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Syria: Activists not released despite amnesty

Free peaceful advocates, workers arbitrarily detained

Scores of civil society activists, human rights defenders, media and humanitarian workers remain in arbitrary detention in Syria more than a month after the government declared a general amnesty, six non-governmental organizations said today. Syrian officials should immediately release all activists arbitrarily held for their legitimate activities and allow independent international monitors inside Syria's detention facilities to monitor the releases and conditions of confinement.

Legislative Decree no. 22, enacted on 9 June 2014, declares an amnesty for many of the charges peaceful activists are facing, including "weakening national sentiment," as well as some offenses under the Anti-Terrorism law that are being used to muzzle dissent. But many peaceful activists who should have benefitted from the amnesty remain in detention, the organizations said. Other individuals who are arbitrarily detained as a result of their human rights-related activities, including some of those facing charges in military field courts, like freedom of expression advocate Bassel Khartabil, have been excluded from the amnesty. Some advocates, like the lawyers and human rights defenders Khalil Ma'touq and Abdulhadi Cheikh Awad, believed to be in government detention, whom former detainees report to have seen in government detention, continue to be held in conditions amounting to enforced disappearance with their relatives having no information about their fate or whereabouts. Of a group of 34 peaceful activists whose cases the organizations have been monitoring, only one, Yara Faris, was released under the 9 June amnesty.

"President Assad's amnesty raised the hopes of many detainees and their families, only to dash them again as weeks passed by without any movement," a spokesperson for the organizations said. "Every day behind bars for peaceful activists, who should never have been jailed in the first place, is another day of injustice for them and their families."

Family members, detainees, and lawyers complained about the lack of transparency about the implementation of the amnesty, such as providing information about who would be released.

SANA, the government news agency, released several statements about the numbers of people released in the amnesty, totaling 2,445.

A lawyer working with political detainees in Damascus who is monitoring the implementation of the amnesty to identify which individuals have been released told the organizations that the confirmed number of releases has not exceeded 1,300 individuals including regular criminal detainees. The lawyer said that those released included about 400 individuals that were before the Anti-Terrorism court, 200 from Saydnaya prison, 200 from the security branches, and 150 others from other governorate prisons. He stated that judges sent the files of some detainees who ought to be released under the amnesty back to the public prosecutor to change the charges to ones that would fall outside the scope of the general amnesty. Other local activists also told the organizations that the amnesty occurred weeks after an intensified campaign of arbitrary arrest, and that some of the persons arrested were subsequently released on the basis of the amnesty decree.

The Syrian Network for Human Rights (SNHR), another local monitoring group reported on 10 July that it had compiled information about 632 civilian detainees released since 10 June under the amnesty, including 384 held on criminal charges that are apparently not related to the conflict. The 248 others were human rights activists, lawyers, and doctors, 200 of whom who were released by the Anti-Terrorism court. The group said that 25 defectors accused of disobeying military orders or not completing their compulsory military service were also released.

The Anti-Terrorism court, established in July 2012 to implement the Anti-Terrorism law, has tried and sentenced many human rights defenders and other peaceful activists. The charges are brought under the guise of countering violent militancy, but frequently the allegations against the activists actually amount to such acts as distributing humanitarian aid, participating in protests, and documenting human rights abuses.

On 21 July, the Anti-Terrorism court will resume the trial of Mazen Darwish and four of his colleagues from the Syrian Center for Media and Freedom of Expression on accusations of “publicizing terrorist acts,” a charge that is included in the legislative decree.

Darwish is on trial along with Hussein Gharir, Hani al-Zitani, Mansour al-Omari, and Abd al-Rahman Hamada. Omari and Hamada were conditionally released on 6 February 2013 pending trial, but the other three men remain in detention.

The indictment states that the charges against them were brought for their activities as staff members of the organization. The activities included monitoring online news by the Syrian opposition, publishing studies on the human rights and media situation in Syria, and documenting names of the detained, disappeared, wanted and killed within the context of the Syrian conflict. The indictment further states that an investigative judge in Damascus considered these actions part of an attempt to “stir the internal situation in Syria and so provoke international organizations to condemn Syria in international forums.”

The activists who remain arbitrarily held despite the 9 June amnesty include 33 of the 34 detainees held by the government as of 9 June featured in the Free Syria’s Silenced Voices campaign, carried out by a coalition of independent groups on behalf of activists, and humanitarian and media workers arbitrarily detained by the government.

While it is impossible to verify the number of people in detention in Syria, the Violations Documentation Center, another local monitoring group, reports that 40,853 people detained since the start of the uprising in March 2011 are still being held.

Although President Bashar al-Assad has issued at least seven previous amnesty decrees since the uprising began in 2011, security forces have kept many peaceful activists in detention. For the first time, however, the June 2014 amnesty included those who have been charged with or convicted of freedom of expression-related offenses under the Anti-Terrorism Law enacted in 2012 (Article 8 of the Anti-Terrorism Law).

“If President al-Assad is serious about his amnesty, he should open the doors of all his prisons to independent monitors to check who is actually being held and why,” a spokesperson for the organizations said. “Otherwise, this general amnesty will end up being yet another false promise, with released detainees soon replaced by other peaceful activists locked up. It should not take an amnesty to end the arbitrary detention of individuals imprisoned solely for peaceful political activism, human rights, humanitarian and media work.”

The twelve nongovernmental organizations are:

Amnesty International

The Euro-Mediterranean Human Rights Network

FIDH in the framework of the Observatory for the Protection of Human Rights Defenders

Frontline Defenders

Gulf Center for Human Rights
Humanist Institute for Co-operation with Developing Countries
Human Rights Watch
OMCT in the framework of the Observatory for the Protection of Human Rights Defenders
Reporters Without Borders
Syrian Center for Media and Freedom of Expression
Syrian Network for Human Rights
Violations Documentation Center