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## **Syria: UN Rules Dissident's Detention Illegal**

Free Kamal Labwani, Rights Activist Serving 12-Year Sentence After Unfair Trial

(London, April 28, 2009) – Syrian authorities should immediately free Dr. Kamal Labwani, a prominent political and human rights activist, following a UN finding that his detention is arbitrary and thus unlawful, a group of leading human rights organizations said today. The groups called on nations engaged in dialogue with Syria to make the release of Dr. Labwani and other activists a priority.

In March 2009, the UN Working Group on Arbitrary Detention, the body mandated to investigate complaints of arbitrary deprivation of liberty, released its opinion that Dr. Labwani's imprisonment since November 2005 constituted arbitrary detention. The Working Group concluded that Dr. Labwani "had been condemned for the peaceful expression of his political views and for having carried out political activities" that are protected under international law. It also deemed that his trial was unfair.

"The UN's finding confirms that Dr. Labwani should not be in jail," said Maureen Thomas, a retired teacher in the United Kingdom who knew of his plight and petitioned the UN Working Group to review his detention. "We hope that the Syrian authorities will respect the UN's decision and free him immediately."

The groups that issued the joint statement are: Amnesty International, Human Rights Watch, the Observatory for the Protection of Human Rights Defenders (a joint program of the World Organisation Against Torture and the International Federation for Human Rights), and ACAT France.

Dr. Labwani, a physician, is the founder of the Democratic Liberal Gathering, a group of Syrian intellectuals and activists who advocate for peaceful change in Syria. Security forces arrested him on November 8, 2005, upon his return from a two-month trip to Europe and the United States, where he had met with government officials, journalists, and human rights organizations. During his trip, he appeared on the pan-Arab Al-Mustaqilla and Alhurra television networks and called on the Syrian government to respect fundamental freedoms and human rights.

On May 10, 2007, a Damascus criminal court convicted Dr. Labwani of "communicating with a foreign country and inciting it to initiate aggression against Syria" and sentenced him to 12 years in prison. It was the harshest sentence imposed on an advocate of peaceful reform since President Bashar al-Assad took power in 2000.

Dr. Labwani's trial was marred by interference from state security agencies. Prosecutors added the charge of "communicating with a foreign country and inciting it to aggression" while the trial was under way, after the head of National Security wrote to the minister of justice asking him to add this accusation to the lesser

charges that the General Prosecutor's Office had initially filed.

The UN Working Group decision noted that there had been serious violations of due process in Dr. Labwani's trial, including "the circumstances [of his] arrest and detention," his "minimal access to lawyers," his lack of opportunity to "present witnesses on his behalf," the fact that he was not "interrogated on the new serious charges brought against him at the end of the trial," and the fact that the court "did not consider the evidence presented by the defense." It concluded that "his judicial process seems having [sic] been grossly unfair and fundamental exigencies of due process of law were not respected."

"The UN has called the detention of Dr. Labwani and other dissidents in Syria illegal," said Sarah Leah Whitson, Middle East and North Africa director at Human Rights Watch. "It is now up to the UN member states, and especially countries like France and the US that are currently engaged in a dialogue with Syria, to make the release of these dissidents a top priority."

During the trial, Syrian security agencies frequently harassed Dr. Labwani's lawyer, Anwar al-Bunni. Al-Bunni was himself sentenced on April 24, 2007, to five years in prison on charges unrelated to Dr. Labwani's trial but apparently intended to punish al-Bunni for his own political and human rights activism and defense of detained dissidents.

An additional three years of imprisonment was handed down to Dr. Labwani on April 23, 2008, after a military court found him guilty of the vaguely worded and widely interpreted charge of "broadcasting false or exaggerated news which would affect the morale of the country," in connection with comments he reportedly made in his prison cell.

The Working Group's opinion on Labwani is the latest in a series it has issued declaring detentions of political and human rights activists, among others, in Syria to be violations of international law. In 2002, the Working Group declared arbitrary the previous detention of Dr. Labwani and that of nine others arrested in 2001 for their peaceful advocacy of reform during the "Damascus Spring" period, which flourished briefly after Bashar al-Assad became president.

In May 2006, the Working Group released its conclusion that Riad Drar, an activist serving a five-year sentence for making a speech at the funeral of a prominent Kurdish Islamic scholar, Sheikh Ma`shuq al-Khaznawi, was being detained arbitrarily. The UN experts said his trial was unfair and that Drar had been convicted merely for exercising his right to free expression. In May 2008, it declared the detention of human rights lawyer Anwar al-Bunni and seven young men involved in a peaceful discussion group to be arbitrary.

In March 2009, the Working Group declared the detention of another human rights defender, Nizar Ristnawi, to be arbitrary. Ristnawi is currently serving a four-year prison term for "spreading false news" and "insulting the President of the Republic" after a member of the security services overheard a conversation he was having on human rights and other issues.

"UN experts have once again concluded that the Syrian authorities have locked up an advocate of peaceful reform on the basis of spurious security-related charges," said Philip Luther, deputy director of the Middle East and North Africa Programme at Amnesty International. "Stifling dissent in this way is totally unacceptable."