

PUBLIC

AI Index: MDE 24/003/2005

19 January 2005

UA 15/05      Torture and ill-treatment/ possible unfair trial

SYRIA      'Ammar 'Umar (m)  
Kahdar Khaled (m)  
Mas'ud Khaled (m)  
Hasan 'Umar (m)  
Murad Aslan (m)  
Daglash Khalil (m)  
Shenidar Muhammad Yusuf (m)  
Shiyar Muhammad Yusuf (m)  
Zerdeshta Muhammad Yusuf (m)  
Zibar Muhammad Yusuf (m)  
Tawfiq Husayn (m)  
Manal 'Abdi (m)  
Diyar 'Ali (m)  
Juwana Khaled (m)  
Jivara Shukri (m)

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Fifteen Syrian Kurds have reportedly been tortured and ill-treated by guards in Adra prison near the capital Damascus and are at risk of further torture and ill-treatment. They are scheduled to be tried in mid-February 2005 for their alleged involvement in protests and riots which broke out following clashes at a football match in Qamishli, north-eastern Syria, on 12 March 2004. They are at risk of an unfair trial, and may be sentenced to death.

The 15 were detained during the mass arrests across northern Syria in March 2004. They have reportedly been beaten and insulted by guards. The men are only allowed brief supervised visits from family members every two months if the government's Political Security Department permits them, during which no talking in their native Kurdish is allowed. Their access to fresh air and exercise is restricted and they are receiving very poor quality food. According to reports, the 15 detainees went on hunger strike for two weeks in December 2004 in protest at the conditions of their detention. They called off their hunger strike on 16 December when the prison authorities reportedly agreed to improve conditions of detention and to stop beatings, but have since allegedly been beaten and whipped by prison guards.

The 15 detainees are due to be the first to be tried in the Supreme State Security Court (SSSC) in connection with the violent events in northern Syria in March 2004, in which at least 36 people, mostly Kurds, were killed. The 15 are charged with: "involvement in cells seeking to weaken nationalist consciousness and to stir up racial sectarian strife", "aggression aiming to incite civil war and sectarian fighting and incitement to kill", "affiliation to a secret association" and "attempting to sever part of the Syrian territory to annex it to a foreign state". The maximum sentence if they are convicted of these crimes is the death penalty. In 2002 and 2003, at least 27 people were executed in Syria.

#### **BACKGROUND INFORMATION**

More than 2,000 people, almost all of them Kurds, are believed to have been arrested in the wake of the March 2004 clashes. Most of these were held incommunicado at unknown locations, and about 200 remain in detention (see UA 110/04, MDE 24/019/2004, and follow-up, MDE 24/027/2004). Amnesty International has documented widespread reports of torture and ill-treatment of detainees, including children. At least five Kurds have reportedly died as a result of torture and ill-treatment in custody since March 2004.

Trials before the SSSC fall far below international fair trial standards. Defendants do not have the rights of appeal, and have restricted access to lawyers, "confessions" allegedly extracted under torture are admissible as evidence, and judges have wide discretionary powers. Furthermore, the UN Human Rights Committee has stated that its procedures are incompatible with the provisions of the International Covenant of Civil and Political Rights, to which Syria is a state party.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Arabic or French or your own language:**

- expressing concern at reports that 15 men, 'Ammar 'Umar, Kahdar Khaled, Mas'ud Khaled, Hasan 'Umar, Murad Aslan, Daglash Khalil, Shenidar Muhammad Yusuf, Shiyar Muhammad Yusuf, Zerdeshtha Muhammad Yusuf, Zibar Muhammad Yusuf, Tawfiq Husayn, Manal 'Abdi, Diyar 'Ali, Juwan Khaled, and Jivara Shukri, have been tortured and ill-treated at Adra prison near Damascus;
- calling for these reports to be investigated, for anyone responsible to be brought to justice, and for any information obtained as a result of torture to be discounted;
- requesting that they be provided any medical assistance that they may require, and allowed regular access to visits from family, friends and lawyers;
- reminding the authorities that as a state party to the Convention Against Torture, Syria is obliged to review all of its legislation and practices in line with the requirements of the Convention, and ensure that all its provisions are fully implemented;
- expressing concern that the fifteen detainees are to be unfairly tried before the Supreme State Security Court (SSSC), and requesting that they be tried by a court whose standards meet international standards for fair trial procedures;
- urging that no more executions be carried out in Syria and that the Government works towards abolishing the death penalty.

**APPEALS TO:**

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**

His Excellency General Ghazi Kan'an  
Minister of Interior  
Ministry of Interior  
Merjeh Circle  
Damascus, Syrian Arab Republic  
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**Email: somi@net.sy**  
**Salutation: Your Excellency**

**COPIES TO:** diplomatic representatives of Syria accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 2 March 2005.