

PUBLIC

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Fear of torture/incommunicado detention

SYRIA /USA /NETHERLANDS

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

Syrian national 'Abd al-Rahman al-Musa was arrested on 19 January upon arrival at Damascus Airport by Political Security officers and is reportedly now held incommunicado at the Political Security Detention Centre in Hama, western Syria, where he is at serious risk of torture. He had been forcibly returned from the USA after his asylum application was turned down, despite the risk of torture he faces due to his previous affiliation with the outlawed Muslim Brotherhood (MB) organisation.

Two US Immigration officers escorted 'Abd al-Rahman al-Musa to Damascus from Houston, via Schiphol Airport in Amsterdam, the Netherlands. Amnesty International Netherlands approached the Dutch immigration and border authorities repeatedly, on 18 and 19 January, advising them of 'Abd al-Rahman al-Musa's situation and imminent arrival in the Netherlands, but the Dutch authorities reportedly did not act on the information. While he was in Schiphol he may not have been allowed to exercise his right to claim asylum in accordance with international human rights and refugee law.

'Abd al-Rahman al-Musa had been living in the USA since about 1991. He had left Syria for Jordan in 1982 after serious clashes in Hama between the security forces and the MB left thousands of people dead, including, according to the non-governmental organization the Syrian Human Rights Committee, 21 members of 'Abd al-Rahman al-Musa's family, mostly women and children. After he moved to the USA he settled in Houston, Texas, married an American citizen and fathered two children. In March 2004 his asylum application was refused for the final time and he was detained until he was ordered to be removed from the country.

Although the US authorities have primary responsibility not to forcibly return someone to a country where they are at risk of torture or ill-treatment, the Dutch authorities are also obliged to ensure for all people within their jurisdiction – explicitly including airport transit zones – all the rights guaranteed under the 1951 Refugee Convention and the European Convention on Human Rights (ECHR).

Torture and ill-treatment of MB affiliates and their family members, and of forced returnees is systematic in Syria. 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.

BACKGROUND INFORMATION

Many Muslim Brotherhood supporters and sympathisers, real or suspected, and their families, fled Syria following armed clashes which began in the late 1970s, and the introduction of Law 49 in 1980. Many MB detainees were extrajudicially executed in custody. Scores of those who left, and their family members, have been arrested on their return to Syria, even after receiving consent from the Syrian authorities. Many of these detainees have reportedly been tortured, including children, on account of their suspected links with to the MB. Several have "disappeared", and at least one died in custody in March 2002, while held incommunicado.

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

To the Syrian authorities:

-expressing concern that 'Abd al-Rahman al-Musa is being held incommunicado at the Political Security Detention Centre in Hama and asking that he be allowed visits from his family, a lawyer of his choosing and any medical attention that he may require;
-reminding the authorities that torture is, as stated by the UN's Special Rapporteur on Torture, "most frequently practised during incommunicado detention [which] should be made illegal, and persons held incommunicado should be released without delay";
-calling for 'Abd al-Rahman al-Musa to be released immediately unless he is to be charged with a recognizably criminal offence.

To the US authorities:

- stressing that the forcible return of 'Abd al-Rahman al-Musa to Syria, where he is at risk of torture or ill-treatment, is a violation of USA's obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and of the principle of *non-refoulement* under the 1951 Refugee Convention and customary international law;
- given the mounting evidence that the USA has undermined fundamental protections against torture and ill-treatment in the "war on terror", urging the authorities to do everything in their power to ensure that the USA adheres to its international obligations on this issue;
- urging the US authorities to use their influence to ensure 'Abd al-Rahman al-Musa is not tortured or ill-treated, and is allowed visits from his family, access to a lawyer of his choosing and any medical assistance that he may require.

To the Dutch authorities:

- asking for an investigation into 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: somi@net.sy
Salutation: Your Excellency

US authorities:

The Honorable Condoleeza Rice
Secretary of State Nominee
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 nominee Alberto Gonzalez
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

and 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 9 March 2005.