

PUBLIC

AI Index: MDE 24/012/2003

31 March 2003

**Further information on UA 366/02 (MDE 24/053/2002, 18 December 2002, and follow-up MDE 24/008/2003, 22 January 2003) Prisoners of conscience/Fear of torture and ill-treatment/Unfair trial/new concern: medical concern**

**SYRIA                      Hassan Saleh (m), aged 60                      ] Leading members of the  
Marwan 'Uthman (m) ] Syrian Kurdish Yekiti Party**

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Hassan Saleh and Marwan 'Uthman have been transferred from the Criminal Section to the Political Section of 'Adra Prison, to the north of Damascus, where it is assumed that they are in solitary confinement and thereby at greater risk of torture and ill-treatment. They have been denied visits by lawyers, relatives and doctors. There are concerns for Hassan Saleh's health as he is reportedly suffering from chest pains and being denied medical treatment.

The Military Court recently changed the charge against both prisoners of conscience from "membership of an unauthorised organisation" to "inciting sectarian strife". It has also transferred the case to the Supreme State Security Court (SSSC), which has also added the charge of "attempting to sever a part of the Syrian territories".

Amnesty International considers trials held before the SSSC to be grossly unfair. In June 2002, the SSSC indefinitely banned the defendants' lawyer Anwar al-Bunni from practising before the SSSC. Other lawyers are now following the case and will represent Hassan Saleh and Marwan 'Uthman when they are brought before the SSSC.

#### **BACKGROUND INFORMATION**

The SSSC 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. The SSSC's powers are limited to the courtroom. They do not extend to control or supervision of the activities of the various security forces and the procedures followed in relation to arrests, detention and treatment of political suspects. The SSSC is also unable to ensure that those acquitted are actually released.

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 Arabic, English and French or your own language:**

- calling for the immediate and unconditional release of prisoners of conscience Hassan Saleh and Marwan 'Uthman;
- seeking assurances that they are being well treated and not subjected to torture or ill-treatment;
- urging that they be allowed immediate and unrestricted access to their family and lawyer;
- calling for Hassan Saleh to be provided with medical treatment as he is reportedly suffering from chest pains;

- urging the Syrian authorities to respect the right to freedom of expression, association and peaceful assembly in accordance with international human rights standards such as Articles 18, 19, 21, 22 of the International Covenant on Civil and Political Rights (ICCPR), to which Syria is a state-party;
- calling for the procedures of the State Security Court (SSSC), to conform with the requirements of the ICCPR, to which Syria is a state party.

**APPEALS TO:**

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

**Telegram:** **President al-Assad, Damascus, Syria**

**Fax:** **+ 963 11 332 3410**

**Telex:** **419160 prespl sy**

**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 12 May 2003.