

TABLE OF CONTENTS

INTRODUCTION.....	1
Amnesty International's communications with the Syrian Government	2
BACKGROUND.....	3
LEBANESE NATIONALS HELD IN SYRIA.....	6
Lebanese detained or "disappeared"	6
Acknowledged Detention	7
Detentions since 1990	8
A Sample of Detainees	11
Unresolved Cases from the War Period.....	12
"Disappearances"	14
"Disappearances" during the War	14
13 October 1990.....	16
Post-war "disappearances"	19
PALESTINIAN AND JORDANIAN NATIONALS	21
The pattern of "disappearance"	21
A sample of "disappearance" cases	24
From "disappearance" to "reappearance"	26
Multiple injustices	27
CONCLUSION	29
RECOMMENDATIONS.....	30

SYRIA

Caught in a regional conflict: Lebanese, Palestinian and Jordanian political detainees in Syria

INTRODUCTION

Hundreds of Lebanese, Palestinians and Jordanians have been arbitrarily arrested, some over two decades ago, and remain in prolonged and often secret detention in Syria. Most remain in prison without charge or trial. Others are said to have been sentenced in secret summary trials where even the charges and the sentences were not known by the defendants. Scores of those arrested "disappeared"¹ after arrest by the Syrian security services; though some were later found to be held in Syrian prisons, others have remained "disappeared". Relatives and friends who have inquired for years about the fate of the detainees have been met with a wall of silence. Although some who "disappeared" may have been extrajudicially executed most are still believed to be alive in unacknowledged detention.

Since 1991 the Syrian Government has released thousands of long-term political prisoners, including prisoners of conscience², most recently in May and June 1998. Amnesty International welcomes these releases, and is now calling on the Syrian Government to break its silence on the fate of hundreds of other political detainees who "disappeared" or who are suffering prolonged arbitrary detention.

Most of the cases of unacknowledged detention and "disappearance" featured in this report took place in the context of the Lebanese civil war (1975-1990) or during the conflict between Syria and the Palestine Liberation Organization (PLO) in the 1980s. Many of those who "disappeared" or were detained during the Lebanese civil war were arrested or abducted by Syrian forces in Lebanon, or handed over to Syrian forces by militia groups. After the war ended, Lebanese nationals continued to be abducted by Syrian forces or passed to Syria by Lebanon's military intelligence. Lebanese, Palestinians and Jordanians were arrested by the Syrian security forces on the border or

¹ Someone has "disappeared" when he or she has been taken into custody by the authorities (or with their connivance) and the authorities then deny the victim's detention, and knowledge of the victim's whereabouts.

²The term "prisoners of conscience" refers to the imprisonment, detention or other physical restrictions imposed on any person by reason of his or her political, religious, or other conscientiously held beliefs, or by reason of his or her ethnic origin, sex, colour, language, national or social origin, economic status, birth, or other status, provided that he or she has not used or advocated violence.

within Syria. Often there were no witnesses to the arrest and only years later did certain families find their relatives alive in secret detention.

Amnesty International has concerns about Syrian detainees who have suffered prolonged political detention without trial as well as those detained after unfair trials. These concerns have been made public in previous reports.³ This report considers only the cases of Lebanese, Palestinians and Jordanians who are imprisoned or have "disappeared" in Syria primarily as victims of regional conflict and political struggles.

Amnesty International's communications with the Syrian Government

In 1994 Amnesty International submitted to the Syrian authorities a memorandum listing more than a thousand victims of human rights violations. The list included examples of Lebanese, Palestinians and Jordanians detained or "disappeared" in Syria. No response was received and Amnesty International made public its concerns in a report issued in April 1995.

In July 1995 Amnesty International received a response from the Syrian Government which stated that individual human rights were protected by Syrian legislation, including the constitution, and that the state of emergency, although in force because of "exceptional circumstances" in Syria, was implemented only in a very limited way. The response argued that due process was carefully followed by the Supreme State Security Court (the court entrusted with trials of political prisoners) and that there were no prisoners of conscience, no "disappearances", no torture, and no impunity for human rights violators in Syria. The Syrian Government's response, however, failed to provide any clarification regarding the numerous individual cases Amnesty International had submitted a year earlier, or to allay the organization's serious concerns.

In March 1997 Amnesty International submitted a revised list of cases, including cases of Lebanese, Palestinians and Jordanians, during talks with Syrian officials. As on previous occasions, they undertook to study the cases and provide the organization with a response. As of December 1998 no response has been received.

Since the submission of Amnesty International's 1994 memorandum several hundred political prisoners, including prisoners of conscience, have been released either on the expiry of their prison terms, or as a result of a presidential amnesty. Amnesty International welcomes these releases, yet remains concerned that there are still hundreds of political prisoners, including prisoners of conscience, whose cases have not yet been resolved by the Syrian authorities. This report highlights some of these cases.

Those whose cases are detailed in this report were arbitrarily arrested, and almost invariably tortured after arrest. Many were then detained without charge or trial. When

³See for example: *Syria: Torture by the Security Forces* (AI Index: MDE 24/09/87), October 1987; *Syria: Indefinite Political Imprisonment: Long Term Detention and Torture of Political Prisoners* (AI Index: MDE 24/12/92), July 1992; and *Syria: Repression and Impunity: The Forgotten Victims* (AI Index: MDE 24/02/95), April 1995.

trials were held they were grossly unfair, summarily and secretly conducted, without regard to international fair trial standards which Syria has undertaken to uphold, or even to the country's own code of criminal procedure. In some cases the detention was acknowledged by the Syrian Government; often it was not and individuals "disappeared" following their arrest.

BACKGROUND

The concerns and cases in this report come within the context of the hostilities generated by the Lebanese civil war (1975-1990) and the dispute between Syria and the Palestine Liberation Organization (PLO) during the 1980s.

In April 1975 war broke out in Lebanon between the mainly Muslim National Lebanese Movement (NLM, *al-haraka al-wataniyya al-lubnaniyya*) in alliance with the Palestine Liberation Organization (PLO) on one hand and the main Christian groups under the umbrella of the Lebanese Front, *al-jabhah al-lubnaniyya* on the other.

In June 1976 Syria sent military troops into Lebanon with the declared aim of stopping the intense fighting between the two blocs. Between June and September 1976 the Syrian forces clashed with the NLM - PLO forces. From January 1977 onwards, the Syrian military presence in Lebanon continued under the umbrella of the Arab Deterrent Forces (ADF), formed by the League of Arab States as a peace-keeping force. The Syrian contingent was the largest in that coalition. Despite Syria and the ADF's intervention Lebanon had effectively fragmented into petty strongholds controlled by various warring militias.

While the Syrian intervention had initially been encouraged by the mainly Christian Lebanese Front, the latter soon became the ardent opponent of a Syrian presence in Lebanon and even clashed with the Syrian forces in April 1978 and on other occasions subsequently. From the start, however, the Syrian forces were never deployed in Mount Lebanon or east Beirut which remained the stronghold of the Lebanese Forces, *al-quwat al-lubnaniyya* (founded by Bashir al-Gemayel in 1980/81 as the military wing of the Phalange party, *hizb al-kata'eb*, and other forces in the Lebanese Front).

From 1978 onwards Israel, which invaded Lebanon in 1978 and 1982 and ended up occupying a stretch of land in south Lebanon, emerged as the most important strategic factor influencing the Syrian presence in Lebanon. Furthermore, with the Israeli forces in occupation of almost the whole of southern Lebanon as far as Beirut until 1985, the Syrian forces were confined mostly to the Beqaa' valley and certain enclaves in north and east Lebanon. The following years, however, saw periodic deployment of Syrian forces throughout Lebanon.

The 1980s witnessed the emergence of the *Shi'a*-based organizations, *afwaj al-muqawamah al-lubnaniyya*, *Amal* (Battalions of Lebanese Resistance) and *Hizbullah* (Party of God), both of which became among Syria's closest allies. In 1984 *Amal*, together with other forces, led a revolt and ousted the official Lebanese army from west Beirut. Between 1985 and 1987 *Amal* clashed with the PLO, leading to further deployment of Syrian forces in and around Beirut. Clashes between *Amal* and *Hizbullah* (1988-1990) also provoked intensified Syrian deployment.

Upon the failure of the Lebanese parliament to elect a new president in 1988, the outgoing president Amin al-Gemayel appointed General Michel 'Aoun, the commander of the Lebanese army, as head of an interim government. Michel 'Aoun's government was recognized neither by Syria, nor by the head of the existing cabinet at the time, Salim al-Huss; and the two governments continued with conflicting claims over the country's sovereignty. In 1989 General 'Aoun started a "liberation war" with the declared aim of ousting "all foreign forces" from Lebanon. Fighting broke out between the Lebanese army and Syrian forces in an attempt by Michel 'Aoun to oust Syrian forces from Lebanon.

The Ta'if Agreement, which was brokered by the Arab League and approved by the Lebanese parliament in the autumn of 1989, suggested some reforms to the country's political system and endorsed the role of Syria in Lebanon until security could be restored. Implementation of the Ta'if Agreement put an end to the civil war and a government was formed in 1990-91 to implement a national security plan and enforce the authority of the state throughout the country.

General 'Aoun rejected the Ta'if Agreement and remained defiant in the presidential palace in Ba'abda. On 13 October 1990, a force composed mainly of Syrian battalions and Lebanese army units not loyal to General 'Aoun stormed the presidential palace and ousted General 'Aoun who took refuge in the French Embassy and subsequently left the country.

In March 1991 the Lebanese Government ordered the dissolution of Lebanese and non-Lebanese militia. Consequently most of the militia, except those involved in the conflict with Israel and its proxy militia, *jaysh lubnan al-janubi*, the South Lebanon Army,(SLA), in south Lebanon, were disarmed in 1991.

In May 1991 the Treaty of Fraternity, Cooperation and Coordination was signed between Syria and Lebanon. Among other things, the agreement endorsed the deployment of Syrian forces, the size and duration of which was to be decided by the two governments. Under the terms of this agreement Syrian forces (estimated at 35,000 troops) remain deployed throughout the country.

It was within this context of the Syrian military presence in Lebanon since 1976 and its periodic clashes with various warring factions there that hundreds of Lebanese nationals were arrested by Syrian forces stationed in Lebanon on the grounds of their political affiliation to groups opposed to Syria, or in the wake of a conflict involving Syrian forces and one or more of the warring militias. Between 1976 and 1978 affiliates of the NLM-PLO alliance were targeted by Syrian forces in Lebanon. From 1978 onwards, hostilities between Syria and the Christian-based groups such as the Phalange, Lebanese Forces, the Liberals (*al-ahrar*), as well as General Michel 'Aoun, have provided the context for the arrests, abductions, and detention of members of these groups by Syrian forces. Other groups such as the pro-Iraq Ba'th party, the Sunni based *Murabitun* group (an Arab Nationalist group) in Beirut, and the Islamist *Harakat al-Tawhid al-Islami* (the Islamic Unification Movement) of Tripoli, north Lebanon (both regarded as Palestinian allies) were also targeted particularly during the mid-1980s. This practice has apparently continued after the war.

Most of the cases of detentions and "disappearances" of Palestinians and Jordanians occurred within the context of the Lebanese war, Syria's dispute with the PLO led by Yasser Arafat, and the factional disputes within the Palestinian groups themselves, as well as the occasional disagreements and tensions between Syria and Jordan (mostly over the Palestinian question).

In May 1983 a group inside the mainstream Palestinian organization *Fatah* led by Abu Musa, Abu Saleh and Khaled al-'Umleh staged a revolt against the leadership of Yasser Arafat and formed *Fatah al-Intifada* (the Uprising). The split led to factional fighting between Palestinian forces first in the Beqaa' valley, and then in Tripoli in north Lebanon. Arafat and his followers were besieged for about two months between September and November 1983 before being allowed to leave Lebanon following a truce brokered by some regional powers. The breakaway faction was reportedly backed by Syria. Scores of Palestinians who were either taken prisoner or abducted during and after this conflict were mostly transferred to detention in Syria.

Following the completion of the Israeli withdrawal from Lebanon (with the exception of the "security zone" in the south) the *Amal* militia launched attacks on pro-Arafat Palestinian forces in the refugee camps. Between 1985 and 1987 clashes between *Amal* and the PLO degenerated into the prolonged 'war of the camps' conflict. Scores of Palestinians were apparently abducted or taken prisoner by *Amal* and handed over for detention in Syria.

The political dispute between Syria and the PLO led by Yasser Arafat, which became visible during the internal dispute inside *Fatah*, continued throughout the 1980s. Within the wake of this dispute hundreds of Palestinians were reportedly arrested in Syria or Lebanon and detained in Syrian prisons. Several were allegedly suspected of planning

or carrying out violent acts against Syrian facilities. Others have apparently been detained primarily on grounds of their political affiliation.

LEBANESE NATIONALS HELD IN SYRIA

Lebanese detained or "disappeared"

In March 1998, 121 Lebanese nationals were released from Syrian prisons and handed over to the Lebanese authorities. Eighteen of these were remanded in the custody of the Lebanese authorities and were subsequently referred to the office of the Prosecutor General in connection with criminal charges in Lebanon. The remaining 103 individuals were set free. The releases were welcomed by the Lebanese public, as well as local and international human rights non-governmental organizations. Yet many families of other detainees or "disappeared", whose hopes were heightened by the news of the releases, were greatly disappointed that their relatives were not among the released. Indeed, Amnesty International welcomed these releases but raised its concerns at scores of Lebanese nationals remaining in arbitrary detention or "disappeared" in Syria. Individuals critical of Syria's presence or policies in Lebanon, or who were members of political groups opposed to, or in conflict with, Syrian forces in Lebanon were the main targets of arrest and detention in Syria.

As pointed out above, the issue of Lebanese detainees in Syria may be traced back to the Lebanese civil war, and in particular the period since the entry of Syrian forces in Lebanon in 1976. Because of the collapse of the state's authority during the war period there was no official institution within Lebanon to redress these abuses. With the effective end of the war in 1990 and the gradual restoration of the state's authority, the Lebanese Government should have become the competent, and legally responsible, body to address the issue of the Lebanese detained in Syria.

However, for many years after the end of the war in Lebanon, both Lebanese and Syrian officials persistently avoided the issue of Lebanese detainees in Syria, or denied their existence all together. This attitude continued until 1996 when the former Lebanese President Elias Hrawi publicly stated on 24 November 1996, that there were 210 Lebanese prisoners in Syria, but no information was forthcoming regarding the identity of these detainees, their whereabouts, the reasons for their detention and whether they had been brought before a court of law.

In most cases Lebanese detainees were transferred to Syria following a brief period of detention and interrogation in one of the Syrian detention centres in Lebanon (see below). As the majority of arrests by Syrian forces were carried out without any reference to the central Lebanese authorities, even after the war, relatives were frequently unable to trace detainees once they were transferred to areas controlled by Syrian forces

or to Syria itself. Tracing detainees was made even more difficult because most were arrested from their homes in the middle of the night, without arrest warrants establishing the identity of the arresting authority, or abducted in the street by plainclothes security men, or "disappeared" after being stopped and arrested at Syrian checkpoints.

Families frequently refrained from making inquiries for fear of reprisals, and therefore remained in ignorance of detainees' whereabouts until their eventual release. In some cases, families learned of detainees' whereabouts from a former detainee held in the same cell or detention centre. In all cases detainees' families encountered, and continue to encounter, immense difficulties in their attempts to establish their relatives' fate and whereabouts. In addition to the lack of formal acknowledgement of their detention, the multiplicity of arresting authorities⁴ and detention centres, and risks of possible reprisals, detainees' families have often been so desperate as to pay large sums of money to self-appointed "mediators" in return for promises of information, which usually fails to materialise.⁵

In some cases detainees' families were able to obtain official acknowledgement of their relatives' detention and were allowed visits, but in the majority of cases detention remained unacknowledged; the detainees had effectively "disappeared". It is not clear which criteria, if any, the Syrian authorities use to decide whether or not to disclose the situation and whereabouts of detainees.

The cases presented in this part, therefore, fall into two categories:

- acknowledged, though arbitrary, detention during and after the Lebanese war;
- "disappearances" during and after the war.

Acknowledged Detention

⁴Among the known arresting authorities are: *al-Mukhabarat al-'Askariyya*, Military Intelligence; *Idarat al-Mukhabarat al-'Ammah*, General Intelligence (otherwise known as *Amn al-Dawla*, State Security); *Idarat al-Amn al-Siyassi*, Political Security; and *Idarat al-Amn al-Dakhili*, Internal Security. See *Syria: Torture by the Security Forces* (AI Index: MDE 24/09/87), October 1987.

⁵An Amnesty International report issued in 1987 (see note 2 above) reported that "Syrian officers stationed in Lebanon have frequently approached detainees' relatives with promises to facilitate visits or secure the detainees' release in exchange for cash". The sums of money requested were said to range from 25,000 to 50,000 Syrian liras (US\$6,400 to \$12,700) for visits and up to 200,000 Syrian liras (US\$51,000) to secure release. Research carried out by Amnesty International in the subsequent years has produced similar information.

Most of the political prisoners whose detention has been acknowledged by the Syrian authorities receive regular visits from their families. While some of these cases date back to the war period, most were arrested and detained by the Syrian authorities after the end of the war in 1990.

Testimonies collected by Amnesty International from former detainees indicate a pattern of arrest and transfer to Syria. Those arrested in the Beirut region or Saida (Sidon) are usually taken to the headquarters of *al-Mukhabarat al-'Askariyya*, Syrian Military Intelligence, in the Beau Rivage hotel in the Ramlah al-Baida district of West Beirut. On average they remain there for several days (some stay only for hours) for preliminary interrogation. They are then transferred to the headquarters of the Syrian Military Intelligence in Lebanon in 'Anjar, a town in the Beqaa' valley on the Syrian-Lebanese border. Those arrested in the northern region of Tripoli are usually taken to *Madrasat al-American*, the American School, which has been used as a detention centre for a number of years by Syrian forces stationed in the area. The school is located in al-Qubba district in east Tripoli, the location of the Syrian forces' headquarters in northern Lebanon. Another school in al-Qubba, *Madrasat al-Rahbat*, the Nuns' School, has occasionally been used as a detention centre. Detainees are generally held for preliminary interrogation at *Madrasat al-American* for several days or weeks, and afterwards they are either released or transferred to 'Anjar. In 'Anjar detainees are interrogated further for several days or weeks. Those who are not subsequently released are transferred to Damascus where most are taken either to *Far' Falastin*, Palestine Branch, *Far' al-Tahqiq al-'Askari*, Military Interrogation Branch, or a detention centre controlled by *al-Dabita al-Fida'iyya*, Commando Police⁶.

From testimonies of former detainees it is evident that most were routinely tortured or ill-treated while undergoing interrogation in the various Syrian detention centres in Lebanon.⁷

In Damascus the detainees are interrogated yet again. At this stage certain detainees may be released if influential figures intervene on their behalf at the request of the families. The majority remain held for years. Once the interrogation is completed (this can continue for months, or even years) they are transferred to prisons, usually Sednaya or al-Mezze Military Prisons. While most of the detainees are held without charge or trial,

⁶This force was initially composed of Syrian officials as well as Palestinians enjoying the support of the Syrian Government. However, since 1982 the force has been largely run by Syrians. Its principal function was that of coordinating relations between the Syrian authorities and the various Palestinian groups. Palestinians detained in Syria were generally referred to the office of *al-Dabita al-Fida'iyya* in Damascus.

⁷See Syria: Torture by the security forces (AI Index: MDE 24/09/87), October 1987.

Amnesty International has received reports that detainees are sometimes subjected to summary military trials.

Detentions since 1990

Since the end of the war in 1990, there have been numerous reports about Lebanese nationals detained in Syria. While the majority were arrested by Syrian military personnel in Lebanon, a few were initially arrested by the Lebanese military or security forces and then handed over to the Syrian forces in Lebanon. As confirmed by testimonies of former prisoners, all those arrested by Lebanese intelligence units were handed over without any interrogation to the Syrian intelligence forces.

Amnesty International is not aware of a single case where individuals have been shown a warrant, or where judicial proceedings (such as appearance before a prosecutor or a magistrate) were subsequently instituted. Time and again Amnesty International requested information from the Lebanese authorities regarding the procedures under which Syrian military personnel stationed in Lebanon may arrest and detain people⁸. In view of the lack of response from the Lebanese authorities it would appear that the Syrian forces operating in Lebanon have been conducting searches, arrests, and detention of Lebanese nationals outside any legal framework.

The Treaty of Fraternity, Cooperation and Coordination, which contains an article on security, includes no provisions according Syria, or its military representatives in Lebanon, the right to arrest, interrogate, or detain Lebanese nationals in Lebanon, or to transfer them to Syria. The repatriation agreement which exists between the two countries since 1951 simply sets down the procedures for the return of nationals of either of the states who are wanted by their government for criminal charges. This agreement does not apply to Lebanese nationals suspected of political opposition to the Syrian Government and/or its presence in Lebanon.

In the absence of any legal authorization for the Syrian forces to arrest, detain and transfer Lebanese nationals to Syria, their conduct can only be regarded as an act of abduction. It is for this reason that families encounter immense problems in tracing the whereabouts of their relatives. Once a detainee has been transferred to Damascus the family must first establish which authority is responsible, and where the detainee is held; visits become possible only if the Syrian authorities acknowledge the detention of the person.

⁸See *Lebanon: Human Rights Developments and Violations* (AI Index: MDE 18/19/97), October 1997.

Yet, even in cases of acknowledged detention (as in the cases featured below) detainees are denied *habeas corpus* remedies to challenge the legality of their arrest and detention. Amnesty International is also not aware of a single case where a detainee was given access to a lawyer or has appeared before a judge or an examining magistrate.

For their part the Lebanese authorities have not initiated any investigation into the illegal arrest and detention of Lebanese nationals carried out by the Syrian forces in Lebanon, or even acknowledged that such practices are taking place. This is illustrated by the case of Kaytel al-Hayek.

Kaytel al-Hayek, a retired officer of the Lebanese army, was arrested on 21 June 1994 in Beirut by armed men in plainclothes. He was taken to the Beau Rivage, and then to 'Anjar, where, as he later testified, he was subjected to prolonged interrogation. He was then transferred to Syria where he was detained in *Far' Falastin* and al-Mezze Military Prison. In November 1996 Kaytel al-Hayek's name appeared among a group of 32 civilian and military personnel to be tried by the Beirut Military Court for their alleged roles in a conspiracy to assassinate Major-General Ghazi Kan'an, the head of Syrian Military Intelligence in Lebanon, and/or collaboration with Israel during the 1980s. According to the court's indictment Kaytel al-Hayek was to be tried *in absentia*. His mother protested to the President of the court that her son should not be tried in his absence as he was detained in Syria, where she had visited him several times. The court, however, decided that as it had not been officially informed about Kaytel al-Hayek's detention it would continue with the trial, and duly sentenced him *in absentia*. Kaytel al-Hayek's name appeared again in the trial of individuals charged with the murder of former Prime Minister Rashid Karami in 1987 which began before the Justice Council in Lebanon in December 1997. Once again the judges chose to disregard the fact that he was detained in Syria and declined a request from the defence lawyers to order his transfer from Syria to Lebanon. Kaytel al-Hayek was eventually released in March 1998 but immediately remanded into the custody of the Lebanese authorities, in connection with the above-mentioned cases.

After their transfer to Syria Lebanese detainees are mostly held without charge or trial, as this statement by a leading political opponent arrested after 1990, who has asked to remain anonymous, illustrates:

"I was arrested from my house at 4.30 am by the Lebanese Military Intelligence. No Lebanese official saw me to explain the reasons for my arrest. I was then handed over to the Syrian Intelligence at the Beau Rivage who in turn took me to 'Anjar. At 'Anjar I was seen by Major General Ghazi Kan'an for about 10 minutes. He told me that they wanted me in Damascus and was trying to reassure me that everything would be all right. At eight o'clock the same day I was taken to

Far' Falastin in Damascus where I spent two and a half years without charge or trial".

While most Lebanese detainees were held without charge or trial, some were tried by special military courts in Syria. After Kaytel al-Hayek was released from Syria in March 1998 he testified before the Justice Council in Lebanon that he had previously been tried and sentenced by a court called the joint Lebanese-Syrian military court which is situated on the Lebanese side of the border with Syria near the village of al-Masna'. He further stated that he learned the name of the court only from fellow Lebanese detainees, adding that although it was supposed to be a joint military court composed of Syrian and Lebanese officers, he had seen and was tried by Syrian officers only. A document presented in court by the Prosecutor General as having been submitted by the Syrian Government during the handover of Lebanese detainees from Syrian prisons to the Lebanese authorities in March 1998, stated that Katel al-Hayek was tried for fighting the Syrian forces in Lebanon in 1979 alongside the Lebanese Forces militia and was sentenced to life imprisonment. Kaytel al-Hayek remains detained in Lebanon pending trial before the Military Court and the Justice Council.

Another former Lebanese political prisoner in Syria told Amnesty International that he had appeared before the same court.

"I was subjected to interrogation and torture for eight days in 'Anjar. They were trying to find something, anything to charge me with. Under torture you will admit to anything.... I was then taken to Syria where I spent five months in *Far' Falastin* in continuous interrogation, and was then transferred to al-Mezze Prison. During this period I never appeared before a public prosecutor or a judge. In al-Mezze I was referred to the exceptional joint [Syrian-Lebanese] military court at the border in connection with our alleged membership in the Lebanese Forces. The court was composed of one Syrian officer, a brigadier, and a clerk. No lawyers or any other legal counsellors were present. [When a person is called] they read to him the statement he made during his interrogation. He would then be required to say whether he confirms, or not, that he had made such a statement and sign the papers accordingly. After six months we petitioned the prison director asking to know the sentence.... Subsequently, after 18 months, I came to know that I was sentenced to 15 years. We then wanted to know the criminal charges that warranted such a sentence, but no details were given to us as to the grounds for this ruling or the exact charges against us."

There is no reference to this court in either Lebanese or Syrian laws, and it is not clear which code of procedures, if any, was used in its trials. All testimonies, however, agree that this court was founded during the 1980s and was operational at least until 1994.

A Sample of Detainees from the Post-War Period

The following cases represent just a sample of dozens of Lebanese nationals detained in Syria during the post-war period. It is not clear whether these political detainees were tried or are held without charge or trial. All were apparently abducted by Syrian forces in Lebanon and taken to Syria. They are held in Sednaya Prison.

Elias Lutfallah Tanios, a police officer born in 1963, was arrested at a friend's house in Tallat al-Khayat on 15 December 1992. His friend, **Maurice Abu Zeid**, was released eight months later but Elias is still in detention. His family visited him for the first time in July 1993, and since then has been allowed visits every three months. The reasons for his arrest are not known as no arrest warrant and no charges have been presented. However, it is reported that prior to his arrest he twice visited Jezzine, his home town, in the zone controlled by Israel and the South Lebanon Army (SLA), reportedly to register his marriage.

'Isam 'Uthman al-Mistrah, a carpenter born in 1961, was abducted by Syrian forces from Beirut on 8 August 1992 and transferred to Syria. His family received formal acknowledgement of his detention nine months later. They visited him for the first time in May 1993 and have been allowed monthly visits subsequently. He was reportedly tried and sentenced to 20 years' imprisonment on grounds of being "an agent" of General 'Aoun's intelligence service. No details are known about his trial.

Jamil Dib Dib, a salesman born in 1961, was arrested at his home by Syrian forces on 7 July 1992 at al-Dawra, Beirut. Jamil Dib Dib was a member of the Lebanese Forces during the war. He was reportedly accused of collaboration with Israel and sentenced to 10 years' imprisonment by a military tribunal. No details are known about his trial. His family was allowed to visit him in December 1993 and every three months thereafter.

Joseph Jerjis Abu Najm, born in 1958, was arrested in unclear circumstances at Beirut airport in early 1994 after returning from Moscow to Lebanon. Prior to his travel he was resident in Jezzine in south Lebanon and was an officer in the SLA. He reportedly left the SLA in 1992 but remained inside the "security zone". He went to Moscow in February 1994 and remained in contact with his family in Beirut. Several weeks later the family, who had by then lost contact with him, was informed by the Lebanese Embassy in Moscow that Joseph Abu Najm had been given a Lebanese travel document but his whereabouts were not known. It took the family more than a year to discover that Joseph Abu Najm was in Syrian custody. Following his arrest at Beirut airport he had apparently been transferred to Syria, and was taken first to the Military Interrogation Branch, then *Far' Falastin*, and then to al-Mezze Military Prison. He is currently held in Sednaya Prison and is allowed family visits every three months.

Unresolved Cases from the War Period

The majority of Lebanese nationals released in March 1998 had been detained since the Lebanese war in the 1980s. Some political detainees from that period remain in custody. They were usually abducted in the wake of a conflict between the Syrian forces and one of the warring militias at the time, arrested at a Syrian checkpoint, or handed over to the Syrian forces by one of the militias allied to Syria.

Examples of detainees who remain held since the 1980s are **Shaykh Hashim Minqara** and **Samir 'Ali Hassan**, both of whom were arrested in connection with a military conflict which erupted in Tripoli in December 1986. According to reports received by Amnesty International, 15 Syrian soldiers were killed on 19 December 1986 following an attack on Syrian checkpoints in Tripoli by armed militiamen. On the same day the Syrian troops closed the main Tripoli-'Akkar road to the north and the Tripoli-Beirut road to the south and sealed off the largely Sunni Muslim district of al-Tabbaneh in the west of the city. At dawn on 20 December, Syrian regular troops as well as commandos from *al-wahdat al-khassa* (Special Units) entered the district from its northern, eastern and southern sides, ostensibly seeking militiamen of the Sunni Muslim *Harakat al-Tawhid al-Islami* (Islamic Unification Movement) which was reportedly held responsible for the attack the previous day. Militiamen of two Syrian sponsored groups, the Alawite *al-Hizb al-'Arabi al-Dimuqrati* (Arab Democratic Party), and *al-Muqawamah al-Tarabulsiyya* (Tripoli Resistance) were reported to have taken part in the operation.

During the operation, which lasted over 36 hours, over 200 people were reportedly killed. Amnesty International expressed its concern at the time that many of these appeared to be deliberate killings that could not be attributed to fighting.⁹ Hundreds of people were also reported to have been arrested in the city and neighbouring villages and others to have "disappeared" in the same period.

In this context **Shaykh Hashim Minqara**, a leading member of *Harakat al-Tawhid al-Islami* and four or five of his followers were arrested on 26 December 1986 by Syrian troops near the village of Bqarsouna in the Dinniyyah region to the east of Tripoli. Seven of his supporters were killed in armed clashes. Following his arrest Shaykh Minqara was reportedly taken to Tripoli for interrogation and three days later transferred to an unknown destination. Later it became known that Shaykh Minqara had been transferred to Syria.

⁹See *Lebanon: Arbitrary arrests, "Disappearances" and Extrajudicial Executions by Syrian Troops and Syrian-Backed Forces in Tripoli* (AI Index: MDE 24/02/87), February 1987.

Although several members of *Harakat al-Tawhid al-Islami* were subsequently released following intervention by the late Shaykh Sa'id Sha'ban, leader of the movement at the time, scores remained in detention in Syria without charge or trial. Most were released during the following years individually or as part of a general amnesty. Yet there are still a few individuals who remain held in connection with *Harakat al-Tawhid al-Islami*. Twelve years after the Tripoli clashes of 1986 **Shaykh Minqara** himself is still detained in Syria. It is not known whether he has ever been charged or tried. He is currently held in Sednaya Prison.

Samir 'Ali Hassan, a teacher born in 1961, was arrested on 26 April 1989 by the Syrian intelligence forces while driving his car on the Beirut-Saida motorway. He had been apparently wanted by the Syrian forces in connection with *Harakat al-Tawhid al-Islami* since the events of 1986. Samir 'Ali Hassan was reportedly subjected to torture during the first stage of arrest and interrogation. He is currently held in Sednaya Prison without charge or trial. He receives monthly family visits, and is said to suffer from physical and psychological problems.

Other examples include **'Abd al-Rahman Mahmud 'Akasha**, born in 1934, who was arrested by the Syrian forces at his house in the Beqaa' valley in 1984. It was reported that he had previously visited Israel to see his son who sustained an injury from a mine explosion and was undergoing medical treatment in Israel. Upon his return, 'Abd al-Rahman 'Akasha was arrested and reportedly transferred to Syria. His family lost track of him for many years before they were able to confirm his detention in Syria. Recently, Amnesty International received information that Abd al-Rahman 'Akasha is currently detained in Sednaya Prison in Syria.

"Disappearances"

Abduction on political or sectarian grounds, followed by "disappearance", was a common phenomenon during the civil war in Lebanon, practised by almost all the warring militias at the time. Although no thorough and independent investigation has ever been carried out by the Lebanese authorities, it is generally believed that those abducted were extrajudicially executed in Lebanon, detained and then released (sometimes in prisoner exchanges), or transferred to Syria or Israel. In this context scores of Lebanese nationals are believed to have "disappeared" in Syria during and after the war following their arrest or abduction by the Syrian forces, or one of the militias allied to Syria.

"Disappearances" during the War

The cases featured below date back to the 1970s and 1980s. While some reports indicate that some of those "disappeared" may be in detention in Syria, the fate and whereabouts of most is not clear. It is feared that some may have been executed, or have died in custody.

Ahmad Muhammad Hussain Daychoum, a Lebanese national born in 1923 and resident in Sao Paulo, Brazil, went to Lebanon on business and was reportedly arrested by Druze forces at a checkpoint in al-Chouf mountains on 3 November 1983. He was driving a red BMW car. The car was apparently taken from him and he was driven in a jeep to an unknown destination. Following investigation by his family, they reportedly found out that he was detained for three years in Bayt al-Din Prison in the Druze area in Lebanon. Subsequently, he was said to have been transferred to Damascus where he was believed to have been held in Far' Falastin detention centre. Members of his family visited Far' Falastin in July 1989 and were told by guards that he was there, but they were not allowed to see him. One of Ahmad Daychoum's daughters relates:

"My cousin asked him [the guard] to go [to the cells] and inform my father that his nephew and neighbour were there and to ask him about his nephew's name and the name of his nephew's son. The man went below and came back with the reply: 'your uncle sends you greetings and said that your name is Mer'i Daychoum and your son is called Mer'i Daychoum'. He was also asked what his daughter-in-law's name was and the answer was correct...."

Although the family was able to confirm his presence in a Syrian prison, his detention has never been officially acknowledged by the Syrian authorities.

Jamal 'Abd al- Salam Yassin al-Bayruti, a businessman aged about 40, was arrested by the Syrian forces in Tripoli on 10 March 1989 and transferred to Syria. His family has not seen or heard from him since his arrest and his fate and whereabouts remain unclear. Jamal Yassin was a religious person and a sympathizer with *Harakat al-Tawhid al-Islami*. Following the conflict between *Harakat al-Tawhid* and Syrian forces in December 1986 (see above), members of the Syrian Military Intelligence came searching for him. He left Tripoli, stayed in a village for a while and then left Lebanon altogether, returning in 1988. Subsequently, he sought the protection of Shaykh Sa'id Sha'ban, leader of *Harakat al-Tawhid*, who apparently arranged for him to resume his normal business in Tripoli. Later, one day when Jamal al-Bayruti was in his shop getting

ready for the Friday sermon, a Syrian officer came with a small force and ordered him to accompany them for questioning. He refused and fighting reportedly broke out between him and the Syrian force. A Syrian officer was killed and another wounded. Jamal al-Bayruti himself was also wounded. Despite intervention by Shaykh Sa'id Sha'ban, Jamal al-Bayruti was eventually taken, first to *Madrasat al-American* in Tripoli where he spent two days reportedly under interrogation and torture, then to 'Anjar. At 'Anjar he was reportedly subjected to torture (such as *ballanco* and *dullab*)¹⁰ for about 15 days and was then taken to *Far' Falastin* in Syria. Until 1992 Jamal al-Bayruti's family received reports about him from former prisoners. Recently, a former prisoner told the family that one day in 1992 Jamal al-Bayruti was summoned by the prison guards. He left without taking his belongings with him and never returned. His fate remains unclear.

Tanios Youssef Elias, a member of the Phalange party, was 43 years old when he "disappeared" on 10 February 1978. It was a day when fighting broke out between battalions of the Lebanese army and the Syrian forces in Lebanon. Tanios Elias's wife recalls:

"I tried to find out where he was and went everywhere looking for him until some people told us that he was taken by the Syrian army. We then found his car abandoned and completely dismantled in al-Hazmieh, Beirut. I started to weep thinking that my husband had been killed, but Syrian soldiers came from a nearby [checkpoint] and showed me a register in which I read the name and date of arrest of my husband. I went to see the officer in charge of the post who confirmed that my husband had been arrested at their post and spent three days with them before being taken by the Syrian Military Intelligence. The officer then gave me Tanios' documents and his wallet. Since then I have had no news about him."

13 October 1990

Cases of "disappearances" on a larger scale have occurred within the context of serious armed clashes. One such conflict relates to the events of 13 October 1990 when General 'Aoun was ousted by a force composed predominantly of Syrian troops.

On 9 October 1990 the Lebanese cabinet resolved to appeal for Syrian military assistance in order to oust General 'Aoun from his stronghold in east Beirut (primarily comprising Ba'abda and the two Metn districts). At 7.05am on 13 October 1990 the Syrian Airforce reportedly raided positions of General 'Aoun; this was followed by concentrated artillery shelling. At 9.30am General 'Aoun, who by then had managed to

¹⁰*Ballanco* is hanging the victim by the wrists which are tied behind the back. *Dullab* (tyre) is hanging the victim from a suspended tyre and beating him with sticks clubs, cables or whips.

seek asylum in the nearby French Embassy, announced on the radio an order to his general staff to henceforth receive their orders from General Emile Lahoud, the Commander-in-Chief appointed by the Hrawi government in 1989. Shooting continued in isolated pockets till the early hours of the afternoon. Syrian troops encircled General 'Aoun's supporters' stronghold and then broke into it from five different directions. Although some units continued to obstruct the advance of the Syrian troops even after receiving orders to surrender, the bulk of the army loyal to General 'Aoun complied with the orders.

In the days and weeks that followed these events reports reached Amnesty International about human rights violations committed by the Syrian forces, particularly extrajudicial executions and the incommunicado detention of supporters of General 'Aoun. At least 30 of his supporters, mostly soldiers, were reported to have been extrajudicially executed following their capture by Syrian troops on 13-14 October 1990. Killings of civilians were also reported in several villages in the surroundings of east Beirut. At least 19 people were reported to have been extrajudicially executed by Syrian soldiers in Bsous after having been rounded up from their homes, and another 19 people, including three women, were reported to have been killed in al-Hadath. It was also reported that at least 200 supporters of General 'Aoun, most of them military personnel, were arrested by the Syrian forces in east Beirut and its suburbs.

In appeals to both Syrian and Lebanese authorities, Amnesty International expressed grave concern at reports of extrajudicial executions and urged both governments to investigate immediately and impartially these allegations, make public the findings and bring anyone found responsible for human rights violations to justice. Amnesty International also expressed its concern about the incommunicado detention of more than 150 supporters of General 'Aoun who were either taken captive in the course of fighting or arrested by the Syrian forces at the time of General 'Aoun's ousting from east Beirut.

Most detainees were gradually released during the following months and years. Yet over eight years after the events of 13 October 1990, some of those taken prisoner by the Syrian forces are still missing. The fate and whereabouts of at least 20 soldiers and two priests who were apparently arrested or abducted by the Syrian forces from different locations following the events remain unclear. The families of some of the soldiers received confirmation from the Lebanese Ministry of Defence that they had been taken prisoner by the Syrian forces and were transferred to Syria. However, these families were not given any indication as to the fate of their relatives, nor of course were they allowed to visit them. It is not clear whether the Syrian authorities regard these soldiers as prisoners of war, in which case they fall under the provisions of the 1949 Geneva Conventions, or whether they are regarded as political prisoners. In the latter case, the Syrian authorities should clarify the legal grounds and implications for their arrest and continued detention and whether they have been charged and brought to trial.

The following cases are representative examples of this category of "disappearance", all of which apparently occurred on 13 October 1990.

Johnny Salim Nassif, a corporal in the Lebanese army born in 1974, "disappeared" following his arrest by the Syrian forces in Daher al-Wahesh. His detention in Syria was confirmed to the family one year after his "disappearance". His mother said:

"For a whole year both the Lebanese and Syrian armies denied he was held in a Syrian prison, although a person I know did recognize my son in a convoy of lorries packed with prisoners heading towards Damascus. Then in 1991 a communique by the Ministry of Defence confirmed his imprisonment in Syria along with other soldiers. Since then I have met several Lebanese and Syrian personalities but none helped me to see my son in Syria or get him transferred to Lebanon. [Once] I got a permit to visit my son in prison in Syria. When I went on the appointed time the officer initially sent one of his lieutenants to go and call my son from his cell, but they denied he was there when they realized that he was a soldier from the 13 October 1990 group."

Tanios Camille al-Haber, a sergeant in the Lebanese army born in 1965, "disappeared" following his arrest by the Syrian forces in 'Ein Sa'adeh. His detention in Syria was confirmed by the Lebanese army on 17 October 1990. His mother recalls:

"My husband saw him from a distance at *Far' Falastin* six months after his arrest but was not allowed to speak to him. We were then asked to pay a large sum of money just to arrange a visit for us. We couldn't afford it [and so] we have not been able to see him since. We don't know whether he is still in *Far' Falastin* or not..."

Antoine Zakhour Zakhour, a soldier in the Lebanese army born in 1963, "disappeared" following his arrest by the Syrian forces in Beit Meri. His detention in Syria was confirmed to the family by the Lebanese Ministry of Defence on 22 October 1990. His father said: "I got permission from a person I know to go and visit my son [in Syria]. However, when I went to Damascus an officer in the Syrian Intelligence asked me why the Lebanese state was not searching for him and said that only President al-Assad could order his release. I never managed to see my son despite paying a lot of money".

Jihad George 'Eid, a soldier in the Lebanese army and a student born in 1970, "disappeared" following his arrest by the Syrian forces at St Terez in al-Hadath. Jihad 'Eid's mother said that on 1 February 1995, two men from the Lebanese Military Intelligence service came to her house where more than 10 people were present:

"They told me my son was held in al-Mezze Military Prison, and asked me to go to the Lebanese Ministry of Defence to have more information about my son together with 16 other families of Lebanese soldiers detained in Syria. When I went there the following day all was denied: the presence of my son in a Syrian prison, the 16 other soldiers, and even the visit of the two men to my house!"

Father Suleiman Abu Khalil and **Father Albert Sherfan**, two priests, also "disappeared" during the events of 13 October 1990. Father Albert Sherfan was the head of al-Gal'ah Monastery in Beit Meri and Father Suleiman was the treasurer. On 13 October 1990 it was reported that the Syrian forces took up a position near the monastery because of its strategic position overlooking the Metn districts and other areas. The two priests "disappeared" on the same day together with some soldiers of the Lebanese army who had apparently taken refuge in the monastery. The brother of Father Suleiman Abu Khalil recalls:

"On 13 October 1990 the monastery was occupied by the Syrian forces. I tried to obtain an authorization to go and see Suleiman but I couldn't. [Later on we learned that] about 10am a Syrian officer asked to enter the monastery to have a drink of water. Father Suleiman appeared at the balcony and at the same time another monk came out to see what was happening. The Syrians apparently were surprised to see that there was more than one monk in the monastery and became suspicious that people might be hiding there. Accordingly, the Syrian officers rang all the Lebanese authorities they could reach to allow them to enter and search the monastery. When they went in they found Lebanese soldiers in civilian clothes. [Consequently] they arrested everyone they found and took them away, the soldiers in a lorry and the two monks in a Range Rover. All were taken first to 'Anjar and then to *Far' Falastin* in Damascus. We contacted a lot of people to intervene on their behalf but all our efforts came to nothing."

Post-War "disappearances"

Cases of "disappearance" following abduction by the Syrian forces in Lebanon continued to be reported after the end of the war in 1990. Although many have been subsequently released, there are still some individuals whose fate and whereabouts remain unknown.

Khadija Yahya Bukhari (f), a singer born in 1940, was arrested at Beirut airport on 28 April 1992. She had just returned from Cyprus by sea but went to the airport to inquire about her son and daughter who had been arrested at their home prior to her return. After her arrest Khadija Bukhari was taken with her son and daughter to the Syrian Intelligence centre at the Beau Rivage, then 'Anjar; they were then transferred to detention centres in Syria (*Far' al-Tahqiq al-'Askari* and *Far' Falastin*). Both her son and daughter were subsequently released, but the fate and whereabouts of Khadija Bukhari are still unknown. She and her husband, a Syrian officer, were apparently suspected of "collaboration" with Israel. Khadija Bukhari has reportedly been brought before a military court, but Amnesty International has no information about her sentence or trial proceedings. The family has been receiving conflicting reports: some suggest that Khadija Bukhari has been executed, while others claim that she may soon be released in an amnesty.

Dani Mansurati, born in 1959, and a member of the Phalange party (*hizb al-kata'eb*) until 1988, "disappeared" from 'Arnus Square in al-Sha'lan area in Damascus on 9 May 1992. He was being driven by his brother when reportedly a car overtook them and blocked their way. Three people in plainclothes approached them, asked the driver to leave and took Dani Mansurati to their car and drove away. As in similar cases conflicting reports were received about his fate. However, in July 1994 the Syrian Government informed the UN Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions that Dani Mansurati had been tried on suspicion of espionage and sentenced to death. No details were given about his trial proceedings. His family has not seen or heard from him since his visit to Damascus and has not received any clarification from the Syrian Government regarding his fate and whereabouts, or even whether he is dead or alive.

Butrus Khawand, a member of the Politbureau of the Phalange party, was abducted near his home in Sin al-Fil on 15 September 1992. At 9.15am on that day Butrus Khawand was driving from his house to attend a party meeting, when two BMW cars and a van reportedly intercepted him about 100 metres from his home. Between eight and 10 armed men got out of the van, forced him out of his car and took him away with them. Despite numerous inquiries made by the family and friends of Butrus Khawand his fate and whereabouts have remained unclear. In 1997, a former Lebanese prisoner informed the family that he had seen Butrus Khawand in 'Adra Prison but this information has not been confirmed to date.

PALESTINIAN AND JORDANIAN NATIONALS

Thousands of Palestinians, as well as a number of Jordanians, have been held in Syria since the 1960s for political reasons. The majority were released in presidential amnesties in 1991/92. Further releases of dozens of Palestinian and Jordanian detainees took place in the subsequent years. However, scores of Palestinians and Jordanians are still held in Syrian prisons or have "disappeared" in Syria. They were either arrested in Lebanon, at the Syria-Jordan border, or in Syria itself. While there are a few cases of acknowledged detention, the majority seem to have "disappeared" following their arrest by the Syrian

authorities, or one of the Syria-based Palestinian factions (such as, *al-jabhah al-sha'biyya li tahrir Falastin - al-qiyyadah al-'ammah*, the Popular Front for the Liberation of Palestine - General Command (PFLP-GC), *Fatah al-intifada* or *al-Sa'iqah* ('Thunderbolt')).

While it is possible that some of these detainees were held in connection with actual or suspected acts of violence, others have apparently been held on the grounds of their political affiliation. In most cases detainees were held without charge or trial, or were sentenced to lengthy prison terms following secret summary trials. The families of the "disappeared" have made numerous appeals to the Syrian authorities to clarify the fate and whereabouts of their relatives without ever receiving adequate responses.

The pattern of "disappearance"

On 12 September 1985, PLO-Fatah activists **Adnan al-Dabak**, **Dhiab Sharif Dhiab**, **Na'il Isma'il 'Izzet**, and **Mazin 'Abd al-Karim al-Fawaz** went to Damascus. The latter, who was a taxi driver on the Amman-Damascus, road took the group in his car. None of them returned during the following days and weeks from what was supposed to have been a short trip to Syria. As their absence continued, each of their families started to make inquiries about their whereabouts. After numerous searches and inquiries in Syria and contacts with PLO structures the families concluded that their relatives were most likely detained in Syria. Yet, despite intensive efforts, including payments of money to 'mediators', the families failed to obtain acknowledgement from the Syrian authorities that the five were in their custody.

Years later, the families received confirmation from former prisoners that their sons were indeed in Syrian prisons.

Usama Fakhri Mustafa Bzur, Ziad Mustafa Bzur, Mahmud 'Abd al-Qadir Sabbah, and 'Imad Ibrahim 'Abd al-Hadi Hamad, engineering students at Latakia and Aleppo Universities, "disappeared" in July 1988. The four students apparently left for Damascus during the second or third week of July 1988 and have not been heard from since. Their families knew about their possible arrest in Syria only indirectly and after numerous inquiries and contacts. However, all efforts to get a formal acknowledgement of their detention by the Syrian authorities or to establish their whereabouts have come to a dead end.

These cases are typical of many Palestinian and Jordanian "disappearances" in Syria, most of which occurred during the 1980s. They all appear to follow a similar pattern: first the family and/or friends would lose contact with the person in question who "disappears" suddenly. Inquiries and circumstantial information would then lead the relatives to conclude that they were most likely taken prisoner in Syria. Thence a lengthy process of inquiries, contacts, and searches would be launched by the family to try to establish the fate and whereabouts of their relatives. As in the case of Lebanese nationals, relatives of the "disappeared" Palestinians and Jordanians have had to undertake successive trips to Syria to search for them. At some point the family receives a call or visits from a former prisoner who claims that he had seen their relative or heard his family name. Amnesty International has heard countless stories of this sort. In some cases this type of information comes at a time when the families have lost all hope of ever seeing their loved ones again. Although their hopes and expectations are rekindled by this information from former prisoners, some families may never be certain about the fate of their "disappeared" relatives.

Efforts by the families to establish the fate and whereabouts of their relatives are often frustrated not just by the persistent denial of the authorities, but also by conflicting accounts they receive from different sources. It is only when the families of those who "disappeared" in this way, have been able eventually to visit them in detention that they can be certain that they are alive.

The mother of **Mazin 'Abd al-Karim al-Fawaz** recalls:

"During one of our visits to Damascus a Syrian officer from the *Mukhabarat* told me: "Your son was executed 12 days ago".... I immediately collapsed and was carried away in a taxi. Later on someone came to tell me that the officer was lying, and that my son was alive and is kept in the same place where I saw that officer."

He was right. As it transpired some years later Mazin 'Abd al-Karim al-Fawaz was indeed alive and his family managed to visit him (see below).

A wife of another Palestinian who "disappeared" in 1985 speaks about her misery and the difficulty of coping with the "disappearance" of her husband:

"When he didn't return the following day [from a trip to Damascus] I telephoned the house in which he was staying, only to discover that the owner of the house had been arrested. [After that] I lost track of him until 1991 when a former prisoner told me that he saw my husband in Tadmur Prison. Some say that he has been sentenced to 14 or 15 years' imprisonment but one is never sure. For a long time I wasn't able to tell my children the truth about their father and kept on saying that he was travelling. From time to time I used to write letters and post them to our own address pretending that they were coming from him."

Other problems encountered by the families in their inquiries about their relatives are the usual requests by 'mediators' for large sums of money in exchange for information or visiting permits. As is apparent from the Lebanese cases, this manipulation has become one of the common threads in most "disappearances" in Syria.

A sample of "disappearance" cases

Muhammad Jabr Isma'il 'Abd al-Ghani, a Jordanian teacher born in 1958, "disappeared" in Syria on 11 June 1982. He was reportedly travelling from Jordan to Lebanon via Syria to volunteer alongside the PLO during the Israeli invasion of Lebanon. In Syria he was reportedly accused of collaboration with the Muslim Brotherhood and detained. His family has not seen or heard from him since. In January 1998 a former prisoner told the family that Muhammad 'Abd al-Ghani is in al-Mezze Prison.

Muhammad Jamal Taym, a Jordanian student of Palestinian origin born in 1959, "disappeared" following his arrest in Syria on 9 July 1980. Prior to his arrest he was studying engineering at the University of Aleppo and living in a rented house there. On the day of his arrest Muhammad Jamal Taym apparently moved from his lodging at

the request of the landlord and was staying overnight at a friend's house. The latter was raided by the Syrian security authorities and everyone in the house was arrested. Muhammad Taym's father recalls:

"We learned about his arrest 15 days later and went immediately to Aleppo. When we contacted the Intelligence Department there they confirmed to us that he was detained and directed us to the place of his detention. We were able to meet with him for about an hour and it was clear to us that he had been beaten. He assured us that he would be released within a week as he was not involved in anything, but that was the last time we saw him. Three months later when we returned to Aleppo we were informed that he was transferred to Tadmur. Since then despite all the efforts we made we were not able to get any information about him. Our lives have never been the same."

Usama Bashir Batayna "disappeared" following his arrest at the Syrian-Jordanian border on 10 September 1986. He was reportedly on holiday in Syria. 'Usama Batayna was 17 when he was arrested. His family has not seen or heard about him since the time of his arrest. However a former prisoner confirmed that he was imprisoned in al-Mezze Military Prison in Syria.

Munzir Sharif Qasim Nazal

(known as **Rex**), a bodyguard of Khalil Al-Wazir (Abu Jihad) who was at that time in charge of *Fatah's* military wing, "disappeared" in Tripoli, Lebanon in 1976. He was reportedly arrested by the Syrian army which had entered Lebanon at the time. His family have had no news about his whereabouts and place of detention since then. He was thought dead by his family until some information came from former prisoners that he was held in a Syrian prison, probably al-Mezze.

Nuha Na'im 'Ali (f), a Palestinian nursery school teacher born in 1965, "disappeared" in Lebanon in the first week of June 1985. Following the capture of *al-Da'uq* Palestinian refugee camp by *Amal* during the "war of the camps", Nuha Na'im 'Ali and two of her friends tried to escape. One of them, Nadia Lutfi, was reportedly killed, another, Khayrieh al-Doukhi, was wounded and Nuha 'Ali was arrested. She is believed to have been arrested by *Amal* and handed over to the Syrian forces. Her fate and whereabouts remain unclear. Nuha 'Ali's father **Na'im Muhi al-Din 'Ali** had previously "disappeared" after the fall of Tal al-Za'ter Palestinian camp in Lebanon to the Phalange on 16 August 1976. His family thought at first that he had died but unconfirmed reports suggest that he may be in prison in Syria.

Wafa'

Fahmi 'Ali 'Abidat (f), a Jordanian citizen of Palestinian origin born in 1958, was reportedly arrested in November 1986 in Damascus on charges of spying for Jordan. It is believed that her arrest was linked to her brother's connections with the Palestinian Fatah Revolutionary Council (better known as the *Abu Nidal* group). Her brother **Hani Fahmi 'Ali 'Abidat** was arrested in October 1986 in Damascus or Lebanon and afterwards "disappeared". The Syrian authorities have persistently denied her arrest and detention and Wafa' has "disappeared" following her arrest in Syria. She was in her fourth year of studying dentistry at Damascus University and lived at one of the halls of residence before her "disappearance". She is reported to be detained in Damascus although the place of detention is still unknown. Her family have received many reports confirming Wafa's detention in a Damascus prison.

From "disappearance" to "reappearance"

As the cases outlined below show, some of those who initially "disappear" following their suspected arrest by the Syrian authorities later "reappear" in Syrian detention, and some receive family visits. In most cases access to the family has never been accompanied by disclosure of the charges on which a person is being held, or by any access to a lawyer.

Likewise families are not officially informed whether the detainee has been tried or of the length of his/her sentence. As far as Amnesty International is aware these prisoners remain in arbitrary detention until released as a result of a presidential amnesty.

Sa'id al-Hatamleh, a Jordanian national born in 1950, was a member of the (Jordanian) Revolutionary Peoples' Party. He was arrested in Dar'ah in Syria on 3 December 1985, and then "disappeared". His brother **Saleh al-Hatamleh**, who went to Syria to inquire about him, was also arrested on 10 October 1993 and spent one year and seven months in detention until his release in April 1995. While in Sednaya Prison in Syria, Saleh al-Hatamleh realized that his brother Sa'id was held in the same prison. Sa'id al-Hatamleh was reportedly sentenced to ten years' imprisonment and is now being held beyond expiry of his sentence. Sa'id al-Hatamleh's family was allowed to visit him for the first time in 1994.

Mustafa Dib Khalil (known as **Abu Ta'an**), a Palestinian born in 1923, was arrested on 7 November 1983 in the Nahr al-Bared Palestinian camp near Tripoli in north Lebanon. He was a *Fatah* activist and reportedly a coordinator of Palestinian guerrilla fighters in north Lebanon. In 1983 a split occurred in the mainstream *Fatah* organization leading to a factional conflict between the pro-Arafat *Fatah*, and breakaway *Fatah al-Intifada*. The latter were apparently supported by *Sa'iqa*, PFLP-GC and the Syrian authorities. Mustafa Dib Khalil was reportedly arrested and then handed over to the Syrian forces following the battle around the Palestinian camps, Badawi and al-Bared, in north Lebanon, by a combined force from the PFLP-GC and *Fatah al-Intifada*. He was reportedly held for a few days in Tripoli, moved to 'Anjar and then transferred to Syria. He was held for eight years in solitary confinement and then remained in incommunicado detention for another six years. In 1997 he was allowed a visit from his son, the first since the time of his arrest. No further visits are reported to have taken place since. Some reports have suggested that he has been tried and sentenced to life imprisonment but apparently he is being held without charge or trial.

'Abd al-Karim Saleh Abu 'Aysha, a Jordanian born in 1936, left Jordan for Syria on 22 October 1980 and never returned. After making some inquiries the family established that he was detained in Syria but no confirmation came until 15 years later, when, in 1995, the Jordanian authorities informed the family that the Syrian Government had acknowledged the imprisonment of 'Abd al-Karim Salih Abu 'Aysha in connection with the [Syrian] Muslim Brotherhood. It has not been clarified whether he has been tried and sentenced or is being held without charge or trial. His family has not seen him since the time of his arrest.

Na'im Ibrahim Muhammad 'Ali Musa, a Jordanian student born in 1959, was arrested on 9 July 1980 in Aleppo. He was studying economics at the University of Aleppo when he was apparently arrested by the Syrian intelligence forces after completing his end of term exams. His family has not been able to see him or know his exact whereabouts since the time of his arrest. However, in 1984 the Jordanian authorities were informed by the Syrian Government that Na'im Musa was arrested "because of his affiliation to an organization engaged in anti-government activities". It was not clear whether he had been formally charged and tried, or what had been the outcome of his trial if he had one. Meanwhile, he apparently remains in incommunicado detention without any access to his family.

Multiple injustices

'Abd al-Majid Nimr Zaghmout, a Palestinian born in 1944, was arrested in Syria on 10 May 1966 accused of the politically-motivated murder of a Syrian army officer. 'Abd al-Majid Zaghmout alleged that he was subjected to torture for 46 days in an attempt to force him to admit that he had carried out the assassination, which he refused to do. He was sentenced to death by an exceptional military court on 30 November 1966 after an unfair trial. The ruling of the court was final but the sentence was not carried out. In 1988, 'Abd al-Majid Zaghmout petitioned the Minister of Defence, General Mustafa Talas, who ruled on 14 March 1989 that the death sentence be commuted to a prison term equivalent to the time the prisoner had already spent in custody and ordered that he be released if not charged with another crime. However, 'Abd al-Majid Zaghmout was neither released, nor charged with another criminal offence. 'Abd al-Majid Zaghmout, who has been in prison for over 32 years, went on a hunger strike in early 1996, and again in October 1998 in protest of his continued detention.

Detainees suffer multiple injustices, including prolonged incommunicado detention, torture and ill-treatment, especially during interrogation, and above all the uncertainty as to whether or when they will see the outside world again. Although the reappearance of detainees and some access to their families shows that at least they are alive and that their whereabouts are known, they are denied the basic rights to which they are entitled in detention, as well as redress for the violations inflicted on them in the wake of their arrest and interrogation. None of these prisoners appears to have been given access to a competent judicial authority to challenge the legality of his or her detention. These detainees have either been kept in detention for over a decade without charge or trial, or subjected to trials which were grossly unfair. The detainee has no lawyer, no information about specific charges, no time to prepare a defence, there is no presumption of innocence and often he or she does not even know the sentence.

A Palestinian former prisoner told Amnesty International about his "trial" in 1988:

"At 8am we were taken blindfolded for the trial which was conducted in the office of the prison director. When my turn came, around 1.30pm, they called my name and led me to the office and lifted the blindfold at the door. Upon entering I saw the court which was composed of a Major General who was the President of the First Military Court, his deputy, the prison director and the clerk. They told me to sit on a wooden chair. After taking down my name, nationality, and other particulars, they asked what I was charged with. I said: "I don't know". The president then said that I was accused of carrying out subversive activities in the country [Syria]. I said: "This is not true". He said: "We know better, you may leave the room now". That was it. I didn't know what my sentence was."

Prisoners were commonly not informed of the length of their sentence and even if they managed to discover it were not necessarily released when it expired, or even if they were acquitted.

A Jordanian former detainee arrested in the 1990s relates that he appeared before a military court which was composed of two Major Generals, the head of the Military Interrogation Branch, and a representative from the presidential palace. Although a military prosecutor was present, there were apparently no defence lawyers. He recalls:

"When I appeared before the court they asked about my name, profession, and other particulars, and then told me that I had been charged with spying for Jordanian Intelligence. I denied the charge.... They then ordered me to leave and said that the sentence would be pronounced after one month. I had to pay money to a guard to know my sentence. I was acquitted."

Yet this prisoner was only released later, as a part of a presidential amnesty.

Following these "trials" some detainees were reportedly sentenced to 10 or 15 years' imprisonment, while others were sentenced to life imprisonment or even to death.

In other cases prisoners remain in detention despite a decision to release them. Most of the detainees were allegedly subjected to torture and ill-treatment particularly during interrogation following their arrest. Detainees in Tadmur Military Prison are said to have been subject to torture and ill-treatment on a routine basis.

CONCLUSION

Despite the release of several hundred political prisoners in recent years and most recently in the first half of 1998, hundreds of Syrian and non-Syrian political prisoners, including prisoners of conscience, still remain in detention. The cases which constitute the focus of this report relate only to Lebanese, Palestinians and Jordanians abducted or taken prisoner by the Syrian intelligence forces in Lebanon, Syria, or at the Syria-Jordan border. All cases have been shrouded in secrecy.

Most of the victims whose cases are documented in this report were caught up in a series of complex political conflicts, some of which have now been resolved, yet these individuals remain captive to this legacy, and are denied basic human rights, or even the right to be recognized as human beings.

The majority of the Lebanese and Palestinian political prisoners were arrested or abducted by Syrian military forces operating in Lebanon and transferred to Syria outside any legal framework. Yet they have been kept for years in arbitrary detention or subjected to secret and summary trials by military tribunals often under sweeping charges. Others were arrested in Syria without judicial warrants and detained without due legal process.

All these political prisoners are denied the most basic human rights guaranteed by international standards, in breach of Syria's obligations as a State Party to the International Covenant on Civil and Political Rights (ICCPR). Such basic rights include the right to contact a lawyer and the right to be brought before a judge and have the opportunity to challenge the legal basis of their detention. The majority have been held in these conditions for years, some for over two decades. Such arbitrary imprisonment constitutes a gross violation of international human rights standards, particularly Articles 9(1),(3) and 14(2) and (3) of the ICCPR.¹¹ Furthermore, none of the detainees is said to

¹¹**International Covenant on Civil and Political Rights**

Article 9(1) of the ICCPR states: "Everyone has the right to liberty and security of person. No one

have been allowed access to a lawyer, as guaranteed by international standards such as Article 14 (3 [b]) of the ICCPR; Principles 15, 17(1) and 18(1 to 4) of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (UN Body of Principles)¹²; and Rule 93 of the UN Standard Minimum Rules for the Treatment of Prisoners. Under the Syrian Code of Criminal Procedures,

shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."

Article 9(3) Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled within a reasonable time or to release. ...

Article 14(2) provides that: "Everyone charged with a criminal offence shall have the right to be presumed innocent until proven guilty according to law"; whereas Article 14(3) elaborates a set of minimum guarantees to which everyone facing criminal charges should be entitled, such as: "a) to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him; b) to have adequate time for the preparation of his defence; c) to be tried = without undue delay; and d) to be tried in his presence, and to defend himself in person or through legal assistance of his own choosing...." .

¹²**UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment**

Principle 15

"Communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days".

Principle 17

1. A detained person shall be entitled to have the assistance of a legal counsel. He shall be informed of his rights by the competent authority promptly after the arrest and shall be provided with reasonable facilities for exercising it.

Principle 18

1. A detained or imprisoned person shall be entitled to communicate and consult with his legal counsel.
2. A detained or imprisoned person shall be allowed adequate time and facilities for consultation with his legal counsel.
3. The right of a detained or imprisoned person to be visited by and consult and communicate without delay or censorship and in full confidentiality, with his legal counsel may not be suspended or restricted save in exceptional circumstances, to be specified by law or lawful regulations, when it is considered indispensable by a judicial or other authority in order to maintain security and good order.
4. Interviews between a detained or imprisoned person and his legal counsel may be within sight, but not within the hearing, of a law enforcement official.

legal access is guaranteed by Article 72 which gives the detainee the right to contact his or her lawyer at any time and in private, except in cases of espionage.

For over two decades countless families have been living with the misery of not knowing the fate and whereabouts of their relatives, and the agony of conflicting information, blackmail and manipulation of their desperation to get any clue about their loved ones. Yet access to the outside world is guaranteed by international standards as a fundamental individual human right and a safeguard against torture. The prisoner's right to communicate without delay with his or her family is guaranteed by Principle 16(1) of the UN Body of Principles¹³ and Rule 92 of the UN Standard Minimum Rules.¹⁴

Moreover, in most of the cases documented in this report the Syrian authorities have persistently refused to acknowledge detention of individuals arrested by their security forces or handed over to them by other groups. Accordingly, these people seem to have "disappeared" as their fate and whereabouts remain unknown. Although it is feared that some of them may have died in unknown circumstances or have been secretly executed, others are believed to be still alive in incommunicado detention. These "disappearances" violate international human rights standards, such as the Declaration on the Protection of All Persons from Enforced Disappearance (which was adopted by the UN General Assembly without a vote on 18 December 1992 in resolution 47/133). The Syrian authorities have violated all the provisions of this Declaration in their practice of persistent refusal to acknowledge detention, and denial of knowledge of the whereabouts of persons in their custody.

¹³**UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment**

Principle 16

1. Promptly after arrest and after each transfer from one place of detention or imprisonment to another, a detained or imprisoned person shall be entitled to notify or to require the competent authority to notify members of his family or other appropriate persons of his choice of his arrest, detention and imprisonment or of the transfer and of the place where he is kept in custody.

¹⁴**UN standard Minimum Rules for the Treatment of Prisoners**

Rule 92

An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to such restrictions and supervision as are necessary in the interest of the administration of justice and of the security and good order of the institution.

RECOMMENDATIONS

1. Amnesty International urges the Syrian Government to conduct a review of all the cases of Lebanese, Palestinian, and Jordanian political prisoners with the following objectives:

- a) To release immediately and unconditionally all prisoners of conscience;
- b) To release immediately all political prisoners who have been detained without charge or trial since, by their prolonged detention without trial, the Syrian authorities have shown that they have no intention of trying them;
- c) To disclose all charges as well as trial proceedings of all those political prisoners who are serving prison sentences. Those summarily and secretly sentenced by military tribunals should be released if they are not to be retried in accordance with international fair trial standards;
- d) All those taken prisoner during or following a military conflict involving the Syrian forces during the Lebanese civil war should be repatriated to the Lebanese or Palestinian authorities, or released.

2. The families of all non-Syrian nationals detained in Syria should be told of their whereabouts, informed of any charges against them, be reassured about their safety and well-being and be allowed regular and continuing access to the detainees.

3. Detainees should be given access to lawyers of their choice, medical care when necessary and should be well and humanely treated.

4. The Syrian authorities should disclose the fate and whereabouts of all those who have "disappeared" following their arrest, abduction by, or transfer to, the Syrian authorities or with their acquiescence.

5. The families of all those executed should be informed about the fate of their relatives, in order to know, and if necessary challenge, the judicial proceedings which preceded the death sentence. In all cases they are entitled to receive the remains of their relatives for burial.

6. The Lebanese, Palestinian and Jordanian authorities should investigate the fate and whereabouts of their citizens who are detained or have "disappeared" in Syria, raise the matter with the Syrian authorities and keep relatives of the detainees informed.