

# AMNESTY INTERNATIONAL

## Public Statement

AI Index: MDE 24/040/2005 (Public)  
News Service No: 167  
20 June 2005

### Syria: Seventeen-year old sentenced after unfair trial

Amnesty International strongly criticized the prison term imposed on a 17-year-old youth yesterday by Syria's Supreme State Security Court (SSSC). Mus'ab al-Hariri was sentenced to six years imprisonment on charges of belonging to the Muslim Brotherhood (MB), an organisation which is banned in Syria.

Mus'ab al-Hariri was arrested by Syrian security forces on 24 July 2002 shortly after he returned home to Syria with his mother, from exile in Saudi Arabia. The Syrian Embassy in Saudi Arabia, to where Mus'ab al-Hariri's parents had moved in 1981, had reportedly assured his mother that he could return safely. However, Mus'ab al-Hariri was arrested and detained incommunicado without access to his lawyer or visits from his family. He is reported to have been tortured soon after his arrest and again later during his interrogation by Syrian Military Intelligence officials.

Trials before the SSSC, created under Syrian emergency laws in 1968, are notorious for falling far short of international standards for fair trial. Over the years, Amnesty International has documented evidence showing how SSSC trials are grossly unfair. Verdicts are not subject to appeal, defendants have restricted access to lawyers, judges are granted wide discretionary powers, and confessions allegedly extracted under torture are accepted as evidence. The UN Human Rights Committee has stated that SSSC procedures are incompatible with the provisions of the International Covenant of Civil and Political Rights (ICCPR), to which Syria is a state party; even so, the SSSC continues to sit and to hand out heavy sentences.

The case of Mus'ab al-Hariri, who is held in Sednaya prison, follows the same pattern of arbitrary detention and unfair trial as the case of his brothers, 'Ubadah, and Yusuf, who were arrested in 1998 after returning from Saudi Arabia to continue their schooling in Syria. They were 18 and 15 years old when arrested. All three brothers were reportedly tortured, including by the *dulab* ("the tyre", whereby the victim is forced into a tyre, which is suspended, and beaten with sticks and cables) and *al-kursi al-almani* ("the German chair", whereby the victim is put into a chair with moving parts which bend the spine backwards). Torture is prohibited by the Syrian Constitution (Article 28) and punishable by imprisonment under the Penal Code (Articles 319 and 391). Since April 1969 Syria has also been a state party to the ICCPR, which prohibits torture (Article 7). On 19 August 2004 Syria acceded to the UN Convention Against Torture (CAT). Despite these positive measures, repeated and consistent allegations of torture in Syria continue.

'Ubadah and Yusuf were both sentenced by a Field Military Court (FMC) respectively to three and one year of imprisonment, again in connection with affiliation to the MB and were released from Sednaya prison in 2004 and 2000. Amnesty International considers the detention of the three brothers and their trials to be a gross violation of human rights in breach of Syria's obligations under the ICCPR to which it is a state party, and the Convention on the Rights of the Child which it ratified in 1993.

Scores of Syrian returnees over the last few months, including several juveniles, have been arrested, or remain detained incommunicado and without charge or pending unfair trials, and are at risk of torture. In the past three years, at least ten returnees appear to have “disappeared” and several have died, apparently as a result of torture and ill-treatment. Particularly at risk appear to be those with present, past or familial connections with the unauthorised MB. The violations are taking place despite assurances of safe return being given to former political exiles (see AI Public Statement: *Syria: Ongoing risks for returnees* (AI index MDE24/025/2005, 13 May 2005).

The recent 10th Ba’ath Party Congress, which closed on 9 June, indicated a willingness on the part of the Syrian authorities to allow the establishment of political parties, but not those said to be based on religious, ethnic or sectarian interests such as the MB.

### **Background**

Affiliation to the Muslim Brotherhood is punishable by the death penalty under Syrian Law 49 of July 1980, although the sentence is usually commuted to a 12 year prison term. Many Muslim Brotherhood supporters and sympathisers, and their families, fled Syria following armed clashes which began in the late 1970s, and the introduction of Law 49 in 1980.