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Appeal Case Update – Syria/Germany/USA “Disappearance” of Muhammad Haydar Zammar

(Update of *Syrian-born German held three years without charge in rat-infested Syrian “tomb”*, 08/10/2004, AI INDEX: MDE 24/066/2004 and update of 6/04/2005, AI INDEX: MDE 24/016/2005)

05/12/2005

AI INDEX: MDE 24/105/2005



Muhammad Haydar Zammar in Hamburg, Germany, 3/10/01. © AP

Amnesty International continues to be gravely concerned over the fate of Muhammad Haydar Zammar who has been effectively “disappeared” for four years. The organisation is reiterating its calls for his whereabouts to be immediately disclosed. Muhammad Haydar Zammar has been detained in Syria since the end of 2001, to where he was deported from Morocco after one or two weeks’ detention. Unconfirmed reports suggest that he may have been held in Sednaya prison on the outskirts of Damascus, at some point, after being transferred from his solitary confinement cell in the Palestine Branch (*Far’ Falastin*) of Military Intelligence, Damascus, in October 2004.

The United States’ security forces were reportedly involved in Muhammad Haydar Zammar’s arrest and interrogations in Morocco, where he was initially arrested, and in his secret transfer to Syria. After four years, it seems he has still not been charged with any offence but it is reported that his detention is related to his alleged links to al-Qa’ida.

In October 2004, Muhammad Haydar Zammar was already reported to be in a ‘skeletal’ physical state as a result of three years’ incommunicado detention in *Far’ Falastin* without charge in prolonged, solitary confinement, in cruel, inhuman and degrading conditions, amounting to torture. Information received by Amnesty International suggests

that during that time he was subjected to intense torture during prolonged and regular periods of interrogation. Information indicates that he has still not been allowed to see a lawyer, any of his family, or a doctor. In October 2005, Amnesty International received information that he had exchanged letters during 2004 and 2005 with his family in Germany. This was facilitated by the International Committee of the Red Cross (ICRC) in Damascus. Despite, this however, Muhammad Haydar Zammar has not been seen by anyone including the ICRC whose delegates in any case are not permitted to visit any prisons, detention centres or interrogation centres in Syria.

In Amnesty International's last update on his case (see MDE 24/016/2005), we wrote that German Consular officials had reportedly visited Muhammad Haydar Zammar in the summer or autumn of 2002. However, we have learned since then that Consular officials have in fact never had access to him despite repeated requests to the Syrian authorities. Instead, according to recent media reports, he was interrogated in Syria, in November 2002, by agents of three German intelligence and criminal investigation agencies: the *Bundesnachrichtendienst* or foreign intelligence, the *Bundesamt für Verfassungsschutz* or internal intelligence and the *Bundeskriminalamt* or the federal criminal investigation office. Amnesty International is concerned at this reported involvement of the German authorities in this process. As far as Amnesty International is aware there has been no official response from the German government on the involvement, in this case, of German intelligence and criminal investigation officers. Media reports have indicated that it may be discussed at one of the parliamentary committees, which work on the basis of strict confidentiality. In addition, the question will apparently be brought before the parliamentary committee on legal affairs in the near future.

Holding Mohammed Hayder Zammar in prolonged incommunicado detention and solitary confinement, and subjecting him to torture and ill-treatment is a violation of Syria's obligations under the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which Syria is a state party. The ICCPR and CAT impose obligations on Syria to prohibit torture and not to use it in any circumstances. It also prohibits the use of statements extracted under torture or ill-treatment as evidence in any proceedings against someone who has been subjected to that treatment.

The conditions of Muhammad Haydar Zammar's detention also appear to contravene Germany's obligations under international law, including the ICCPR and CAT. Every State Party to these treaties has a legal interest in the performance by every other State Party of its obligations. Germany has a particular interest in the case of Mohammed Hayder Zammar as he is a citizen of Germany. It is also feared that the German authorities might seek in the future to use statements extracted under torture and ill-treatment as evidence against Muhammad Haydar Zammar in proceedings against him in Germany. This would be in violation of Germany's obligations under both the ICCPR and CAT. Germany also has an obligation to ensure that Syria does not use any information extracted under torture against Muhammad Haydar Zammar.

What can you do?

You can write to the Syrian President, Bashar al-Assad, in English, Arabic, French, or your own language:

- acknowledging the news that Muhammad Haydar Zammar may still be alive as indicated by the recent exchange of letters with his family that were facilitated by the Syrian authorities and the ICRC;
- urging that Muhammad Haydar Zammar be released unless he is to be charged with a recognizable criminal offence and given a prompt and fair trial;
- expressing grave concern at reports of the apparent "disappearance" of Muhammad Haydar

Zammar following four years' detention without charge in incommunicado, solitary detention, in cruel, inhuman and degrading conditions;

- urging that Syrian authorities clarify whether Muhammad Haydar Zammar is alive, and requesting that his whereabouts be disclosed;
- expressing deep concern over reports that Muhammad Haydar Zammar has been subjected to torture and ill-treatment during interrogation;
- encouraging President al-Assad to investigate the reports of torture and ill-treatment in line with Syria's obligations under the UN Convention Against Torture, to which Syria acceded in 2004, and requesting that anyone found responsible be brought to account;
- requesting the Syrian authorities to ensure that no information obtained under torture or duress will be admitted as "evidence" against Muhammad Haydar Zammar;
- urging that all measures be taken to ensure that Muhammad Haydar Zammar is being treated humanely, and urging that he be given immediate access to German consular officials, lawyers, relatives and adequate medical treatment.

You can write to the German Foreign Minister, Frank-Walter Steinmeier, in German, English, French, or your own language:

- expressing grave concern at reports that German-Syrian national Muhammad Haydar Zammar has effectively "disappeared" for four years, during which time he has reportedly been held without charge, subjected to torture in prolonged, incommunicado, solitary detention, in cruel, inhuman and degrading conditions;
- urging that the German authorities make representations to the Syrian government requesting that they disclose his whereabouts, and that he be treated humanely, be given immediate access to German consular officials, lawyers, relatives and adequate medical treatment;
- expressing concern at reports of the interrogation of Muhammad Haydar Zammar in 2002 by agents of German intelligence and criminal investigation forces, pointing out that:

- he is being held in a country where torture is known to be used against detainees systematically and according to reports, Muhammad Haydar Zammar has himself been subjected to torture and other cruel, inhuman or degrading treatment in Syrian detention;

- no information obtained under torture or duress should be admitted as "evidence" against him by the German or Syrian authorities in line with Article 15 of the UN Convention Against Torture, to which both countries is a state party;

- urging that the German authorities make representations to the Syrian government calling for Muhammad Haydar Zammar to be released unless he is to be charged with a recognizable criminal offence and given a prompt and fair trial.

You can write to the US Secretary of State, Condoleezza Rice, in English, Arabic, French, or your own language:

- expressing grave concern at the reported "disappearance" of Muhammad Haydar Zammar following four years' detention without charge in prolonged, incommunicado, solitary detention, in cruel, inhuman and degrading conditions;
- expressing concern at the alleged role played by the US authorities in his "rendition" from Morocco to Syria;
- urging that the US authorities make representations to the Syrian government to clarify and disclose the exact whereabouts of Muhammad Haydar Zammar, that he be treated humanely and given immediate access to German consular officials, lawyers, relatives and adequate medical treatment;
- urging that allegations of torture and ill-treatment of Muhammad Haydar Zammar in Morocco and in Syria, and of alleged US involvement, be thoroughly investigated and that anyone found responsible be brought to account;
- seeking assurances that no information obtained under torture or duress will be admitted as

“evidence” against Muhammad Haydar Zammar;
- urging that the US authorities make representations to the Syrian government calling for Muhammad Haydar Zammar to be released unless he is to be charged with a recognizable criminal offence and given a prompt and fair trial.

To the 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

To the German authorities:

Frank-Walter Steinmeier
The Federal Minister of Foreign Affairs
Auswärtiges Amt
11013 Berlin
Germany
Fax: +49 30 5000 3402
Salutation: Dear Minister

To the US authorities:

The Honorable Condoleezza Rice
Secretary of State
US Department of State
2201 C Street NW
Washington
DC 205 520 USA
Fax: +1 202 261 8577
Email: http://contact-us.state.gov/ask_form_cat/ask_form_secretary.html
Salutation: Dear Secretary of State