

PUBLIC

**AI Index: EUR 63/005/2008
20 October 2008**

UA 285/08 Forcible return/ fear of torture or ill-treatment

**BOSNIA AND
HERZEGOVINA Imad Al Husin (m)**

Within the next few days, the authorities of Bosnia and Herzegovina (BiH) are likely to deport Imad Al Husin (also known as Abu Hamza) to Syria, where he is at risk of torture or ill-treatment. Imad Al Husin is in Lukavica (Sarajevo) immigration detention centre after being seized by the BiH authorities in Sarajevo on 6 October 2008.

The BiH authorities are attempting to deport Imad Al Husin despite the fact that his case is still pending before the BiH judiciary. Imad Al Husin would be at risk of torture and other ill-treatment if deported to Syria.

Imad Al Husin arrived in the Socialist Federal Republic of Yugoslavia in 1983 to study in Belgrade (now in Serbia) and then in Rijeka (now in Croatia). In 1992, during the war in Bosnia and Herzegovina (BiH), Imad Al Husin joined the Army of Bosnia and Herzegovina. He was granted citizenship of BiH in 1994. After the war finished, Imad Al Husin worked for Muslim charities and was a leading figure in the Wahhabi Islamist movement in BiH.

His citizenship was revoked in 2001 by the authorities of the Federation of Bosnia and Herzegovina (FBiH – one of two semi-autonomous entities in Bosnia and Herzegovina) on unspecified “national security” grounds. Since then Imad Al Husin has been challenging this decision through the courts.

The appeals that Imad Al Husin has submitted to the FBiH Supreme Court, the State Council of Ministers and the State Court have all been rejected. In March 2007, he lodged an appeal to the Constitutional Court of BiH against his citizenship being revoked.

In May 2007 the FBiH rejected an application he made for a temporary residence permit on the grounds that he was a threat to national security. His application for asylum and his request for temporary protection measures against deportation have also been rejected. On 22 January 2008, the Court of Bosnia and Herzegovina rejected Imad Al Husin's appeal against the previous decision to reject his request for temporary protection and asylum status.

On 29 January, the European Court of Human Rights in Strasbourg asked the authorities in BiH to stop the deportation of Imad Al Husin pending the final decision of the Constitutional Court of BiH.

Imad Al Husin was summoned on 10 July to the State Agency for Foreigners (Agency) in Sarajevo, where he was detained by officials who intended to deport him. His lawyer intervened and secured Imad Al Husin's release before the authorities were able to deport him.

On 4 October, the Constitutional Court of Bosnia and Herzegovina (CCBiH) ruled for a retrial of his case to be heard at a lower court (The State Court of BiH). The State Court of BiH is yet to hear his case but the BiH authorities, in contravention of the CCBiH ruling, intend to implement the deportation order that was issued in June.

Imad Al Husin is on a hunger strike to protest his pending deportation and current detention.

Background Information

Imad Al Husin is accused by the Syrian authorities of being a member/supporter of the Muslim Brotherhood, an organization which is banned in Syria. Amnesty International has campaigned on behalf of several people who were tortured, ill-treated, or sentenced to death after being returned to Syria and accused of links with the Muslim Brotherhood.

Torture and ill-treatment are often used in Syria, and allegations of torture are rarely investigated. In 2005, the UN Human Rights Committee stated that torture and ill-treatment is extensively used in the country. The Committee also expressed its concerns at the practice of prolonged incommunicado detention.

BiH is a state party to the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the European Convention on the Protection of Human Rights and Fundamental Freedoms, which prohibit the return of anyone to a country where they would be at risk of torture.

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

- urging the authorities not to deport Imad Al Husin to Syria, where he would be at risk of torture or ill-treatment or possibly a death sentence;
- pointing out that the forcible return of Imad Al Husin to Syria would be a breach of Bosnia and Herzegovina's international obligations under the ICCPR, the CAT and the ECHR;
- reminding the authorities that the case is still pending before the BiH judiciary;

APPEALS TO:

Minister of Security of Bosnia and Herzegovina

Tarik Sadović

Trg BiH broj 1
71 000 Sarajevo,
Bosnia-Herzegovina

Fax: +387 33 213 628

Salutation: Dear Minister

Minister of Human Rights and Refugees

Safet Halilović

Trg BiH 1
71 000 Sarajevo,
Bosnia-Herzegovina

Fax: +387 33 206 140

Email: kabmin@mhr.gov.ba

Salutation: Dear Minister

High Representative and the European Union Special Representative in Bosnia and Herzegovina

Miroslav Lajčák

Emerika Bluma 1
71000 Sarajevo
Bosnia and Herzegovina

Fax: + 387 33 283 501

Salutation: Dear High Representative

COPIES TO: diplomatic representatives of Bosnia and Herzegovina accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 01 December 2008.