Marabh** has been held in incommunicado detention without charge since May 2004 and has reportedly been tortured; and that **Muhammad Fa’iq Mustafa** has been held without charge since November 2002 and has

reportedly been tortured – and call upon the Syrian authorities to release all five men immediately unless they are promptly charged with recognisable criminal offences and given fair and prompt trials;

- call upon the Syrian authorities to allow **Muhammed Osama Sayes, Ahmet Muhammad Ibrahim, ‘Abd al-Rahman al-Musa, Nabil al-Marabh** and **Muhammad Fa’iq Mustafa** regular access to visits from family members, to lawyers and to any medical assistance they may require;
- remind the Syrian authorities that all allegations of torture should be investigated, that alleged perpetrators should be brought to justice, that any “confession” extracted as a result of torture or ill-treatment should be declared inadmissible in court, and that victims and their families be compensated, in line with Syria’s obligations to the UN Convention Against Torture, to which it acceded in 2004;
- inform the relevant authorities in the UK (re **Muhammed Osama Sayes**), Turkey (re **Ahmet Muhammad Ibrahim**), US (re **‘Abd al-Rahman al-Musa** and **Nabil al-Marabh**), Bulgaria (re **Muhammad Fa’iq Mustafa**) and the Netherlands (re **Muhammed Osama Sayes** and **‘Abd al-Rahman al-Musa**), of the situation of the above-named deportees to Syria and remind them that the forcible return of individuals at risk of torture or ill-treatment is a violation of obligations under the UN Convention Against Torture, of the principle of non-refoulement under the 1951 Refugee Convention, and of customary international law.

Write your appeals to one or more of the following:

<p>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</p> <p>His Excellency General Ghazi Kan'an Minister of Interior Ministry of Interior Merjeh Circle Damascus, Syrian Arab Republic Fax: + 963 11 222 3428 E-mail: admin@civilliaffair-moi.gov.sy Salutation: Your Excellency</p> <p>US authorities: The Honorable Condoleeza Rice Secretary of State US Department of State 2201 C Street, N.W. Washington DC 20520 Fax: + 1 202 261 8577 E-mail: Secretary@state.gov Salutation: Your Excellency</p> <p>Dutch authorities: Mrs M C F Verdonk Minister of Immigration Affairs and Integration Ministry of Justice PO Box 20301 2500 EH THE HAGUE, Netherlands Fax: + 31 70 370 79 39 Salutation: Your Excellency</p>	<p>UK authorities: The Right Honourable Charles Clarke MP Secretary of State for the Home Department Home Office 2 Marsham Street London SW1P 4DF United Kingdom Fax: + 44 207 273 3429 / 4034 Salutation: Dear Secretary of State</p> <p>Bulgarian authorities: George Petkanov Minister of Justice 1, "Slavianska" str 1040 Sofia, Bulgaria E-mail: pr@justice.government.bg Salutation: Your Excellency</p> <p>Turkish authorities Yabancılar Şubesi Ministry of the Interior General Directorate of Security (Emniyet Genel Müdürlüğü) Foreign Nationals' Department İçişleri Bakanlığı Ankara Turkey Fax: +90 312 466 9011 Salutation: To whom it concern</p>
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and to diplomatic representatives of Syria, the UK, the US Bulgaria and the Netherlands accredited to your country.