

Syrien (50)
amnesty international

116

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Regarding membership of the Syrian Muslim Brotherhood

According to Amnesty International's information, Syrians seeking political asylum are perceived as government opponents. The very fact of leaving the country with the intention of demanding asylum abroad is perceived to be a manifestation of opposition to the Syrian government. If the asylum-seeker has been affiliated with an unauthorized political party or group, he or she risks arrest and torture upon return to Syria, in an attempt by the authorities to, among other things, extract information about the group and its members. According to recent reports, torture in Syria continues to be systematic. It has been a long-standing concern for Amnesty International.

It is reported that, prior to their release, former political prisoners have been coerced to sign documents in which they renounced their political opposition activities. For former prisoners, the very fact of requesting asylum abroad is considered to be proof of their continuation of opposition activities, and they therefore risk persecution if returned to Syria.

Syrians are forbidden to leave the country without authorization. The government reportedly refuses permission to anyone thought likely to express views contrary to its policies. Syrians seeking to leave and claim asylum abroad are often forced to take recourse to the use of false identities or falsification of documents in order to enable them to leave Syria.

Those asylum-seekers who left Syria in an illegal manner, without authorization or with false papers are generally at risk of arrest and detention upon their return. In instances in which a request for asylum has been refused and the asylum-seeker is expelled, he or she may risk imprisonment in Syria ranging from one month to two years for having used false documents or a false identity, pursuant to Article 452 of the Syrian Penal Code. Such a sentence can be increased, in accordance with Article 427 of the Syrian Penal Code to include seven years of hard labour if the seal of the Syrian authorities has been falsified. Falsifying seals of public authorities is punishable by one to three years' imprisonment according to Article 428 of the Syrian Penal Code.

If a refused asylum-seeker is accompanied by security forces from the country where he or she has sought asylum, the Syrian government is likely to be made aware of a person's demand for asylum. In addition, Syrian secret service agents working abroad may become aware of requests for asylum, as their task is to monitor the Syrian community and opposition abroad.

According to our information members of the Muslim Brotherhood and those affiliated to them are subject to the death penalty under Syrian law 49. In recent months several people

connected to the Muslim Brotherhood have been detained and held incommunicado despite the fact that they went back home with the consent of the authorities after having lived as exiles since the early 1980s. One of these detainees died in custody in March 2002 while being held incommunicado.

Expulsion to a country where an individual would be at risk of torture is a violation of the obligations under international law, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Beyond the risks of detention, interrogation and torture, Amnesty International has limited information about the ultimate fate of people who have been returned to Syria after having been refused asylum abroad. Over the past years we have registered an increase of cases of rejected asylum seekers who have been detained by the Syrian authorities after they have been returned to Syria. Our experience has repeatedly shown that supporters of unauthorized organisations are usually at risk of persecution. The following cases are only a sample of which we have learned about during the last few years.

On 28 November 2002, the Italian authorities forcibly returned Muhammad Sa'id al-Sakhri, his wife Maysun Lababidi and their four children to Syria without examining their claim for protection in a full, fair and satisfactory asylum procedure. Muhammad Sa'id al-Sakhri is a member of the unauthorized Muslim Brotherhood and is reportedly being held in incommunicado detention at a branch of the military intelligence in Aleppo in northern Syria. Amnesty International fears that he remains at a high risk of torture and ill-treatment given his alleged former membership of the unauthorized Muslim Brotherhood. Maysun Lababidi and their four children have been released and are staying with relatives in the town of Hama. Maysun Lababidi must report to the security forces every week and she is reportedly prohibited from leaving the town of Hama.

Amnesty International remains concerned about the ongoing detention of Canadian citizen Mr. Maher Arar who, in October 2002, was forcibly removed from the United States to Jordan and subsequently to Syria, following allegations that he may have been connected with individuals who were involved in or supported terrorist organizations, possibly *al-Qa'ida*. He has remained in incommunicado detention in Syria, without charge or trial, since his removal. Amnesty International has called on the Syrian authorities to immediately release him unless he is charged with a recognized criminal offence.

Sulayman Hissu was arrested by the Syrian security forces on his arrival at Damascus airport on 3 August 2001, when he arrived on a Syrian airlines flight from Germany. He was detained at the Qamishli detention centre until his release on the night of 6 August. Mr. Hissu, who is a German citizen and carries a German passport, had been living in exile in Germany since 1977. He returned to Syria voluntarily, apparently the first time he had travelled to his home country since going into exile. Although he had apparently not been politically active on Syrian issues in recent years, his detention was thought to be related to his past activities as an opponent of the Syrian government.

Hussain Daoud, a Syrian Kurd, was arrested in December 2000, after he was forcibly returned from Germany following the rejection of his asylum application. He was charged apparently in relation to his involvement with Kurdish opposition groups abroad - the Syrian government stated that he was involved with the Kurdish People's Union Party which is prohibited in Syria and was held incommunicado for months at various detention centres, where he was reportedly tortured. On 20 March, Hussain Daoud was sentenced by the Supreme State Security Court to two years in prison following an unfair trial. Hussain Daoud was charged according to the provisions of Article 267 of the Penal Code and Article 3 of Legislative Decree number 6 of 1965

for "involvement in an attempt to sever part of the Syrian territory" and "opposing the objectives of the revolution through taking part in demonstrations". He was released on 11 December 2002. Amnesty International considered Hussain Daoud to be a prisoner of conscience detained solely for exercising his right to freedom of expression and association.

On 20 October 1995 a rejected asylum seeker was returned from Switzerland to Syria. He was witnessed being detained by the Syrian authorities immediately upon his arrival at the airport in Damascus. His family in Syria has not been able to discover his whereabouts since. We fear that he is at great risk of torture and "disappearance".

It was also reported in 1995 that three Syrian Kurdish asylum-seekers were returned from Austria to Syria. Reportedly, they were arrested upon their arrival, but since that time there has been no further information about their fate.

Sami Hilmi al-Sharif, a Palestinian, was reportedly detained following his deportation from Sweden to Syria on 26 October 1988. Sami Hilmi al-Sharif was escorted to Damascus by two members of the Swedish police. Three other Palestinians were deported in 1988 from Sweden to Lebanon via Syria; their fate and whereabouts remain unknown. All four of these Palestinian men are reportedly members of the *al-Fatah* faction of the Palestine Liberation Organization (PLO).

Yours faithfully

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