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# amnesty international

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## APPEAL CASE – SYRIA

### Torture, ill-treatment and unfair trials of the Darya activists

19/08/2004

AI INDEX: MDE 24/056/2004

*“Do you ask for mercy?”*  
*“No, I ask for justice.”*

#### Introduction

Prisoners of conscience Haythem Muhammed Yasin al-Hamwi, Muhammed Khaled Shehada, Yahya Taha Sharabajee and Mu’atez Muhammed Zuheyr Murad have reportedly been subjected to torture and ill-treatment since their arrests and detention in May 2003. They are being held in conditions which are said to be extremely unhealthy, dehumanising and degrading. They have spent prolonged periods incommunicado and three of the men have been allowed only one visit since May 2003, whilst one, Yahya Sharabajee, has received no visits at all. The men are reported to be infested with lice and are allowed to take a cold shower only once or twice a month.



*Top left: Haythem Muhammed Yasin al-Hamwi* (m), 28, medical doctor and University teaching assistant

*Top right: Muhammed Khaled Shehada* (m), 26, English graduate doing military service

*Bottom left: Yahya Taha Sharabajee* (m), 26, accountant

*Bottom right: Mu’atez Muhammed Zuheyr Murad* (m), 28, mechanical engineer

#### Peaceful activism

The men were arrested in May 2003 shortly after participating in a silent march in Darya, a town just to the south-west of the capital Damascus, protesting the invasion of Iraq. Inspired by Islam and by the principle of non-violent direct action, they were involved with

a loose, voluntary network of townspeople in establishing a free library, showing occasional videos [such as on the life of Gandhi; all materials were licensed], actively cleaning up their town and discouraging bribery and smoking.

### **Torture and ill-treatment, including inhuman and degrading conditions of detention**

The men are now imprisoned in Sednaya prison, located in a mountainous area about 15 miles to the north of Damascus. They are being held in conditions which are said to be extremely unhealthy, dehumanising and degrading. They have spent prolonged periods incommunicado and three of the men have been allowed one visit only during 15 months' detention, whilst one has received no visits at all. The men are reported to be infested with lice and are allowed to take a cold shower only once or twice a month.

In various detention centres and now in Sednaya, the men have been subjected to various forms of torture and ill-treatment, including: threats and insults; having their fingers crushed; beatings to their face and legs; having cold water thrown over them or their blankets; being forced to stand for long periods during the night; hearing loud screams and beatings of other detainees; sleep deprivation; being stripped naked in front of others; and being prevented from praying, and from growing a beard. They have been held in harsh conditions, including being crammed with about 30 others into communal cells of 5m x 5m, or spending prolonged periods in solitary confinement. Haythem al-Hamwi is said to have been held incommunicado, in solitary confinement, for over six months. This was reportedly a punishment for replying to a military judge, who had asked him if he would ask for mercy, with: "No, I ask for justice."

### **Arrests and unfair trials**

Haythem al-Hamwi, Yahya Sharabajee and Mu'atez Murad were arrested on 3 May 2003, and Muhammed Shehada on 11 May 2003, when they presented themselves at the Military Security branch in Qatana, following a summons. From a total of 22 men initially detained, 11 were released in January 2004 and seven others on 1 April 2004 following secret trials before a Field Military Court. The procedures for Field Military Courts fall far short of international standards for fair trials: there is no legal representation; little opportunity to defend oneself; the decisions are binding and not subject to appeal; and civilians should not be tried before such courts in the first place as they were created to look into offences committed during war time or military operations.

Muhammed Shehada and Mu'atez Murad were sentenced to three years' imprisonment and Haythem al-Hamwi and Yahya Sharabajee to four years' for "attempting to establish a religious organisation, involvement in unlicensed social activities and attending unlicensed religious and intellectual classes". Amnesty

International considers the men to be prisoners of conscience, held solely for the peaceful expression of their non-violent beliefs.

**Background: Torture and ill-treatment in Syrian prisons and detention centres**

Amnesty International has documented 38 different types of torture and ill-treatment reportedly used against detainees in prisons and detention centres in Syria. It is believed that most of these forms of torture and ill-treatment continue to be used, and indeed that new methods are being used. In 2004 alone, Amnesty International has received information on the deaths in custody of eight Syrians, of whom five were Syrian Kurds, reportedly following torture and ill-treatment in detention and/or the denial of medical treatment. No investigation is known to have been carried out into the deaths.

**What can you do?**

You can write to the Syrian President, Bashar al-Assad, in English, Arabic, French, or your own language:

- expressing concern that Haythem Muhammed Yasin al-Hamwi, Muhammed Khaled Shehada, Yahya Taha Sharabajee and Mu'atez Muhammed Zuheyr Murad have been imprisoned, following grossly unfair trials, for their peaceful activities;
- calling for their immediate and unconditional release as prisoners of conscience held solely for the peaceful expression of their non-violent beliefs;
- expressing concern at reports that they have been tortured and ill-treated in custody, and urging the authorities both to investigate the reports and to guarantee that the men will not suffer any further harm;
- expressing concern that three of the men have only been allowed only one visit since May 2003, while one, Yahya Sharabajee has received no visits at all, and urging the authorities to allow them regular access to their families, legal representation and to any medical assistance they may require.

His Excellency President Bashar al-Assad

President of the Republic

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Damascus, Syrian Arab Republic

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**Salutation: Your Excellency**