

Public

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To: Health Professional Network
cc: EMRAN Country Coordinators
Syria Country Coordinators
From: Health and Human Rights Team / Eastmed Team
Date: 14 July 2009

Health Professional Action
Denial of medical care for Mohammad Sai'd 'Omar
Syria



Mohammad Sai'd 'Omar © private

Amnesty International is concerned for the health of 53-year-old Mohammad Sai'd 'Omar, a senior member of a Kurdish political party known as the Azadi (Freedom) Party, an unrecognized political party in Syria. Only the Ba'ath Party and some parties linked to it are officially recognized political parties in Syria. Sai'd Omar has been detained for over eight months since his arrest at the end of October 2008. He has spent nearly four-and-a-half months in incommunicado detention without access to a lawyer of his choosing or family visits and in April suffered a stroke. He is now being tried by the Criminal Court with two other leading members of the Azadi Party - Sa'dun Sheikhu, also arrested in October, and Mustapha Jum'al, arrested in early 2009. Amnesty International is concerned that the men are being detained and tried solely for the peaceful exercise of their rights to freedom of expression and association.

Health concerns for Mohammad Sai'd 'Omar

According to our information, Sai'd 'Omar was not in good health at the time of his arrest having previously undergone two operations relating to a stomach ulcer. At 7.00 am on 24 April 2009 he suffered a stroke in 'Adra prison, Damascus, and three hours later was moved to Ibn al-Nafees military hospital in Damascus. He is said to be paralysed on the left side of his

body and has difficulty speaking and moving. While in hospital his right leg was chained to the bed and only unlocked by guards when he visited the toilet. His family were not permitted to visit him until two days after he arrived at the hospital.

Mohammad Sai'd 'Omar was returned to 'Adra prison on 6 May 2009. His family are permitted to give him medication prescribed by a hospital doctor, when they make their weekly visits to the prison. This medication reduces his blood pressure, controls cholesterol, controls the risk of blood clots and inflammation, controls irritable bowel syndrome and heals his ulcer. Amnesty International is concerned that he has to rely on medication organized by his family; it is also concerned that he is not receiving other treatment necessary for stroke victims including, for example, physiotherapy to assist his rehabilitation.

In addition, conditions in 'Adra prison – even for relatively young and healthy detainees - are poor. Conditions for political prisoners seem to be worse than for other prisoners. Visiting lawyers are reported to have complained about these conditions to the prison authorities and to have been informed by the head of the prison that he has received instructions from “above” to “make life difficult” for political prisoners. Sai'd Omar shares a cell with 20 other detainees.

In addition to Sai'd Omar's medical problems, he is apparently increasingly anxious about his family's welfare. Before being detained, Sai'd 'Omar, from Rameilan in north-eastern Syria, was employed as a technician by the state-owned Syrian Petroleum Company who suspended him from employment without pay and stripped him of all benefits attached to the job following his arrest. The company served his family with an eviction notice on their home. They live in this home – provided by the company – rent-free. The eviction was due to come into effect at the end of June 2009 but at the time of writing they remain in the home although they face eviction at any time.

Before his detention, Sai'd 'Omar was the family's breadwinner supporting a household of seven: himself, his wife, three daughters and two sons, who all are unemployed.

Along with suspension from his post and pending eviction of his family from their home, Sai'd 'Omar also loses any benefits which are linked to his job, for example his pension rights. These penalties are imposed because of his political activities and the subsequent charges made against him. Individuals imprisoned for their peaceful political activities in Syria are subject to the denial of their civil rights including rights to employment or to travel post-release. Sometimes, such penalties are even made against detainees' family members as a way of punishing and suppressing any trace of political dissent.

Background

Mohammad Sai'd 'Omar was arrested by Military Security officers, along with another party leader, Sa'dun Sheikhu, on 25 October 2008. They were apparently arrested after Sa'dun Sheikhu sent Sai'd 'Omar a copy by post of the Azadi Party newspaper which contains articles about politics in Syria, most specifically regarding the situation of and discrimination against Kurds in Syria. Only the ruling Ba'ath Party and parties allied to it are officially allowed to operate in Syria and supporters of unauthorized opposition parties are at constant risk of arrest.

It was not until the middle of November 2008 that their families and associates found that they were being held in the north-western city of Aleppo, about 500km from their homes. They were then moved to the Military Intelligence's Far' Falastin (Palestine Branch) detention centre in Damascus, an interrogation centre which is notorious for torture. However, reports suggest that neither of the men were tortured although they were subject to verbal insults and intimidation. Sai'd Omar was held during this time in solitary confinement and given insufficient food.

Reportedly, on 8 February 2009 Mohammad Sai'd 'Omar was transferred to 'Adra prison. His first visit from his family was 10 February 2009 and they now visit him each Tuesday for 10 minutes in the presence of prison guards. They are required by the prison authorities to speak

in Arabic and not in the Kurdish language. The family must travel for 13 hours in order to reach 'Adra prison.

Sai'd 'Omar – along with the other two activists - is being tried on charges under the Syrian Penal Code including: “weakening national sentiments” (Article 285); establishing an “organization with the aim of changing the financial or social status of the state” (Article 306); and “aggression aiming to incite civil war and sectarian fighting and incitement to kill” (Article 298). If convicted on all charges they could face life imprisonment.

The trial before the Criminal Court began on 30 June 2009 when the case was adjourned. The next hearing date is 16 August 2009. Amnesty International is concerned that the proceedings before the Criminal Court fall far short of international standards for fair trial.

Kurds in Syria

Kurds in Syria are disproportionately vulnerable to human rights violations at the hands of the Syrian authorities, including arbitrary arrest, prolonged incommunicado detention, unfair trial, torture and other ill-treatment. Kurdish human rights defenders and civil society activists, and those deemed to be associated with Kurdish political parties or groups who raise concerns about the treatment of Kurds in Syria, are particularly at risk of arbitrary arrest and, in many cases, torture.

In addition, Kurds suffer severe discrimination because of their ethnicity: many are denied Syrian nationality and cannot receive the full provision of education, employment, health care, housing and other rights enjoyed by Syrian nationals. On September 2009, the authorities issued Legislative Decree No. 49 further restricted housing and property rights in border areas, including the pre-dominantly Kurdish-populated north-east border areas.

Other reading related to this action

Please also see :

Urgent Action - Syria: Fear of torture or other ill-treatment/possible prisoners of conscience at <http://www.amnesty.org/en/library/info/MDE24/036/2008/en>

Urgent Action Update - Syria: Further information on fear of torture or other ill-treatment at <http://www.amnesty.org/en/library/info/MDE24/005/2009/en>

and for all AI materials on Syria : <http://www.amnesty.org/en/region/syria>

Recommended action

Please write to the Syrian authorities below:

- explaining that you are a health professional concerned about human rights;
- expressing concern for the health of Mohammad Sai'd 'Omar;
- welcoming the fact that Mohammad Sai'd 'Omar is allowed to receive medication in prison for his stroke but asking that all measures be taken to ensure that he is given any other necessary treatment such as physiotherapy for his condition;
- urging them to ensure that Mohammad Sai'd 'Omar is examined by independent doctors and receives full and immediate access to the necessary medical care, in accordance with provisions set out in the UN Standard Minimum Rules for the Treatment of Prisoners;
- requesting that the authorities continue to allow Mohammad Sai'd 'Omar's family to visit him and that he is allowed regular access to his lawyer;

- calling for his immediate and unconditional release, raising concerns that he is being held solely for the peaceful expression of his beliefs as recognized by the International Covenant of Civil and Political Rights (ICCPR), to which Syria is a state party;
- raising your concerns that trials before the Criminal Court fall short of international standards for fair trial and reminding them that Mohammad Sai'd 'Omar has a right to a fair trial in line with the ICCPR;
- Inviting a speedy response to your letter.

Addresses

His Excellency President Bashar al-Assad

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 Salutation: Your Excellency

His Excellency Major S'aid Mohamed Samour

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His Excellency Walid al-Mu'allim

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Please also send copies to diplomatic representatives of the Syrian Arab Republic accredited to your country.

If you receive no reply within six weeks of sending your letter, please send a follow-up letter seeking a response. Please send copies of any letters you receive to the International Secretariat, attention of Health and Human Rights Team, 1 Easton Street, London WC1X 0DW or e-mail: health@amnesty.org