

PUBLIC

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UA 141/09 Fear of torture or other ill-treatment/ enforced disappearance

SYRIA Nizar Ristnawi (m) aged 49, civil engineer

Prisoner of conscience and human rights defender Nizar Ristnawi may have been subjected to enforced disappearance. He completed a four-year prison sentence at Sednaya Military Prison near the capital Damascus on 18 April 2009, but was not released. His family have been unable to find out about his welfare or current whereabouts and are concerned for his safety.

In May 2009, Nizar Ristnawi's brothers went to the Military Security branch in the town of Hama, to the north of Damascus, where he was originally detained, to ask about his whereabouts. They were not given any information. Their concerns are heightened by the fact that they have had no contact with him since June 2008, while Sednaya Military Prison, where Nizar Ristnawi was being held, was the scene of violent events on 5 July 2008, during which at least 17 detainees and five other people were killed. The Syrian authorities imposed a total information black-out on the events and have neither announced the names of those who were killed or injured nor provided any information as to whether an investigation has been carried out. Prison visits have been prevented since that time. Please see Amnesty International, *Syria: Sednaya prison killings: independent investigation needed* (Index: MDE 24/018/2008) at <http://amnesty.org/en/library/asset/MDE24/018/2008/en/a0b9fbf3-4cce-11dd-bca2-bb9d43f3e059/mde240182008eng.html>

Nizar Ristnawi was sentenced to four years' imprisonment on 19 November 2006 after an unfair trial before the Supreme State Security Court (SSSC). He was found guilty of "spreading false news" and "insulting the President of the Republic". He had been arrested in April 2005 after a conversation he had on human rights and other issues was overheard by a member of the security and intelligence services. Following his arrest, Nizar Ristnawi was held in secret detention for more than two weeks before the Military Security branch in Hama informed his family that he was in their custody. He remained in incommunicado detention until August 2005 when his wife was allowed to visit him on a monthly basis. However, it was not until November 2005 that he was informed of the charges against him and permitted access to lawyers. During this period in custody, he was allegedly ill-treated.

In March 2009, the Working Group on Arbitrary Detention (WGAD) announced that it had found the imprisonment of Nizar Ristnawi to be arbitrary. The WGAD found that his imprisonment could not be justified on any legal basis and was the result, on the one hand, of his exercising his right to freedom of expression and, on the other, of the gravity of the SSSC's non-observance of international standards for fair trial. It requested the Syrian government "to take the necessary steps to remedy his situation". Please see Amnesty International, *Syria: UN experts' opinion on arbitrary detention of Syrian human rights defender* (MDE 24/008/2009) <http://www.amnesty.org/en/library/info/MDE24/008/2009/en>

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

- expressing concern that the Nizar Ristnawi may have been subjected to enforced disappearance and that, given reports that at least 17 detainees died during July 2008 Sednaya disturbances, there are serious concerns for his safety;

- urging the authorities to release Nizar Ristnawi immediately and unconditionally unless he is to be charged with recognizably criminal offences and tried promptly in proceedings which meet fair trial standards;
- calling on the authorities to immediately allow Nizar Ristnawi visits from his family, access to a lawyer of his choosing and any medical treatment he may require;
- calling on the authorities to ensure that Nizar Ristnawi is protected from torture or other ill-treatment, reminding them that Syria is a state party to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which bans torture and other ill-treatment under any circumstances;
- calling on the authorities to establish immediately, if they have not done so already, an independent body to investigate reports that at least 17 detainees and five other people were killed in violent events which took place on 5 July 2008 in Sednaya Military Prison;
- urging the authorities to ensure that the investigation is carried out in a thorough, independent, and impartial manner, that its results are made public and that those allegedly responsible are brought to justice in trial proceedings that meet international standards of fairness and do not carry the possible imposition of the death penalty.

APPEALS TO:

President

His Excellency Bashar al-Assad
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Syrian Arab Republic

Fax: + 963 11 332 3410

Salutation: Your Excellency

Minister of Defence

His Excellency General Ali Habib Mahmoud
Ministry of Defence
Omayyad Square
Damascus
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Fax: + 963 11 223 7842

Salutation: Your Excellency

Minister of Justice

His Excellency Ahmed Yunis
Ministry of Justice
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Syrian Arab Republic

Fax: + 963 11 666 2460

Salutation: Your Excellency

Ministry of Interior

His Excellency Major Sa'id Mohamed Sammour
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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 20 July 2009.