

AMNESTY INTERNATIONAL

PRESS RELEASE

AI Index: MDE 24/006/2005 (Public)
News Service No: 023
31 January 2005

Syria: Amna al-'Allush, allegedly tortured in the presence of a judge and senior local official

The Syrian authorities must investigate all allegations of torture made in the case of Amna al-'Allush, a woman originally sentenced to 12 year's imprisonment on charges of murder, following an unfair trial that relied on a "confession" reportedly extracted under torture.

"Amna al-'Allush was tortured on the orders and in the presence of two local police officials and a judge, according to evidence presented by witnesses," said Arlette Laduguie, Deputy Programme Director of the Middle East and North Africa Programme at Amnesty International. "It is imperative that this evidence is taken into account during her retrial and that those found responsible are brought to justice regardless of their status and rank."

The authorities must also ensure that "confessions" extracted under torture are not used as evidence in her retrial, which is currently under way. Any such retrial must take into account the testimonies of several witnesses who stated they had seen the defendant being tortured.

At least two policemen and one court clerk told the Criminal Court of Raqqa that they had seen Amna al-'Allush being tortured and forced to "confess" when she was interrogated at the Ma'dan Court building on the night of 16-17 March 2002 on charges of murder. The witnesses stated that she had arrived at the building escorted by the local head of police and the city mayor. They also stated they saw the police unload cable wires and tyres from the police car which were later used as torture devices against her.

The witnesses said Amna al-'Allush was interrogated in the presence of the two local police officials and a judge. One of the witnesses, a court clerk who was brought to take minutes during the interrogation session, said that Amna al-'Allush was forced to change her loose dress for combat trousers. This was apparently done to prevent parts of her body being exposed when she was fitted into the tyres in preparation for torture.

The clerk said Amna al-'Allush kept denying the charges, pleading her innocence, when questioned by the judge. But shortly afterwards, she was fitted into the tyres. Then the head of the police station started beating her repeatedly with a triple cable wire while the judge and the local mayor watched and then left the room.

"I heard the head of police threatening the defendant by saying *Al-layl tawil wa al-Rabb karim* (God is gracious and night is long)", the witness stated. After a while, the judge returned to the

interrogation room and asked the policeman beating her: "has she confessed?". The policeman said "no". The judge then left the room again. Amna al-'Allush's weeping and crying could be heard in his office located less than five metres away and the door of which was left open. The policeman continued to beat her while she kept denying the charges. After that she was untied and taken away but was barely able to walk due to the severity of the beating. On the following morning a policeman brought her to the judge and told him that she had confessed.

Despite the witnesses' accounts, the Criminal Court of Raqqa ignored the torture claims and handed down a 12-year sentence against Amna al-'Allush on 13 April 2004. On 16 August the Court of Cassation overturned the ruling because of flaws in the procedures and ordered a retrial. The retrial will continue on Tuesday 1 February. The judge who was allegedly present during the torture session will be questioned by lawyers on that day.

A memorandum to request the opening of an investigation into the judge's alleged participation in the torture of Amna al-'Allush was sent by the defendant's lawyer to President Bashar al-Assad, who is the head of the Judicial Council and thus the only person empowered to authorize the trial of judges. The memorandum has so far received no response.

Amnesty International calls on the Syrian authorities to carry out an independent, prompt and impartial investigation into these allegations and suspend from duty any public officials allegedly involved in torture pending the outcome of such investigation and any subsequent legal or disciplinary proceedings. Those suspected of having committed torture, regardless of their rank and status, should be brought to justice.

Background:

Amnesty International has gathered evidence showing that the security forces in Syria routinely use torture against political detainees. Torture of ordinary criminal suspects is also common. Torture has been practised in Syria over the years with impunity, and legal safeguards which prohibit and penalize the use of torture are routinely ignored. Deaths in custody allegedly caused by torture are rarely investigated and the perpetrators seldom brought to justice.

"Confessions" elicited under torture cannot be invoked as evidence in any proceedings, except against the person accused of torture, as stipulated, *inter alia*, in article 15 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to which Syria is a state party. In addition, Syria's Penal Code and Code of Criminal Procedures specifically prohibit the use of physical pressure to obtain confessions. The United Nations Special Rapporteur on torture has recommended that "where allegations of torture or other forms of ill-treatment are raised by a defendant during trial, the burden of proof should shift to the prosecution to prove beyond reasonable doubt that the confession was not obtained by unlawful means, including torture and similar ill-treatment."

Public Document

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