

Amnesty International
Canadian Section (english-speaking)
Refugee Coordinators' Office
56 Temperance St. 8th Floor
Toronto, Ontario M5H 3V5
Tel: 416-363-9933 Fax: 416-363-3103
refugees@amnesty.ca

Risk of Return to Syria
January 2004

The Research Team on Syria at our International Secretariat informs us that Syrians seeking political asylum abroad are perceived to be government opponents by the Syrian authorities. The very fact of leaving the country to seek asylum abroad is imputed to be a manifestation of opposition to the Syrian Government. If, in addition, the asylum-seeker has been affiliated with an unauthorized political party or group, he/she risks arrest and torture upon return to Syria. This is done by the authorities to attempt to extract information about the group and its members. According to recent reports, torture in Syria continues to be systematic.

It is reported that former political prisoners who have been released have been constrained to sign documents in which they renounced their political opposition activities. Therefore, when former prisoners request asylum abroad, it is likely to be considered 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.

Our international office informs us that members of the Muslim Brotherhood and those affiliated to them are subject to the death penalty under Syrian law 49. 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 abroad as exiles since the early 1980s. One of these detainees died in custody in March 2002 while being held incommunicado. Other Syrians have been detained and/or tortured and ill-treated on their return - forced or otherwise - from exile to Syria, because of their suspected links to the Muslim Brotherhood. Amnesty International has received reports of a 17 year old youth who lived in Amman, Jordan with his family. He returned to Syria where he was detained in a Syrian interrogation centre, despite the fact that it was his father who was associated with the Muslim Brotherhood. We have also received reports of women who have been detained upon their return because of their husband's affiliation with the Muslim Brotherhood.

Syrian security forces continue to arbitrarily arrest and detain suspected members of any organization engaged in activities that are perceived to be opposed to the government. Prisoners of conscience are routinely tortured and held in isolation for months or years without charge or trial.¹

Amnesty International has produced numerous reports on the human rights conditions in Syria. These reports include information showing that the individuals and family members who are thought to be affiliated with known opposition groups are at risk in Syria, as are Syrians who have sought asylum. Our research has shown that individuals returned to Syria remain at risk of serious human rights violations in spite of assurances provided by Syrian authorities.

- On 11 July 2003 Amnesty International reported that, after 23 years in exile in Saudi Arabia, Abd el-Razaq Shoullar who is 81 years old and suffers from senile dementia, had been held in incommunicado detention in Syria since 4 June 2003. He was eventually released on 29 July 2003. It was believed that he was held solely in connection with his son's affiliation to the Muslim Brotherhood.²
- 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 Muslim Brotherhood and was held in incommunicado detention at a branch of the military intelligence in Aleppo in northern Syria. He was released in October 2003 after earlier reports that he had died under the torture.³

¹ AI Index MDE 24/021/2003, 26 June 2003 Possible prisoners of conscience/fear of torture or ill-treatment/incommunicado detention.

² AI Index MDE 24/024/2003, 11 July 2003 Risk of torture or ill-treatment/possible prisoner of conscience Incommunicado detention/medical concern

³ AI Index MDE 24/050/2002, 04 December 2002, Forcible return/Incommunicado detention/ear of torture or ill-treatment.

- On 25 April 2003 Amnesty reported the incommunicado detention of seven Syrians who returned to Syria after their exile in Iraq. All seven men were purported to have links to the Muslim Brotherhood.⁴
- Sulayman Hissu, who is a German citizen and carries a German passport, has been living in Germany since 1977. On 31 July 2003 he returned to Syria voluntarily for the first time since going into exile and was immediately arrested and detained for past political activities, despite not having been politically active on Syrian issues for many years.⁵
- Hussain Daoud, a Syrian Kurd, has been detained since December 2000 after being forcibly returned from Germany following the rejection of his asylum application. He was charged under the Syrian Penal Code for, *inter alia*, 'involvement in an attempt to sever part of the Syrian territory'. These charges relate to his involvement with Kurdish organizations abroad. He has been held incommunicado for months at various detention centers where he has reportedly been tortured.⁶
- In *Amnesty Report 2002*, we reported the torture, ill-treatment and incommunicado detention of sisters 'Ayisha and Asma Taleb, an Iraqi family in Syria. Their arrests were apparently connected to their father's alleged involvement with unauthorized Islamist groups.
- In October 2003, Maher Arar, a Canadian of Syrian origin, was released from prison after 10 months of detention without charge or trial, during which time he was held in abysmal conditions and subjected to torture. In October 2002, he was forcibly removed from the United States to Jordan and subsequently to Syria, following vague and unsubstantiated allegations that he may have been connected with *al-Qa'ida*.⁷
- 'Abdallah al-Malki, a Canadian citizen of Syrian origin, was reportedly arrested as he arrived at the airport in the Syrian capital Damascus in May 2002 and was held at a secret location until September or October 2003. He is now believed to be held in Sednaya prison on the outskirts of Damascus. Unspecific allegations have been made that he provided support to groups or individuals involved in terrorist activities. However, it does not appear that he has been charged with any offence despite being held in detention for 1 ½ years. There are reports that he too has been severely tortured.⁸
- Arwad Muhammad 'Izzaat Al-Buchi, a Canadian/Syrian national has been detained since 20 July 2002, following his return to Syria after 23 years in exile in

⁴ AI Index: MDE 24/015/2003, 25 April 2003, Incommunicado detention/Detention without charge/Fear of torture or ill-treatment.

⁵ AI Index MDE 24/023/2001, 3 August 2001 Fear of Torture/Legal Concern.

⁶ AI Index MDE 24/016/2002, 20 June 2002 Possible Prisoner of Conscience/Fear of torture or ill-treatment.

⁷ AI Index: MDE 24/036/2003, 7 October 2003, UPDATE

⁸ AI Index: MDE 24/038/2003, 4 November 2003, Fear of torture and ill-treatment/Unlawful detention/Incommunicado detention/Ill-health.

Canada and Saudi Arabia. He was arrested upon arrival at Damascus airport despite assurances by the Syrian authorities of his safety.⁹

⁹ AI Index MDE 24/047/2003, 10 December 2003. Fear of Torture and ill-treatment/Unlawful detention/Incommunicado detention.