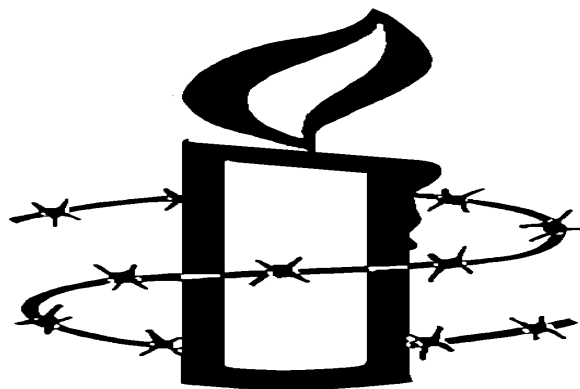


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SYRIA
Continuing Human Rights
Concerns in Syria
A Briefing



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SUMMARY

This briefing summarizes Amnesty International's concerns in Syria. It is the outcome of the organization's monitoring and documentation of the human rights situation in Syria over many years.

Syria has, over the past few years, taken some positive steps in the field of human rights, primarily in releasing hundreds of political prisoners, including prisoners of conscience¹. Amnesty International has particularly welcomed the release of over 300 long term political prisoners including prisoners of conscience in 1998. Despite these measures, however, Amnesty International believes that the human rights situation in Syria has not improved in any substantive manner.

Hundreds of political prisoners, including prisoners of conscience, remain held in the country in conditions which violate their fundamental human rights. Some are serving heavy prison sentences imposed after grossly unfair hearings; some are facing trials before the Supreme State Security Court (SSSC), whose procedures fall far short of international fair trial standards. Others have been held for years without charge or trial. Some prisoners, including prisoners of conscience who should not have been in prison in the first place, have continued to be held after completion of their sentences. No independent investigations or inquests are known to have been held to investigate the dozens of deaths in custody of political suspects which are known to have occurred over the past two decades, including those which were allegedly caused or hastened by torture or ill-treatment, which for many years was systematic and widespread. The fate and whereabouts of scores of political suspects arrested in previous years remain unknown: they have apparently "disappeared" or have been secretly executed. Finally, the conditions to which these people have fallen victim and which enhances the potential of further human rights violations remain in place.

To remedy this grave situation, sustained government efforts are needed to resolve past violations and put into place necessary preventative mechanisms in order to bring the country's law and practice into line with international human rights standards. The hundreds of cases from previous years which remain unresolved should be reviewed with a view to ending the violations suffered by so many individuals over so many years.

¹ The term "prisoner of conscience" refers to the imprisonment, detention or other physical restrictions imposed on any person by reason of his or her political, religious, or other conscientiously held beliefs, or by reason of his or her ethnic origin, sex, colour, language, national or social origin, economic status, birth, or other status, provided that he or she has not used or advocated violence.

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I INTRODUCTION

In March 1997 an Amnesty International delegation visited Damascus. The delegates met with government officials to discuss the organization's concerns and submitted the cases of over 500 political prisoners, including prisoners of conscience, and "disappearances". The submission was an update of a memorandum sent to the Syrian Government in July 1994 giving details of more than 1,000 individual cases of human rights violations. In their talks with the Syrian officials Amnesty International delegates welcomed the fact that hundreds of political prisoners, including prisoners of conscience, had been released since the organization's last visit to Syria in 1994. However, the delegation stressed that many of Amnesty International's concerns expressed on several occasions to the Syrian authorities had not been adequately addressed. Although scores of political prisoners, including prisoners of conscience were released in 1998 Amnesty International remained concerned that no substantive changes had been made which would have led to real improvement in the human rights situation in Syria.

Amnesty International is particularly concerned that many of the individual cases of human rights violations submitted to the Syrian Government remain unresolved. These include the cases of hundreds of political prisoners, including prisoners of conscience, who are held in detention in Syria. Some of them have been held in incommunicado detention without charge or trial for more than 15 years, while others are serving lengthy prison terms imposed on them after trials which failed to meet international fair trial standards. Some prisoners are still in jail despite having served their prison sentences in full after expiry of their sentence.

Additionally, the fate and whereabouts of scores of the political suspects arrested in previous years remain unknown. In some cases, they seem to have "disappeared": the government has denied that they were

detained and denied having any knowledge of their whereabouts. In other cases, recently received information suggests that the prisoners were sentenced to death after summary trials years ago; Amnesty International fears that they may have been secretly executed.

Furthermore, to Amnesty International's knowledge, no independent investigations or inquests have ever been held into deaths in custody, including those allegedly caused by torture or ill-treatment, in contravention of the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. Neither have any investigations been made into the numerous torture cases reported to, and documented by, Amnesty International which have been repeatedly raised with the Syrian authorities.

During the last few years, Amnesty International has noted a decrease in the practices of arbitrary arrest and detention, as well as reports of torture. Yet the organization remains concerned that the conditions facilitating human rights violations remain in place. In particular, the wide powers given to the various security authorities as a result of the state of emergency legislation and the absence of adequate judicial supervision, constitute a continuing concern to Amnesty International. Likewise, the trial procedures of the SSSC, which continues to try political suspects, is another area of concern for Amnesty International. Despite some improvements in the trial procedures since 1992 when groups of detainees started to appear before the SSSC, the proceedings still fall far short of international fair trial standards.

In the opinion of Amnesty International, the present moment should be seized as a chance for Syria to end the violations of the past by releasing all prisoners of conscience and those detained for long without charge or trial, resolving the hundreds of cases of "disappeared" and unacknowledged detention, and ensuring that the conditions which facilitate grave human rights violations in Syria are disbanded.

II UNRESOLVED CONCERNS

(i) Arbitrary Detention and Long-term Detention without Charge or Trial

Political suspects have been subjected to long-term detention without charge or trial in violation of the International Covenant on Civil and Political Rights (ICCPR), and invariably denied the most basic rights guaranteed by international human rights standards. Some of them have never been brought before a judge or a judicial authority or been able to challenge the lawfulness of their detention as required by the ICCPR. In addition they have been denied any contact with a lawyer. Such was the case of a group of former government and Ba'th party officials who were held for more than two decades under these conditions until their death in prison or release (in 1993/94).

In 1998 Riad al-Turk, a leading member of the Communist Party- Political Bureau (CPPB, *al-Hizb al-Shuyu'i al-Maktab al-Siyassi*) and a prisoner of conscience was released. He was arrested in 1980 and held in incommunicado detention without charge or trial for nearly 18 years, during which time he had only been allowed to receive four or five visits from his family.

There are still several hundreds of prisoners held in connection with the unauthorized Muslim Brotherhood group (*al-Ikhwan al-Muslimun*) in various Syrian prisons, despite the release of over a thousand political prisoners held in connection with this group in 1995 and 1998. Most have been held in incommunicado detention since the early 1980s and their whereabouts remain unknown. They include Sarih Fawzi 'Amin , a medical student arrested in November 1980 and reportedly held in Tadmur military prison, and 'Ihssan Murad, a medical doctor who was reportedly arrested in 1992. A law issued by the Syrian

Government in 1980, Law No. 49, which imposes the death penalty merely for membership of the Muslim Brotherhood, remained in the statute books despite the occasional releases.

Recently Amnesty International received information about a case in which a family was given permission to visit their son in Tadmur² prison in February 1997. The prisoner, a student from Aleppo University, had been arrested in January 1981 and the family had not been permitted to visit him since 1984, although most of the time they knew where he was held. They have never had any indication that their son has been charged or tried.

Currently at least 100 prisoners of conscience and possible prisoners of conscience are held, some of them without charge or trial, while others are reportedly awaiting trial or are serving sentences mostly imposed after unfair trials (see below).

²Conditions in Tadmur military prison are particularly harsh: torture and ill-treatment of prisoners are commonly reported, as well as poor diet, sanitation and lack of adequate medical care. Political prisoners appear to be transferred there as a punitive measure.

(ii) Violations of the Right to Fair Trial

In 1992 hundreds of political prisoners, including prisoners of conscience, were brought before the SSSC in a mass trial. Some of them had already spent over ten years in detention without charge or trial. While some were acquitted by the court or sentenced to terms equivalent to the periods they had spent in prison before trial, many were sentenced to lengthy prison terms (between 10 and 15 years on average). SSSC procedures have consistently failed to meet international human rights standards for fair trial. (See Section IV(ii) for details.)

Scores of prisoners of conscience are currently serving lengthy prison sentences imposed by the SSSC after unfair trials since 1992. Examples include:

- Five prisoners of conscience who were convicted in March 1992 on charges connected with the Committees for the Defence of Democratic Freedoms and Human Rights in Syria (CDF), an unauthorized voluntary organization, and sentenced to between eight and ten years' imprisonment. They were part of a group of 17 who were arrested in 1991 following the distribution by CDF of a leaflet critical of the presidential referendum in Syria and the coercion of citizens by the agents of the state to declare their loyalty to President Assad. During the trial ten were sentenced to terms of imprisonment ranging from five to ten years. In February 1997 four were released several weeks after the expiry of their sentences. Aktham Nu'aysa, a lawyer and leading member of the CDF was released in a Presidential amnesty in May 1998. The remaining five include Nizar Nayyuf, who was sentenced to 10 years' imprisonment, Muhammad 'Ali Habib and 'Afif Muzhir, who were each sentenced to nine years, and Bassam al-Sheikh and Thabit Murad who were sentenced to eight years' imprisonment each. All these prisoners of conscience were allegedly subjected to torture during pre-trial detention. Amnesty International is demanding their immediate and unconditional release.
- Other prisoners of conscience who were convicted in 1993 and 1994 in connection with the Party for Communist Action (PCA), an unauthorized opposition organization, and sentenced to between six and 15 years' imprisonment on average. In other cases prisoners were sentenced to longer terms, as in the case of 'Abd al-'Aziz al-Khayyir, who was sentenced to 22 years' imprisonment in 1995, the longest sentence known to have been passed by the SSSC. At least 70 prisoners are currently serving lengthy prison terms in connection with the PCA. They were among more than 500 political detainees, including prisoners of conscience, who were tried after July 1992, all charged in connection with various political parties and opposition groups.

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- About seven prisoners of conscience continue to serve sentences for alleged links with the CPPB. They were among more than 100 people arrested from this group between 1980 and 1990; most have now been released. Those still in detention include Aram Karabayt, a technician, and ‘Abdalla Qabbara, a lawyer in his sixties, who were both arrested in 1987 and sentenced to 12 years’ imprisonment each by the SSSC.

(iii) Detention Beyond Expiry of Sentence

Amnesty International is disturbed by the numerous accounts that political prisoners are not promptly released upon completion of their sentence or after acquittal. Reports received over the years suggest a pattern whereby, upon expiry of their sentence, political prisoners are transferred to another detention centre where they spend a few weeks to three months on average before being released. For example, the CDF prisoners of conscience mentioned above were not released until approximately ten weeks after expiry of their five year sentences. Also, at least two former prisoners told Amnesty International that they remained in prison for several months after a court had found them not guilty.

In other cases, prisoners remain in detention years after they have served in full their prison sentences³. Such were the cases of Khalil Brayez, and Mustafa Tawfiq Fallah who were both released in 1998 nearly 12 years after the expiry of their 15 year sentences. Examples of people who are currently detained beyond the expiry of their sentences include:

- ‘Isam Dimashqi, an engineer born in 1953, was arrested in March 1982. He was detained without charge or trial until 1994 when he was referred to the SSSC and sentenced to 15 years imprisonment. He still remains in detention despite expiry of his sentence in March 1997.
- Fateh Muhammad Jamus, a mechanical engineer born in 1948, arrested in March 1982. He was also held without charge or trial until 1994 when he was sentenced for 15 years’ imprisonment by the SSSC. He remains in detention nearly two years beyond the expiry of his sentence.
- Basil Muhamad Ghalib Hurani, born in 1957, he was a student of civil engineering when arrested in March 1982. He was sentenced to 15 years’ imprisonment by the SSSC on 11 January 1994. He still remains in prison despite expiry of his sentence.

³Time served in pre-trial detention counts towards the sentence given at the time of trial.

Abd al-Halim Rumieh, born in 1953, he was a student of electrical engineering at Damascus University when arrested in March 1982. On 28 June 1993 he was sentenced to 15 years' imprisonment by the SSSC. He remains in detention beyond expiry of his sentence.

All the above mentioned are prisoners of conscience who are imprisoned for their membership in the Party of Communist Action (PCA). All remained in detention without charge or trial for 10 years at least before they were referred for trial by the SSSC .

(iv) Torture and Ill-Treatment

In previous years, Amnesty International documented a pattern of torture and ill-treatment by various security forces, and has consistently called on the Syrian Government to initiate prompt and impartial judicial investigations into the torture allegations made by political detainees. In March 1997, the Minister of Interior informed Amnesty International delegates that any official who commits torture or ill-treatment will be brought to court. He also stated that any person who suffers torture has the right to make a complaint to a judge who will then refer the case of the concerned official to the Ministry of Interior to take the necessary measures. However, the cases of torture allegations presented by the organization to the Syrian authorities remain unaccounted for; no investigations are known to have been carried out.

From the reports documented by Amnesty International, political suspects have most frequently been tortured or ill-treated during the initial period following arrest while held in incommunicado detention. Torture has been used as a means of extracting information and also as a form of punishment.

The most common methods of torture reported in previous years to Amnesty International include: beatings on all parts of the body; *falaqa*, beating on the soles of the feet; *dullab* (tyre), hanging the victim from a suspended tyre and beating him or her with sticks and cables; and pouring cold water over the victim's body. Another method is *al-Kursi al-Almani* (the German Chair), a metal chair with moving parts to which the victim is tied by the hands and feet. The back rest of the chair bends backwards, causing acute hyper extension of the spine and severe pressure on the victim's neck and limbs. This is said to result in difficulty in breathing almost to the point of asphyxiation, loss of consciousness and, in some cases, fracturing of the vertebrae⁴.

No investigation appears to have been ordered or carried out by the Syrian authorities into cases raised by Amnesty International in previous years relating to deaths

⁴. A report published by Amnesty International in October 1987 under the title: Syria: Torture by the Security Forces (AI Index: MDE/24/09/87) has documented some 38 methods of torture practised by the Syrian security forces at the time.

in custody alleged to have been the result of torture or to have occurred in suspicious circumstance. Such cases include Rif'at bin Ahmad Rajab, who died in 'Adra prison in April 1992, reportedly as a result of a heart condition exacerbated by torture and lack of medical treatment. He was detained as a suspected member of *al-Tanzim al-Sha'bi al-Dimoqrati al-Naseri*, Nasserist Democratic Popular Organization (NDPO) in 1986.

In March 1997 Amnesty International repeated its request to the government to ensure that arrests and detention are carried out only under strict supervision by the judiciary; that detainees are given prompt and regular access to a judge and their family, as well as lawyers and doctors of their own choosing; that arresting authorities are clearly instructed that torture or ill-treatment of prisoners or detainees will not be tolerated, and that the perpetrators of such acts will be punished. These measures should be coupled with practical steps to ensure that allegations of torture and deaths in custody are urgently, thoroughly and impartially investigated and that any officials found responsible for torture or other abuses of human rights are brought to justice.

(v) "Disappearance" and Fear of Execution

The fate and whereabouts of scores of prisoners arrested in previous years remain unknown. Amnesty International fears that some of them have "disappeared" or have been secretly executed. Those concerned were detained for political reasons by different security forces without judicial warrants and without their families or relatives being informed of their arrest or detention.

The cases of those who have "disappeared" follow a similar and simple pattern: they were arrested by one or other branch of the security forces and have not been seen or heard from since. The government has denied knowledge of their whereabouts, but families and relatives continue to seek an explanation of what has happened to them. The following persons are among those who have "disappeared", or whose fate and whereabouts in detention are not known to their families:

- Mudar al-Jundi, a 34-year-old engineer, was reportedly arrested or abducted by members of *al-Amn al-'Askari* (Military Intelligence) at seven o'clock in the evening of 20 September 1987 in Baghdad Street in Damascus, on suspicion of being a member of the PCA. He had been sought by the authorities in connection with the PCA since 1984. He was apparently taken to Fara' Falastin, Palestine Branch, detention centre in Damascus, but has not been seen or heard from since. The authorities have not acknowledged his detention. In 1995 certain reports suggested that Mudar al-Jundi had been tried and executed in 1988. Nevertheless the Syrian authorities have never publicly acknowledged the arrest or execution of Mudar al-Jundi and his family remains ignorant of his fate.

- Mayssar Jamil al-‘Issawi, a Palestinian, was arrested on 3 September 1985 while leaving her home in Damascus to visit her husband in prison. Her family, who are resident in Jordan, have apparently not heard from her or seen her since her arrest. They have made numerous inquiries about her but the Syrian authorities have denied that she was detained in Syria. Government authorities have also told Amnesty International that she is not detained in Syria. However, unconfirmed reports suggest that she was held in al-Mezza prison until 1989 and that she was subsequently transferred to Tadmur Military Prison. Her husband, who was reportedly detained in connection with a bombing in Damascus, has since been released.
- Mustafa Abu-Qaws, a university student born in 1963 in Aleppo, was arrested on 12 October 1983 in Aleppo. The reasons for his arrest are not known but he was apparently suspected of having links with the Muslim Brotherhood. He was visited by his family once in 1983 in Aleppo two weeks after his arrest. His fate and whereabouts have been unknown since, but some reports suggested that he was executed some years ago.

These cases are some of the 59 "disappearance" cases raised by Amnesty International with the Syrian Government as part of the organization's 1994 memorandum, submitted again in 1997, and about whom no information has been forthcoming.

To redress these human rights violations the government should take immediate action in accordance with the UN Declaration on the Protection of All Persons from Enforced Disappearance to clarify to the families the fate and whereabouts of these prisoners and allow them visits if they are alive. In disputed cases where the authorities deny any knowledge about the prisoners and there are reasonable grounds to believe that a "disappearance" has been committed (see Article 13 of the above-mentioned Declaration), the government should initiate an independent, thorough and impartial investigation into the circumstances surrounding their "disappearance". The investigation should be conducted for as long as the fate of the victim remains unclarified. If the victim is found to be no longer alive the remains should be returned to their families for burial. In all cases those responsible must be brought to justice. Victims and their families should have the right to adequate compensation.

III ARAB NATIONALS DETAINED OR “DISAPPEARED IN SYRIA

Hundreds of Lebanese, Palestinians and Jordanians are currently detained or have “disappeared” in Syria. They are primarily as victims of regional conflict and political

struggles which dominated the region during the previous decades. Most of the arrests took place in the context of the Lebanese civil war, between 1975 and 1990, or during the conflict between Syria and the Palestine Liberation Organization (PLO) in the 1980s. Most Lebanese were arrested or abducted outside any legal framework by Syrian forces operating in Lebanon, or were handed over by Lebanese military intelligence or militias allied to Syria during the war. Palestinians and Jordanians were most commonly arrested at the Syrian/Jordanian border or inside Syria itself.

Some of the Lebanese, Palestinians and Jordanians were arbitrarily arrested, some two decades ago, and remain in prolonged and often secret detention in Syria. Most remain in prison without charge or trial. Others were sentenced in secret summary trials where even the charges and the sentences were not known by the defendants. Scores of those arrested "disappeared" after arrest by the Syrian security services; though some were later found to be held in Syrian prisons, others have remained "disappeared". Relatives and friends who have inquired for years about the fate of the detainees have been met with a wall of silence. Although some who "disappeared" may have been extrajudicially executed most are still believed to be alive in unacknowledged detention.

Amnesty International has documented the cases of more than 300 Lebanese, Palestinian and Jordanian political prisoners and "disappeared" in Syria, a number of which were repeatedly submitted to the Syrian Government together with a request for clarification. No substantive response has been forthcoming. Amnesty International believes that the cases it has on file may well be only a small proportion of the actual total.

Examples of Lebanese, Palestinian and Jordanian detainees and "disappeared" include:

‘Abd al-Majid Nimr Zaghmout, a Palestinian, was arrested in Syria in 1966. Accused of killing a Palestinian guerilla leader, he was sentenced to death after an unfair trial by a military court. The sentence was not carried out. In 1989, the Syrian Minister of Defence ordered his release. He was never freed and has been in jail for over 32 years. He is currently held in a prison hospital suffering from cancer and other serious illnesses.

Dani Mansurati, a Lebanese, was a former member of the Lebanese Phalange party. In 1992, three people in plainclothes ordered him into their car before driving away. Despite many attempts by his family to obtain information from the Syrian authorities, he has not been seen or heard from since.

Wafa’ Fahmi ‘Ali ‘Abidat, a Jordanian national of Palestinian origin, was arrested in Damascus in 1986 on charges of spying for Jordan. It seems that her arrest is linked to her brother’s connection with the Palestinian Fatah Revolutionary Council.

Syria denies her detention but her family has received reports confirming her presence in a Damascus prison⁵.

IV CONDITIONS FACILITATING HUMAN RIGHTS VIOLATIONS

Although reports of arbitrary arrests on political grounds are far fewer than in the 1980s, the legislative and administrative framework remains unchanged, and open to abuse. Under the inclusive state of emergency (enforced since 1963) and the wide range of powers given to the security forces anybody may be placed under arrest, summoned for questioning, or have their freedom of movement restricted in one way or another without recourse to challenge the legality of such measures. Suspected members and sympathizers of opposition or unauthorized groups are particularly vulnerable to this type of arbitrary procedures. Such has been the case of Ma'ruf al-Jarrah, a poet, who was arrested by the Military Intelligence in Damascus in November 1998 for his suspected links with the National Democratic Alliance (*al-Tajmu' al-Watani al-Demoqrati*) an umbrella organization of opposition groups, and about whom no information has emerged since then.

(i) Arrest and Detention Procedures

Arrest and detention practices as mentioned in this briefing (see point II (i) above) are contrary to Syria's international human rights obligations under Article 9 of the ICCPR, to which Syria became a state party on 21 April 1969. They are also contrary to Syria's own domestic law, particularly Article 104(1) and (2) of the Code of Criminal Procedures (CCP), which requires that the arresting authorities must bring an arrested suspect before a judicial authority within 24 hours: failure to do so renders him or her legally entitled to immediate release. According to Article 105 of the same code, if the detainee is kept in custody for more than 24 hours without having appeared before a judge, the authority holding him or her is acting arbitrarily and is liable to prosecution for the crime of deprivation of personal liberty, punishable by imprisonment of one to three years, as stipulated by Article 358 of the Penal Code. Similarly, according to Article 72 (2) of the CCP, suspects are guaranteed the right to contact their lawyers at any time and in private, save in cases of espionage. These legal requirements, however, are routinely ignored by the authorities and have been subordinated to State of Emergency Legislation provisions and to the power given to the various security forces to act without judicial control.

⁵. For further information on this category of Non-Syrian prisoners see: Amnesty International's Report (AI Index MDE 24/01/99) released in January 1999; *Syria: Caught in a Regional Conflict: Lebanese, Palestinian and Jordanian Political Detainees in Syria*

In Syria the state of emergency was declared on 8 March 1963 and has remained in force since that date. Although Article 2a of the State of Emergency Law (SEL), which was passed on 22 December 1962, stipulates that the declaration of a state of emergency must be brought to the People's Assembly for approval at its subsequent session, as far as Amnesty International knows the state of Emergency Legislation has never been brought before the People's Assembly. In accordance with the SEL the Martial Law Governor, who is by delegation the Minister of Interior, enjoys a wide range of powers some of which infringe directly on the individual's fundamental rights and freedoms. Article 4a of Legislative Decree No. 51 allows:

"The placing of restrictions on freedom of individuals with respect to meetings, residence, travel and passage in specific places or at particular times. Preventive arrest of anyone suspected of endangering public security and order. Authorization to investigate persons and places. Delegation of any person to perform any of these tasks."

The ICCPR recognizes that there are times of national crisis when emergency powers may legitimately be used; however, such powers are clearly defined and limited by Article 4 which makes clear that such restrictions placed on rights guaranteed by its provisions are to be limited in both scope and duration "to the extent strictly required by the exigencies of the situation".

Furthermore, as far as Amnesty International knows, Syria has not, as required by Article 4(3) of the ICCPR, informed the Secretary-General of the United Nations of any derogation from the provisions of the Covenant.

The duration of the state of emergency in Syria has been extremely long, lasting 36 years, and is a cause of grave concern. A state of emergency is by definition a temporary legal response to an exceptional and grave threat to the nation. As the Human Rights Committee stated in its General Comment 5 on 28 July 1981:

".....[M]easures taken under article 4 are of an exceptional and temporary nature and may only last as long as the life of the nation concerned is threatened and that in times of emergency, the protection of human rights becomes all the more important, particularly those rights from which no derogation can be made."⁶

A perpetual state of emergency is a contradiction in terms. In such situations human rights violations may also become permanent.

⁶ Human Rights Committee, General Comment 5 (3) Article 4 (Thirteenth Session, 1981)

As indicated by the above-cited Human Rights Committee comment a further concern with the state of emergency is that resulting measures, such as prolonged arbitrary detention, have led to violations of non-derogable rights such as torture.

(ii) Trial Procedures

Political trials monitored by Amnesty International have failed to meet international human rights standards for fair trial. In many cases defendants have been denied the rights to a proper public hearing, to an adequate defence and to appeal.

Prior to 1992 available information on trials was very limited as most were held in extreme secrecy. According to information that has since come to light, in these cases defendants' rights were gravely violated: they were not allowed legal representation nor given the opportunity to challenge their conviction and sentence before a higher court. In some cases known to Amnesty International the trials were conducted inside the prison and consisted of a single hearing wherein the defendants appeared before a military court panel only to plead guilty or otherwise to the charges filed against them. In other cases defendants were informed about their sentences without themselves ever being asked to attend a hearing. In most cases relatives learned about the trials long after they had taken place and often from a third party, usually former prisoners.

In other cases relatives remained unaware of the prisoners' trials and of their outcome. These include people whose fate and whereabouts are unknown (see point II (v), "Disappearance" and Fear of Execution, above).

In contrast, some political trials which have taken place since 1992 have been held in relatively improved conditions. For example, relatives of defendants were able to obtain information about the trials and some were even able to attend the hearings, and most of the defendants were represented by volunteer lawyers chosen by their families. Despite these improvements, the outcome of the trials remained the same: harsh sentences to defendants who were mostly detained for merely exercising their fundamental rights to freedom of organization and expression. Consequently, lawyers who had volunteered to take up cases of political detainees in 1992 and 1993 found it very difficult to properly represent their clients and withdrew in protest. Thenceforth, defendants before the SSSC came to be represented by lawyers appointed by the court.

In general, Amnesty International remains concerned that trials before the SSSC are conducted following procedures which breach international fair trial standards and fail to meet the requirements of Syria's own laws or to follow even the practices in Syria's ordinary courts. Introduced in 1968, the SSSC has from its inception been conceived as an institution of the state of emergency with the sole task of dealing with political and state security cases: it appears to be neither independent nor impartial.

The SSSC is solely dependent on the executive branch of the government with such dependence apparently secured in at least two ways. First, the court is placed outside the ordinary criminal justice system and is accountable only to the Minister of Interior, who is by delegation the martial law governor in charge of overseeing the implementation of the state of emergency law. Second, the powers of the SSSC are limited to the courtroom and do not extend to control or supervision of the activities of the various security forces and the procedures they follow in relation to arrests, detention and treatment of political suspects. The SSSC is also unable to ensure that those acquitted are actually released.

The lack of independence and impartiality of the SSSC is compounded by the fact that its verdicts are subject to the approval of the Minister of Interior (under the emergency law) and the fact that it is not bound by the rules of the Code of Criminal Procedures, in force and obligatory for all ordinary criminal courts in Syria, which guarantees important fair trial standards.⁷

Other procedures which render the SSSC trials unfair are:

- *Restricted access of defendants to lawyers.* For example, it is required that a detainee must provide his defence lawyer with a *wakala* (authorization) before the lawyer can be legally recognized as his or her representative counsel. The *wakala* must be signed by the defendant in the presence of the lawyer and a representative from the Bar Association. The detainee must also pay a fee for the *wakala*. This complicated process is simply not available for political detainees. Political detainees are frequently held incommunicado and their whereabouts are unknown even to their families. In addition, lawyers experience great difficulties in trying to contact detainees while they are in the custody of the security forces, and are deterred by the fear of being associated with the defendant's political views or activities and the risk of being detained themselves. These factors completely rule out the possibility of obtaining a *wakala* during the defendant's pre-trial detention.
- *Wide discretionary power given to judges, particularly to the court president.* The court president has discretion to determine other important aspects of the trial including whether it is held in public, whether or not lawyers can meet with their clients, and the form in which the defence lawyers deliver their pleas.

⁷Principle 5 of the UN Basic Principles on the Independence of the Judiciary states that "everyone shall have the right to be tried by ordinary courts or tribunals using established legal procedures".

- *Acceptance of "confessions" allegedly extracted under duress or torture without due investigation in torture cases.* In most of the cases observed by Amnesty International, the evidence produced before the court and accepted as admissible consisted of confessions, often alleged to have been extracted under duress, which were used to justify vaguely formulated charges not related to specific acts. Amnesty International knows of no case where the court took steps to establish whether confessions had been taken under torture.
- *The denial of any right of appeal against the SSSC decisions, or even review by cassation, in breach of Article 14(5) of the ICCPR.*

The continuity of these practices and procedures threatens recurrence of human rights violations and is a cause of continuing concern of Amnesty International.

V CONCLUSION

Amnesty International remains concerned at the Syrian Government's continuing failure to halt and redress the gross human rights violations recorded throughout the last three decades, many of which are ongoing. There are few substantive measures to prevent their recurrence.

Amnesty International has repeatedly brought its concerns about human rights violations to the attention of the Syrian authorities in written appeals as well as in meetings with government officials and Syrian diplomatic representatives abroad. During its last visit to Syria in March 1997, Amnesty International proposed to the Syrian authorities both short and long term measures to redress previous and ongoing concerns. As short term measures the organization urged the unconditional release of all prisoners of conscience and the prompt and fair trial in accordance with international standards or release of all other political prisoners, as well as the clarification of the fate and whereabouts of the "disappeared". Additionally, Amnesty International has urged the Syrian authorities to ensure impartial investigations are carried out into all allegations of torture and deaths in custody, and has consistently sought guarantees that prisoners are receiving adequate medical care and attention.

As long term measures, the organization sought from the Syrian authorities' assurances that Syrian and international laws prohibiting arbitrary arrest and detention and torture, and also guaranteeing defendants' right to a fair trial, will be strictly observed and applied.

Since 1997 Amnesty International has repeatedly sought access to Syria from the authorities without any success. Meanwhile, and despite the recent releases in 1998, the Syrian Government has not yet adequately addressed any of the short and long term

measures recommended by Amnesty International for the effective protection of human rights.