

UA 325/02

Forcible return

4 November 2002

LEBANON/TUNISIATareq Souid (m), aged 30

Tareq Souid, a Tunisian refugee in Lebanon, is at high risk of being forcibly returned to Tunisia. Amnesty International is concerned for his safety as Tareq Souid would be in danger of arrest, torture and unfair trial in Tunisia.

Tareq Souid, who left Tunisia in 1993, is a political sympathizer with the unauthorized *Ennahda* (Renaissance) opposition movement in Tunisia. He was recognized as a refugee by the United Nations High Commissioner for Refugees in Lebanon in September 2001. On 25 September 2002, Tareq Souid was arrested and then detained in al-Roumieh prison by the Lebanese authorities, reportedly on charges of "illegal entry into the country".

On 1 November, Tareq Souid was reportedly taken to Beirut airport by members of the Lebanese authorities who were attempting to forcibly return him to Tunisia. However, this attempted deportation was apparently averted at the last minute. Tareq Souid was then taken to a military hospital. He is now being held by the Lebanese authorities in the General Security Department and has no access to his lawyer. Reports indicate that Lebanese immigration officials may attempt to return Tareq Souid to Tunisia in the next few days, unless he is resettled to a third country under emergency resettlement procedures with the help of the United Nations High Commissioner for Refugees (UNHCR).

BACKGROUND INFORMATION

International law prohibits all states, whether or not they have ratified the Refugee Convention, from forcibly returning a person to a situation where their life or freedom would be in danger. This prohibition applies irrespective of their mode of arrival, including illegal entry. It is well recognised in international law that it is often necessary for asylum seekers to enter a country illegally in order to seek protection.

The Lebanese government's record of protecting refugees is poor. The arrest and detention without charge of refugees is becoming increasingly common on the basis of illegal entry or residence, notably since early 2001. Lebanese law does not make special provision for the protection of refugees. Amnesty International has many names of recognized refugees of different nationalities who are currently being held in detention in Lebanon.

While Lebanon is not a party to the 1951 Convention relating to the Status of Refugees, it is nonetheless bound by the principle of *non-refoulement*, which prohibits the forcible return of persons to a country where their life or freedom would be threatened. This is a principle of customary international law, binding all states. As a party to the International Covenant on Civil and Political Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Lebanon is also bound to ensure that a person is not forcibly returned to a situation where they may face torture, cruel, inhuman or degrading treatment or punishment.

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

- urging the authorities to ensure that Tareq Souid is not forcibly returned, directly or indirectly, to Tunisia;
- noting that Tareq Souid is a refugee, recognised by UNHCR as having well-founded fear of persecution if he were returned to Tunisia;
- recalling that Lebanon is bound by the principle of *non-refoulement*, a principle of customary international law binding on all states, irrespective of whether they have ratified the 1951 Convention relating to the Status of Refugees;
- calling on the authorities to ensure that all steps are taken, including access to a lawyer, UNHCR and third country consular officials, to facilitate Tareq Souid's resettlement to a third country, as a matter of urgency, and to guarantee his safety and well-being, pending resettlement;
- also urging the authorities to ensure that no refugees or asylum seekers of other nationalities are forcibly returned in violation of international human rights law.

APPEALS TO:

His Excellency President Emile Lahoud
Office of the President
Ba'abda Palace
Ba'abda, Beirut
Lebanon

Telegram: President Lahoud, Beirut, Lebanon

Fax: + 961 1 425 393

Telex: 21000

Salutation: Your Excellency

His Excellency Elias al-Murr
Minister of Interior and Municipal Affairs
Ministry of Interior and Municipal Affairs
Grand Sérail
Rue des Arts et Metiér's
Sanayeh, Beirut
Lebanon

Telegram: Minister of Interior, Beirut, Lebanon

Fax: + 961 1 427 774 (if someone answers, ask for the fax)

Salutation: Your Excellency

His Excellency Rafiq Hariri
Prime Minister
Office of the Prime Minister
Grand Sérail
Rue des Arts et Métiers
Sanayeh, Beirut, Lebanon

Telegram: Prime Minister Hariri, Beirut, Lebanon

Fax: + 961 1 865 630

Salutation: Your Excellency

COPIES TO:

to diplomatic representatives of Lebanon accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 16 December 2002.