

PUBLIC

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Further Information on UA 142/04 (MDE 24/031/2004, 14 April 2004) Incommunicado detention/fear of torture/"disappearance"/medical concern and new concerns: Prisoner of conscience/Unfair trial

SYRIA

Aktham Nu'ayse, aged 53, lawyer and human rights defender

Aktham Nu'aysa is now in solitary confinement in Sednaya prison. He reportedly suffered a minor stroke after his arrest, and had to be hospitalised. He was yesterday referred to the Supreme State Security Court (SSSC) in Damascus after over a week of incommunicado detention. During the court session, which his lawyer was allowed to attend briefly, the prosecutor told him that he was to face a number of extremely serious charges. These include 'carrying out activities contrary to the socialist system of the state' and 'opposing the objectives of the revolution', and could carry a sentence of up to 15 years in prison.

According to eyewitnesses he was taken to court supported or possibly carried by two security officers: he appeared weak and in miserable health. Following his arrest he reportedly suffered a minor stroke and was taken to Tishrin Hospital. At the time of his arrest he was already suffering from illnesses including kidney and heart conditions.

The charges against him are thought to relate to his human rights activities and those of the organisation he heads, the Committees for the Defence of Democratic Liberties and Human Rights (CDDLHR). Aktham Nu'ayse and the CDDLHR had recently published an annual report on human rights violations in Syria, and led a campaign for the lifting of the state of emergency. In March and April they had reported violations of the human rights of Syria's Kurdish population, and spearheaded a campaign for the lifting of the state of emergency. Aktham Nu'aysa had repeated concerns for the fate of scores of Lebanese who have "disappeared" in Syria. Scores of Lebanese and other non-Syrian nationals have "disappeared" after they were arrested or abducted by the Syrian authorities, or handed over by armed groups. Many of the "disappearances" took place during the Lebanese civil war (1975-1990) or during the conflict between Syria and the Palestine Liberation Organisation (PLO) in the 1980s.

Two of his colleagues, Ahmad Khazim and Hassan Watfi have been held incommunicado at unknown locations since their arrests on 15 and 16 March respectively (see UA 129/04, MDE 24/023/2004, 26 March 2004).

BACKGROUND INFORMATION

Amnesty International has expressed grave concern at the continuing enforcement of the State of Emergency Legislation (SEL) in Syria. March 2004 marked the 41st anniversary of the declaration of the SEL which has been in force without interruption since 8 March 1963 and has resulted in thousands of suspected political opponents being detained, tortured and held incommunicado without charge or trial, some for over two decades. Others have been convicted and sentenced to lengthy prison terms after grossly unfair trials before military or state security courts. The SEL is inconsistent with the requirements of human rights law, particularly Article 4 of the International Covenant on Civil and Political Rights (ICCPR) to which Syria is a state party. In April 2001, the Human Rights Committee, which monitors states' implementation of the ICCPR, expressed concern over the SEL, which it said "does not provide remedies against measures limiting citizens' fundamental rights and freedoms". The Committee recommended that the SEL be "formally lifted as soon as possible".

Amnesty International considers trials held before the SSSC to be grossly unfair. The SSSC's lack of independence and impartiality is compounded by two factors: its verdicts are not subject to appeal, and it is not bound by the rules of the Code of Criminal Procedures. SSSC trials are also unfair because defendants

have restricted access to lawyers; judges, especially the President of the Court, have been granted wide discretionary powers, and confessions allegedly extracted under duress or torture are accepted as evidence.

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

- expressing grave concern for Aktham Nu'aysa, who has reportedly suffered a stroke and is in ill health;
- calling for him to be released immediately and unconditionally, as he is a prisoner of conscience, held solely for his legitimate work in defence of human rights and the peaceful expression of his opinions;
- urging the authorities to ensure that he is treated humanely, provided with any medical care he may require and not tortured or ill-treated;
- reminding the authorities that the arrest of Aktham Nu'aysa and the repression of other human rights defenders in the country is an affront to Syria's obligations under international human rights law, including the International Covenant on Civil and Political Rights, to which Syria is a state party.

APPEALS TO:

His Excellency Bashar al-Assad
President
Presidential Palace
Abu Rummaneh
al-Rashid Street
Damascus
Syrian Arab Republic

Telegram: President al-Assad, Damascus, Syria

Fax: + 963 11 332 3410

Salutation: Your Excellency

His Excellency Major General 'Ali Hammud
Minister of the Interior
Ministry of Interior
Merjeh Circle
Damascus, Syrian Arab Republic

Telegram: Interior Minister, Damascus, Syria

Fax: + 963 11 222 3428

Telex: 411016 AFIRS SY

Salutation: Your Excellency

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

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 4 June 2004.