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SYRIA

Repression and impunity: The forgotten victims

1. INTRODUCTION

Thousands of women and men are being held for political reasons in Syria's prisons, some of whom should never have been jailed even for a day. Many have been behind bars for years without ever being charged. Others are serving long prison sentences imposed after grossly unfair trials. Yet others have served their sentences in full, but the authorities still refuse them their freedom. Almost all have been tortured or ill-treated.

These and other serious human rights violations demand urgent action. The Syrian authorities have taken some positive steps in recent years but, as this report reveals, far more radical steps are needed to improve Syria's appalling human rights record.

1.1 Background

Since 1970, when President Hafez al-Assad assumed power, human rights abuses facilitated by special emergency powers have been persistent and endemic. Under the state of emergency, which has remained in force without interruption since 8 March 1963, different branches of the security forces have been able to arbitrarily arrest and detain political suspects as they please and for as long as they please. These forces are accountable only to President Assad and they have systemically used their special emergency powers to trample on human rights with impunity. Tens of thousands of people have been rounded up in successive waves of mass arrests targeted at suspected members of left-wing, Islamist or Arab nationalist organizations, or at anyone engaged in activities opposed to the government. Among the victims have been hundreds of prisoners of conscience¹. Those detained have frequently been tortured while held in total isolation from the outside world for months or years without charge or trial. Some of those tortured did not survive. Before 1992, political detainees who did stand trial were tried in total secrecy; very little is still known about these trials. Many thousands of families have been kept in the dark about the fate of their relatives. Some fear the worst as their loved ones "disappeared" after arrest. Few have dared to complain too loudly for fear of reprisal.

¹ The term "prisoner of conscience" refers to people detained or physically restricted for their beliefs, colour, sex, ethnic origin, language or religion, provided they have not used or advocated violence.

The security forces work separately and independently of each other, making it difficult to identify the arresting or detaining authority. Families go desperately from one authority to another, with each denying knowledge of the arrest. The existence of several security services allows them to prevent information from leaking out. It also helps maintain the shadow of secrecy and the lack of accountability.

During the 1990s there have been some improvements. Several thousand political prisoners, including prisoners of conscience, have been released. Since 1992, political trials have been more open – some have been attended by international human rights observers, including Amnesty International delegates – although the proceedings still fall far short of international fair trial standards. The authorities have also held talks with international human rights organizations. Amnesty International has welcomed these steps while continuing to stress that these measures go nowhere near far enough.

One of the key issues still to be addressed is the problem of impunity. For decades, different branches of the security forces have been able to arbitrarily arrest, indefinitely detain and torture political suspects without any fear of being held to account. To Amnesty International's knowledge, no independent investigations or inquests have ever been held into deaths in custody of political detainees, including those allegedly caused by torture or ill-treatment. The fate and whereabouts of scores of political suspects arrested in previous years remain unknown; they have "disappeared". In some cases, information recently received indicates that some prisoners were sentenced to death years ago and may have been secretly executed.

1.2 Amnesty International's concerns

This report shows that thousands of political prisoners, including prisoners of conscience, are currently held in Syria. Untried political detainees are still being held without charge and without any recourse to justice, even though some have been held for more than 15 years. All were arrested on suspicion of political activities opposed to the government or of having connections with unauthorized political organizations. Others are serving long sentences imposed after grossly unfair and sometimes secret trials. Some are still in jail despite having served in full the prison sentences imposed after trial – at least three of them for nearly 10 years after the expiry of their term. Political prisoners are still facing trial procedures that fall far short of international fair trial standards.

Torture of political suspects remains systematic, facilitated by the total absence of safeguards such as judicial review of detention and the lack of access to lawyers, relatives or medical doctors. Meanwhile, those responsible for arbitrary arrests, prolonged illegal detention and torture continue to enjoy almost total impunity.

The imposition of the death penalty after unfair trials continues to take place. In fact, the government has progressively expanded the application of this cruel, inhuman and degrading punishment in the past two decades.

The wide range of abuses described in this report are in clear violation of the International Covenant on Civil and Political Rights (ICCPR) and other international standards which Syria has solemnly pledged to uphold. They are also in breach of Syria's own laws, particularly the 1973 Constitution and the Code of Criminal Procedures (CCP).

In July 1994 Amnesty International submitted a memorandum to the Syrian Government on the organization's human rights concerns in Syria together with recommendations designed to redress them. It highlighted more than 1,000 cases of victims of various human rights abuses. In October of the same year an Amnesty International delegation visited Damascus and discussed its concerns at length with government ministers and senior officials. Ministers promised to look into all the issues and cases raised in the memorandum and to respond to the organization. Amnesty International requested a response by the end of December 1994, but as of February 1995 no response had been received.

This report is based on the July memorandum and the organization's talks with government officials. It is being made public in order to urge the Syrian Government to take immediate steps to redress the gross human rights violations that have been committed in the country for so many years. In particular, it urges the government to break the pattern of silence and secrecy surrounding political imprisonment, to take urgent action to stop arbitrary arrests, illegally prolonged detention and torture, to clarify the fate of the "disappeared" and to end the climate of impunity enjoyed by the security forces.

2. ARBITRARY ARREST AND DETENTION

Arrests of political suspects continue to be governed by state of emergency legislation, issued by Legislative Decree 51 of 22 December 1962 and brought into force by the National Revolutionary Command Council Decision 2 of 8 March 1963. Article 4(a) of Legislative Decree 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."

In practice, these powers are exercised not by the civil police but by several security branches, most commonly by *al-Ann al-Siyassi* (Political Security) and *al-Mukhabarat*

al'Askariyya (Military Intelligence)¹. These arresting authorities operate independently of each other and are solely accountable to the President. The exercise of these powers by the security branches has been, and continues to take place beyond any judicial control.

Those targeted for arrest include people suspected of activities opposed to the government or of being members of political organizations operating outside the ruling National Progressive Front (NPF). The NPF is led by the Ba'th Arab Socialist Party; its other members are the Syrian Communist Party (two wings), Arab Socialists Party, Arab Socialist Union, Socialist Unionist Democratic Party and Unionists Socialists Party.

All the cases of political prisoners, including prisoners of conscience, known to Amnesty International have followed a similar pattern. The prisoners were invariably arrested by a branch of the security forces, without a warrant and without their families being informed of the reasons for arrest. A typical case was described to Amnesty International by a relative of a detainee who remains held since his arrest in 1980:

"Secret agents from the government came to my grandmother's house and hid outside waiting for him to come out. When they arrested him there was no warrant and no reason given for the arrest."

Another detainee who was arrested in the mid-1980s and remains held gave the following account of an attempt to arrest him one day in 1986:

"...at dawn a patrol consisting of officers and others belonging to *Fara' Falastin* [detention centre in Damascus]...raided my house in order to arrest me... When they did not find me in the house they beat up my wife in front of her daughter, who was then four years' old and then took her to *Fara' Falastin* where she was separated from her two daughters, the youngest of whom was only one month old."

More recently, during 1992 and 1993 hundreds of people suspected of belonging to various political tendencies and other organizations were arbitrarily arrested: scores of them continue to be detained. One of these detainees described his arrest in 1992:

"...I was abducted, along with a comrade, from a street in Damascus by a group of men in plain clothes who started beating and kicking us without any warning or explanation as to who they were and what they wanted. One of them hit me with an instrument he was carrying, wounding my head. I learned subsequently that he was an officer and the leader of the group. Passers-by gathered around us and they [members of the group] told them lies about what was happening. One member of the group said [to the crowd] that we were a gang of thieves. An army police patrol [which happened to be passing] refused to interfere until the officer of the group lied to them and sought their help to arrest us as a 'gang of thieves'."

Those arrested are generally held incommunicado by the arresting authority with no information being given to the detainee's family. The existence of several arresting authorities operating independently of each other encourages secret detention and makes it impossible for relatives of detainees to gain information promptly. Families are never told which authority has arrested their relatives and consequently they do not know who to turn to. Even when they identify, through their own efforts, the arresting authority, those authorities often deny the arrest. It has therefore become the norm for relatives to run aimlessly between detention prisons and headquarters of the different security forces in search of their relatives. Some families have also spent vast sums of money trying to obtain unofficial information, sometimes in vain.

1 Doha 'Ashur al-'Askari

The length of incommunicado detention varies from weeks to years. It took the families of Khadija Dib and Doha 'Ashur al-'Askari (see photo no. 1) nearly two months to find out that they were being held in Duma Women's Prison in Damascus. The detainees were arrested in 1992 and 1993 respectively. Subsequently, they were charged with membership of *Hizb al-'Amal al-Shuyu'i*, Party for Communist Action (PCA), and referred to the Supreme State Security Court (SSSC) for trial. At the end of 1994 their hearings were still in progress.

Some families have had to wait longer for information and many are still waiting after many years. The families of 11 relatives and friends of the late Salah Jadid knew nothing until their release after 11 months in detention. All 11 were arrested in August 1993, after the funeral of Salah Jadid, a former prisoner of conscience who died in custody after almost 23 years in detention without charge or trial. They were released in July 1994. The family of Riad al-Turk, a prisoner of conscience, waited 13 years before they were allowed to visit him in July 1993. They have not been allowed to see him again. He was arrested in October 1980 and has been held ever since, without charge or trial, in connection with *al-Hizb al-Shuyu'i al-Maktab al-Siyassi*, Communist Party Political Bureau (CPPB) (see Chapter 4). In other

cases the families are still waiting after years of constant search and inquiry about their relatives. They include, for example, the 'Abidat family who have not seen or heard from their daughter, Wafa, or son, Hani, since their "disappearance" in 1986 (see Chapter 7).

These arrest and detention practices are contrary to Syria's international human rights obligations under the ICCPRⁱ, to which Syria became a state party in 1969, the United Nations Body of Principles on the Protection of All Persons Under Any Form of Detention or Imprisonmentⁱⁱⁱ (UN Body of Principles), the UN Basic Principles on the Role of Lawyers, and the UN Standard Minimum Rules for the Treatment of Prisoners.

They are also contrary to Syria's own national laws, particularly Article 104(1) and (2) of the CCP, which require that the arresting authority 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 CCP, 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. Their guarantees have been subordinated to state of emergency legislation provisions allowing the different security forces to act with impunity. In the words of one former prisoner of conscience who spent over two decades in detention without charge or trial, "the relationship between the prisoner and the state in Syria is beyond all laws".

3. GROSS VIOLATIONS OF THE RIGHT TO FAIR TRIAL

In most cases known to Amnesty International arbitrary arrest and detention of political suspects are followed by gross violations of the right to fair and public trial or by total denial of any trial. In all political trials monitored by Amnesty International over many years, defendants were denied the right to a proper public hearing and defence and those convicted were denied any right of appeal against their conviction and sentence, as required by the ICCPR and other international standards for fair trial. Such violations of the right to fair trial were general practice in all political cases irrespective of the nature of courts until 1992, when some changes were introduced to the SSSC.

3.1 Political trials before 1992

Information on political trials prior to 1992 is scant as almost all trials were held in total secrecy before special military courts and the SSSC^{iv}. In these cases defendants' rights were routinely violated: they were denied the right to counsel and the right to challenge their conviction and sentence before a higher court. As illustrated by the cases of those who continue to be held beyond the expiry of their sentences (see Chapter 5) and in many other cases known to Amnesty International, defendants' relatives were not even informed that the trials were taking place. In most cases relatives learned about the trials long after they had been concluded and often from a third party, usually former prisoners.

In other cases, relatives remained or remain totally unaware of the prisoners' trials and their outcome. These include cases such as that of Bara al-Sarraj (see photo no. 2), a 30-year-old former student of engineering at the University of Damascus, who was arrested on 5 March 1984 for suspected links with the Muslim Brotherhood. His family have not seen him since his arrest and do not know where he is held, but hope that the authorities will eventually release him. Reports received by Amnesty International in 1993 suggest that he was sentenced to 20 years' imprisonment in 1989 following a secret trial. Such secret trials flagrantly violate defendants' right under Article 14 (1) of the ICCPR^v to a public trial and a public judgment.

2 Bara al-Sarraj

3.2 Political trials since 1992

Political trials before military special courts continue to be shrouded in total secrecy, as before, and information about them is still scarce. Amnesty International has repeatedly sought information about trials before such courts, including the names of defendants, the charges against them, the dates of their trials, the transcripts and other records of the trials, copies of the judgments and sentences and outcome on appeal. The authorities continue to fail to provide the organization with this information.

By contrast, trials held before the SSSC since 1992 have been conducted in somewhat improved conditions, although they too have failed to meet international standards for fair trial. Relatives of the defendants in these cases have been able to find out

the dates of the trials and some have attended the hearings. Many of the defendants were allowed to appoint defence lawyers chosen by their families. In addition, delegates from some international human rights organizations, including Amnesty International, have been able to visit Damascus to seek information about and attend sessions of trials. Three Amnesty International delegations that have visited Damascus since December 1992 have all met the SSSC judges, prosecutors, defence lawyers, and relatives of defendants.

Amnesty International notes these improvements but remains concerned that trials before the SSSC are conducted following procedures which fall short of international fair trial standards as well as the requirements of Syria's own laws and the practices followed in Syria's ordinary courts.

3.3 Nature and procedural irregularities of the SSSC

Introduced by Legislative Decree 47 of 28 March 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, contrary to Syria's obligations under the ICCPR, the UN Basic Principles on the Independence of the Judiciary, and Articles 131 and 133 of the Syrian Constitution^{vi}.

The SSSC lacks independence from the executive branch of the government in at least two ways. First, the court is placed outside the ordinary criminal justice system and is accountable only to the Minister of the 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 the control or supervision of the activities of the different security forces and the procedures they follow in relation to arrests or treatment of political detainees. Moreover, the SSSC, unlike ordinary courts, is not bound by the rules of the CCP, which guarantees some important fair trial standards.

The sole statutory right guaranteed to defendants before the SSSC is the right of defence, yet even this is seriously limited. In practice detainees are held in unlimited incommunicado detention and until the first trial session lawyers have no guarantees that they can carry out their defence duties without fear of reprisal. The general rules and practice governing the detainee's right to choose a defence lawyer require that a detainee must first provide the 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*.

Obtaining the *wakala* involves a number of complicated steps. First, relatives of the detainee must be aware of his or her place of detention. Second, they must find a lawyer who agrees to take up the case and inform him or her of the detainees whereabouts. Third, the lawyer must seek a representative of the Bar Association to visit the detainee for the signature of the *wakala*.

This process works for detainees accused of ordinary criminal offences, but is simply not available for political detainees. Political detainees are 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.

Such practice is contrary to Article 72 (2) of the CCP and Principle 7 of the UN Basic Principles on the Role of Lawyers which requires that governments:

"ensure that all persons arrested or detained, with or without criminal charge, shall have prompt access to a lawyer, and in any case no later than forty-eight hours from the time of arrest or detention".

Thus defendants have no opportunity to choose or have a lawyer appointed for them until their first appearance before the trial court. It is only at this point that the lawyer can contact the defendant and thus arrange for the signature of the *wakala*, yet Article 14 (3) (b) of the ICCPR guarantees that everyone charged with a criminal offence has the right to:

"...have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;"

After appointment, the lawyer takes part in the first session of the defendant's trial without any prior access to his or her client's file or charge sheet. The lawyer's access to the file takes place only after the first hearing. Principle 21 of the UN Basic Principles on the Role of Lawyers declares that:

"It is the duty of the competent authorities to ensure lawyers access to appropriate information, files and documents in their possession or control in sufficient time to enable lawyers to provide effective legal assistance to their clients. Such access should be provided at the earliest appropriate time."

The freedom of defence lawyers is further restricted by the discretionary power of the judges, particularly that of the court president. They are not free to meet their clients in detention without written permission from the president of the court. Such permission is

often withheld. Similarly, lawyers' requests to summon defence witnesses to testify in court are often rejected by the president. Such limitations on defence lawyers are inconsistent with Syria's obligation, as spelled out in the UN Basic Principles on the Role of Lawyers, particularly Principle 16, to ensure that lawyers:

"...are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference."

The court president also decides the form in which defence lawyers deliver their pleas to the court. This is almost always done in writing in contrast with the rules and customs operating in ordinary criminal courts where lawyers' pleas are as a rule delivered orally in order to enable the court's audience to hear and witness the defence case as well as that of the prosecution. Thus the SSSC's practices clearly violate the right of public trial.

The court president has discretion to determine other important aspects of the trial, including whether the trial is held in public and admissibility of evidence obtained under torture. In cases monitored by Amnesty International since 1992, access to hearings has normally been limited to one relative for each defendant. Even then, relatives who attended trials had not been informed officially of the date and place of the hearing. In every single case known to Amnesty International they had only obtained such information from defendants when they visited them in prison or unofficially through a third party.

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 cases where the court took steps to establish whether confessions had been taken under torture. However, there were a few cases where the court decided that the evidence was not sufficient and the case against the defendants was dismissed. Most of these defendants had been in detention without charge or trial for lengthy periods.

The use of confessions obtained under torture or duress is contrary to Article 14 (3) (g) of the ICCPR, which entitles the defendant:

"Not to be compelled to testify against himself or to confess guilt."

There is no right of appeal against the decisions of the SSSC, in breach of Article 14(5) of the ICCPR^{vii}. Verdicts are subject only to review by an executive official, the Minister of the Interior, who may ratify the verdict, order a retrial, or dismiss the case altogether. Amnesty International has no details about the workings of this review process, but in all recent cases sentences have been ratified without the presence of the defendants or their

lawyers. This can in no way be seen to constitute an adequate form of appeal, as required by Article 14(5) of the ICCPR.

3.3.1 Cases heard before the SSSC since 1992

Over 500 political detainees, including prisoners of conscience, have been tried by the SSSC since 1992. The majority have been convicted and sentenced to prison terms during hearings conducted under the conditions summarized above.

3.3.1.1 The case for the Prosecution

All the defendants were charged with political offences, most in connection with unauthorized organizations. Such organizations included the Committees for the Defence of Democratic Freedoms and Human Rights in Syria (CDF); the PCA; the CPPB; *Hizb al-Ba'th al-Dimoqrati al-Ishtiraki al-'Arabi*, the Arab Socialist Democratic Ba'th Party (ASDBP); *Hizb al-Ittihad al-'Arabi al-Ishtiraki fi-Suriya*, Arab Socialist Union Party in Syria (ASUPS); *al-Tanzim al-Sha'bi al-Dimoqrati al-Nasiri*, Nasserist Democratic Popular Organization (NDPO); and Kurdish organizations. Specifically, they were charged collectively or individually with a number of different offences, particularly belonging to an association formed with the aim of changing the fundamental economic and social structure of the state by terrorist means; carrying out activities opposed to the socialist system of the state; opposition to the aims of the Revolution; and the withholding of information.

The offence of belonging to an association formed with the aim of changing the fundamental structures of the state by terrorist means is a felony under Article 306[1] of the Penal Code punishable by up to 15 years' imprisonment. Article 306[1] states that:

"Any association created to change the economic or social structure of the state or the fundamental fabric of society by one of the means stated in Article 304 will be disbanded and its members will be sentenced to up to 15 years' imprisonment."

The "terrorist means" are defined in Article 304 as:

" ... all acts which intend to create a state of fear and are committed by such means as explosives, military weapons, inflammable substances, poisonous or burning products, epidemic or microbial agents which could cause public danger."

Most of the defendants were charged with this offence. The overwhelming majority of those charged under Article 306 were also charged with carrying out activities against the socialist system of the state and opposition to the aims of the revolution^{viii} under Article 3[a] and [e] of Decree 6 of 7 January 1965. Article 3[a] refers to:

"Acts which are considered contrary to the implementation of the socialist system in the state whether they take place by action, or spoken word or writing or by any other means of expression or publication."

Article 3[e] refers to:

"Opposition to the realization of unity between Arab countries, or opposition or obstruction of any of the aims of the Revolution by taking part in or inciting demonstration, assemblies or riots, or by publication of false information with the intention of creating a state of chaos and shaking the confidence of the masses in the aims of the Revolution."

Opposition to the aims of the revolution is punishable by between three and 15 years' imprisonment. Activities against the socialist system of the state are punishable by life imprisonment or the death penalty in certain circumstances. However, the SSSC prosecutor assured Amnesty International's trial observers in May 1993 that he had not requested the death penalty against any of the defendants.

The offence of withholding information is punishable by up to three years' imprisonment under Article 388 of the Penal Code. This article states that:

"Every Syrian who knows about a crime against the security of the state and does not immediately inform the public authority about it will be punished by imprisonment from one to three years and deprivation of civil rights."

In almost all the cases the prosecution relied on defendants' confessions and statements relating to their links with political parties and other defendants. The confessions and statements were given by the defendants during interrogation by the Military Intelligence and subsequently during questioning by the prosecution in the absence of defence lawyers in preparation for trial. Most of the confessions and statements made before the Military Intelligence were allegedly made under torture. In some cases, particularly with respect to those charged in connection with the PCA, the prosecution produced samples of the party literature including its strategic plan. In one case the charge sheet listed the evidence as follows:

1. The defendants' confessions in the preliminary interrogation, which confirm that they have links with the Party for Communist Action and that they have carried out the tasks assigned to them by the aforementioned party,
2. The defendants' confessions in our possession, in which they assert their statements, their belief in the PCA and their adherence to the party's aims and principles.

3. The transitional strategic political program issued by the PCA, which was adopted by its Constituent Assembly held in August 1981, and which stated that the primary aim of this organization is changing the economic, social and political structures and the current socialist system existing in Syria in favour of a proletariat dictatorship, as stated in the particulars of the case,
4. All the leaflets, magazines, newspapers and political statements issued by the PCA, which viciously attack the current situation in Syria using false information with the intention of causing a state of confusion and undermining public confidence in the aims of the revolution in Syria, as stated in the particulars of the case."

In the vast majority of cases both the charges and the evidence were produced in this standard form. There was no material evidence to prove or even suggest that the defendants had committed or planned any violent or "terrorist" actions as the prosecution claimed, and no reference made to the "terrorist means" as provided for under Article 304 of the Penal Code.

The prosecution used one case, where the defendants were said to have committed acts of torture, to justify the vague charges of "terrorism" brought against the defendants' party. This related to several defendants from the PCA who had detained a former member of their party and subjected him to severe assault. Those who carried out the assault claimed that they had done it because the person concerned had informed security forces about the whereabouts of colleagues in the party, which led to their arrest and torture. Amnesty International, while condemning the torture of prisoners by anyone, fails to see how this act could substantiate a charge of "terrorism" as described by Article 304.

3.3.1.2 The case of the Defence

In their written pleas defence lawyers and some of the defendants challenged the prosecution case on points of law and evidence. Lawyers argued that provisions under the state of emergency law used to arrest and detain their clients, (Decree 6 of 7 January 1965 and Legislative Decree 47 of 28 March 1968 which established the SSSC), were unconstitutional under the Syrian Constitution of 1973. Articles 38 and 39st of the Constitution guarantee freedom of expression and Articles 131 and 133 guarantees independence of the judiciary. They also argued that almost all the organizations in connection with which the defendants were being tried were political parties and that such parties, save for the Muslim Brotherhood, were not illegal.

In addition, they argued that for a number of defendants, even with the use of those special laws, the 10-year legal time limit for bringing a case against a defendant had elapsed (as specified by Article 437(1) of the CCP for defendants charged under Articles 306 and 304 of the Penal Code and Article 3[a] and [e] of Decree 6 of 1965). The time limit for a

charge brought under Article 388 of the Penal Code is three years from the date of the offence according to Article 438 of the CCP.

On the question of evidence, lawyers highlighted the failure of the prosecution to provide any proof to substantiate that the defendants had committed any "terrorist" acts. The defendants who had the opportunity to speak during the hearings or submit written pleas repeatedly stated that they had never believed in terrorism as a legitimate political means. Lawyers also challenged the prosecution's charge under Article 3 [a] and [e] of Decree 6 of 1965, namely that the defendants were opposed to socialism and the unity of Arab countries. In this respect they argued that the political organizations in question were almost exclusively of communist or Arab national socialist persuasions. The point was also made by the defendants.

On the basis of these points of law and substance, most defence lawyers called for the dismissal of the case against their clients and for their release. When this did not happen and the court began issuing heavy sentences, some of the lawyers withdrew from the case. These were lawyers who had volunteered their services free of charge when the trials started in 1992. They have since been replaced by lawyers appointed by the court and the Bar Association.

3.3.1.3 Court verdicts

The SSSC has, since 1992, delivered hundreds of verdicts after trials which were invariably conducted under the conditions summarized above. As monitored by Amnesty International, these have consisted of hundreds of convictions and sentences, and only dozens of acquittals or dropped cases. The court has convicted defendants without any further evidence from the prosecution to justify its claims of "terrorism" against the defendants. An analysis of the verdicts suggests that they have been arrived at for political reasons rather than proof beyond reasonable doubt of clearly worded charges in accordance with procedures satisfying international standards. What appears to have been paramount were criteria such as the court's perception of the importance of the political organizations and the status of the defendants in such organizations as well as whether they had explicitly indicated their continued membership in them.

3 'Abbas 'Abbas

4 Wajih Ghanim

The majority of those sentenced were convicted of "terrorism" and opposition to the socialist system of the state and Arab unity. They received prison terms ranging from four to 15 years and most had already been held for periods ranging from five to 12 years. Most of these prisoners were charged with being leaders or active members of the parties or organizations concerned. In the course of the trials many prisoners admitted membership of their respective organizations while maintaining that they did not believe in "terrorism" or oppose socialism or Arab unity.

Most of those who appear to have been considered important figures in their organizations received sentences of 15 years' imprisonment. The majority of these were convicted in connection with the PCA and were among approximately 300 defendants tried for membership of the party. They included 'Abbas 'Abbas (see photo no. 3), Muhammad 'Isam Dimashqi, Faraj Birqdar, Samir al-Hassan, Yusuf al-Bunni, Wajih Ghanim (see photo no. 4), Muhammad Nizar Maradni, Rashid al-Sattuf and Fateh Jamus (see photo no. 5), who each received sentences of 15 years' imprisonment. Those who appear to have been considered important figures in other organizations include 'Umar Qashash and Faysal Tahan from the CPPB; and Isma'il al-Hajji, 'Ali Dib and Mazid Hadad from the ASDBP, who also received 15 years' imprisonment. They also include Aktham Nu'aysa (see photo no. 6) and Nizar Nayyuf, who were convicted in connection with the CDF and sentenced to nine and 10 years' imprisonment, respectively.

The other sentenced prisoners were found guilty of withholding information and received prison terms of up to three years. In most of these cases the defendants appear to have denied, renounced or repented their association with the respective political parties. These defendants' attitudes, rather than the evidence, appear to have been the main factor behind the court's decision to drop other more serious charges.

5 Fateh Jamus

In the cases of those who were acquitted, the court was satisfied that they had had no political connections and most were simply suspected by security forces on the basis of family relationships or friendships, or for having read political opposition literature. However, they had all been detained for years without

charge or trial. They include Dafir Nassif who was acquitted in February 1994 after seven years in detention. He was arrested in August 1987 in connection with the PCA.

6 Aktham Nu'aysa

With regard to those against whom the case was dropped, this was decided on the basis of general amnesty, still in force since 1988, or because the statute of limitation had expired. The general amnesty reduces certain sentences by a third. In cases where application of the amnesty would mean completion of the sentence because the defendant had already spent sufficient time in prison, the court dropped the case. In most of these cases, the defendants had already spent more time in prison than the sentences they would have received. For example, the case against Muhammad Daqu, who had been held in connection with a Nasserist organization, was dropped on the basis of the general amnesty at the end of March 1994 and he was released in May that year. He had been in detention without charge or trial since September 1986.

The SSSC has applied the statute of limitation in some cases but not others, sometimes discriminating between defendants in the same case. For example, in the verdict of case number 85 delivered in October 1994, involving four people charged in connection with the CPPB, the court decided on the basis of the 10-year legal limit to drop the case against Bassam 'Abbud, a civil servant, and Mufid Mi'mari, a teacher, who were subsequently released. At the same time it convicted the other two defendants, Nabil Fawaz and Nash'at Tu'ma, sentencing them to 15 and 6 years' imprisonment, respectively. Nash'at Tu'ma had been held since February 1989; the other three since March 1980.

All these inconsistencies illustrate beyond doubt that the court has followed a political agenda when trying defendants. Most of those sentenced were convicted without any material evidence to prove that they had used or advocated violence. On this basis, Amnesty International believes they are prisoners of conscience.

While noting the changes introduced to political trials before the SSSC since 1992, Amnesty International remains concerned that pre-trial and trial procedures are still grossly unfair and considers that they need to be urgently and radically changed to bring them into full conformity with international human rights standards. Amnesty International continues to urge the Syrian authorities to ensure that all political trials are held before an independent and impartial tribunal and that the hearings are public; defendants and their lawyers should be given adequate time and facilities to prepare their defence; and all convictions and sentences should be subject to appeal before a higher tribunal. Such steps are considered the minimum safeguards to ensure that people are not detained or imprisoned for the

non-violent expression of their conscientiously held beliefs, and that all political detainees are accorded a fair trial.

4. LONG-TERM DETENTION WITHOUT CHARGE OR TRIAL

Political suspects continue to be subject to long-term detention without charge or trial in violation of the ICCPR, and are invariably denied the most basic rights guaranteed by international human rights standards. Most have never been brought before a judge or a judicial authority to challenge their detention as required by the ICCPR. In addition, they have been denied any contact with defence counsel or the opportunity to challenge the lawfulness of their detention before a court of law. In one case, that of a group of former government and Ba'th Party officials, detainees were held under these conditions until their death in prison or release after over two decades. All were arrested between 1970 and 1971. They included Mujalli Nasrawin, a Jordanian, who was detained for 22 years from June 1971.

Several thousand other political detainees, including prisoners of conscience, are currently believed to be held in detention without charge or trial. They include political suspects from various banned or unauthorized political organizations, particularly the Muslim Brotherhood; professionals such as doctors and engineers; and foreign nationals such as Lebanese and Palestinians held on political grounds. In some cases the whereabouts of the detainees are known and they have been allowed family visits. However, the majority are held with no access to their families or the outside world and consequently very little is known about their conditions of detention.

7 Bahjat Sa'dat 'Umar

Those whose whereabouts are known include Sa'dat Bahjat Sa'dat Muhammad 'Umar, a Jordanian and former medical student at Damascus University, who has been in detention since 1976 reportedly on suspicion of having links with the pro-Iraq wing of the Ba'th Party. He is reported to be held in Sadnaya Prison. They also include Riad al-Turk (see above and photo no. 8), who is reported to be the only detainee from the CPPB who has not been brought to trial. He is held incommunicado in the Military Interrogation Branch in Damascus.

In 1992 the UN Working Group on arbitrary detention concluded that the detention of Riad al-Turk was "arbitrary". It found that he had been detained for the exercise of his rights to freedom of association, expression and opinion and that the case involved "a

grave non-observance of the right to fair trial". The Working Group called upon the Syrian Government "to take the necessary steps to remedy the situation, in order to bring it in conformity with the norms and principles incorporated in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights". Amnesty International is unaware of any such steps having been taken⁸.

8 Riad al-Turk

Those now held in total isolation are mostly detainees held in connection with the Muslim Brotherhood, and foreign nationals such as Lebanese and Palestinians. They have been held incommunicado for many years and the whereabouts of many of them are unknown to both Amnesty International and their relatives. A typical case was described to Amnesty International by a relative of a detainee who has remained in prison since his arrest in 1980:

"The last time we heard anything about him was about five years ago when some prisoners who had been released came to our home to tell my parents that he was still alive....He simply disappeared one day and has only been heard from twice. We have had no information about him regarding charges, defence or trial."

Another typical example is Samih 'Abd al-Rahman Muneimana (see photo no. 9), a Lebanese businessman, who has been in incommunicado detention for nearly 18 years without ever seeing his family. He was reportedly abducted from West Beirut in June 1976, apparently on suspicion of having links with the pro-Iraq wing of the Ba'th Party in Lebanon. His exact whereabouts are unknown, although his family was informed by a former prisoner in April 1992 that he was imprisoned in Damascus.

In other cases there has been no news at all. Walid bin Khalis al-Humsi, a university student, Muhammad Ahmad al-Sha'ar, a doctor, Ihsan bin Dafir Murad, a dentist, Muhammad Mustafa Salih and Ziyad Mahmud al-Shaykh effectively "disappeared" following arrest. The first two were reportedly arrested in 1982 in Damascus, the third in 1991 in Hama, and the last two during the 1980s in Aleppo. They are believed to have been suspected of having links or sympathizing with the Muslim Brotherhood.

In replies to Amnesty International's inquiries about these long-term detainees, including during talks with the government in October 1994, ministers and other officials maintained that they were all held as members of "terrorist" organizations. However, they did not provide clarification of any of the individual cases submitted by the organization or explain why in so many cases the authorities had failed to bring any charges against those held, or to produce any evidence of criminally punishable offences, but nonetheless continued to detain them without charge or trial, in some cases for nearly two decades.

9 Samih Muneimana

5. DETENTION DESPITE COURT RELEASE ORDER OR BEYOND EXPIRY OF SENTENCE

Political prisoners have been arbitrarily detained after court orders for their release or after they have served in full their prison sentence, even though no further charges have been filed against them^{xi}. Amnesty International has sought clarification of the reasons for such detentions, but has not received any explanation.

Most of these detainees are believed to be held solely for refusing to sign a so-called "security undertaking" or "political undertaking". By signing the "security undertaking" the prisoner apparently is obliged to report to the relevant security force any political opposition activities he or she may become aware of after release. The "political undertaking" apparently requires the prisoner to undertake to cease all political opposition activities after release. Both of these undertakings are said to have been requested from political prisoners before their release. Like the long-term untried detainees (see Chapter 4), they too are denied access to legal assistance and the opportunity to challenge their continued detention through a fair judicial process.

Those held after their release has been ordered include a number of prisoners who have been tried by the SSSC since 1992 and who were acquitted or had the cases against them dropped by the court. Tamam al-Amin, a defendant tried in connection with the PCA, was acquitted by the SSSC in May 1993, but was not released until September 1994. Similarly, in the case of those tried in connection with Nasserist organizations, the SSSC dropped the case against a group of them in February 1994 but they were not released until September 1994.

In other cases the defendants are believed to be still detained. These include prisoners such as Jihad 'Annabi and Taysir Muhammad Sakif (see photo no. 10) who were convicted by the SSSC in October 1993 in connection with the PCA and sentenced to 12 years' imprisonment. Because they had already spent more than 12 years in prison, the court

ordered their immediate release. However, by the end of 1994, they were still in Sadnaya Prison; Amnesty International has received no information suggesting that they have since been released.

10 Taysir Sakif
Amnesty International delegates who visited Damascus in October 1994 raised with the SSSC's judges and prosecutors the issue of detention despite a release order. They responded that once the court issues a verdict of acquittal or drops a case, the defendants are entitled to immediate release. They added that the only legal grounds for detention after such verdicts are when new accusations are brought. To Amnesty International's knowledge, no new charges were brought against any of these prisoners to justify their continued detention.

Those currently known to be held despite the expiry of their sentences include three former military personnel. They have been detained under this condition for nearly 10 years.

Two of the three detainees - Mustafa Tawfiq Fallah and Jalal al-Din Mirhij - were arrested as long ago as May 1970. They were among a group of about 350 civilian and military detainees brought before the SSSC in a mass trial in August 1971. They were charged with "offences against the security of the state and public order".

They were accused of plotting to overthrow the government which ruled between 1966 and 1970 and of attempting to reinstate those removed from power in 1966. The official indictment accused them of receiving help from Iraq. Jalal al-Din Mirhij and Mustafa Tawfiq Fallah were sentenced to 15 years' imprisonment. On expiry of their sentences in May 1985, the two were transferred to a detention centre in Damascus. They were returned to al-Mezze Military Prison in October 1985, where they are currently believed to be detained. Both are reported to be in poor health. Another officer, Mahmud Muhammad al-Fayyad, who was imprisoned with them and also due for release in 1985, was held until February 1994.

The third detainee, Khalil Brayez (see photo no. 11), a former captain and intelligence officer in the Syrian army between 1958 and 1962, now aged about 61, was abducted from Lebanon by Syrian security forces in October or early November 1970. He had been dismissed from the Syrian army following two short periods of detention in 1962 and 1963 and had been living in Lebanon since 1964 as he feared rearrest. Shortly after the June 1967 war with Israel he wrote two books, *The Fall of the Golan* and *From the Golan Files*, which were published in Lebanon. Both books were highly critical of the Syrian army's performance during the 1967 war. He was preparing a third book on the same subject at the time of his abduction.

He was initially held in al-Mezze Military Prison and was allegedly tortured during the early period of his detention. His family did not know where he was until 1973, when they were allowed to visit him once a month. It was then learned that he had been sentenced to 15 years' imprisonment in March 1972 following his conviction on charges of incitement to commit murder, incitement to carry out "terrorist activities" in Syria and misusing information available to him in his capacity as an officer in the armed forces. No information about his trial is available. However, despite the expiry of his sentence in October 1985 he remains in detention.

11 Khalil Brayez

On 9 December 1992 the UN Working Group on arbitrary detention declared that the detention of Khalil Brayez was "arbitrary". It called on the Syrian Government "to take the necessary steps to remedy the situation, so as to comply with the provision and principles incorporated in the Universal Declaration of Human Rights and the International Covenant Civil and Political Rights."^{xi} The government has not done so and he continues to be held in al-Mezze Military Prison.

Amnesty International's appeals on behalf of these three prisoners remain unanswered by the authorities. The organization believes they are being held solely for the same offences for which they have served their sentences. As such, their continued detention is a gross violation of their right to fair trial.

The cases of these and other prisoners, who are held despite the court's order for their release or following expiry of their sentences, clearly illustrate the power of the security forces to act with impunity beyond any judicial control. Such practice constitutes a gross violation of international human rights standards and Syria's own laws. Amnesty International considers all these detainees to be prisoners of conscience.

6. TORTURE AND DEATHS IN CUSTODY

Arbitrary arrest and indefinite incommunicado detention have created an environment in which torture is commonplace. Amnesty International has repeatedly documented a consistent pattern of systematic torture, notably in three major reports: *Report from Amnesty International to the Government of the Syrian Arab Republic*, (AI Index: MDE 24/04/83, October 1983); *Syria: Torture by the Security Forces*, (AI Index: MDE 24/09/87, October

1987); and *Syria: Long-term Detention and Torture of Political Prisoners*, (AI Index: MDE 24/12/92, July 1992). Despite the fact that torture in Syria is a crime punishable by imprisonment under the Penal Code^{xiii} it remains widespread, indicating the government's failure to act to stop its use.

6.1 Torture

Political detainees are commonly tortured or ill-treated during the initial period following arrest while held incommunicado. Torture is used to extract information or "confessions" and as a form of punishment.

The most commonly reported torture methods 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. Other methods include *al-Kursi al-Almani* (the German chair), where the victim is tied to a metal chair with moving parts. The back of the chair bends backwards, causing acute 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 vertebrae.

Most of the 500 or more defendants on trial before the SSSC since July 1992 stated in court that they had been tortured but none is known to have been medically examined and no investigations carried out. One defendant testified:

"Following my arrest in 1987, I was subjected to severe torture in order to extract information from me. I was flogged, tortured by *al-kursi al-almani*, parts of my body were burned with acid, and my fingers were crushed. I was also subjected to psychological torture by having my wife flogged and insulted in front of me ... and by bringing my mother [to the detention centre] and threatening to torture her. After that I was subjected to punching and kicking, which caused a fracture in my nose ... my legs were pulled apart, causing a fracture in my pelvis. [All the while] my interrogation continued without access to hospital for treatment of the severe pelvis fracture until six days later..."

When the prisoner was finally admitted to Harasta Military Hospital, he says:

"My treatment was delayed for a further three days due to the neglect I was subjected to by members of *Fara' Falastin* [detention centre]...After that the doctors decided that I needed treatment which could entail more than two months' hospitalization. [When] my treatment started it was interrupted many times due to pressure put on the treating doctor by officers...and he succumbed to

such pressure after three weeks...and stopped my treatment before its completion. I was discharged from the hospital..., and left with a disability from which I am still suffering."

Political suspects arrested in recent years have reportedly been subjected to similar torture methods. Kamil 'Adla, a student at the Science Institute in Damascus, aged about 24, and 'Ali Kamil Ahmad, aged about 30, were arrested in November 1993 in connection with the PCA. Both were allegedly tortured, including by the German chair method. 'Ali Kamil Ahmad is said to be suffering from a psychological condition as a result. He apparently sits all day without moving or speaking. His wife, Raghda Hassan, a teacher aged about 26, was also arrested in November 1993 and remains in detention, possibly without charge or trial. Her husband and Kamil 'Adla are reported to be held in 'Adra Prison and are currently being tried by the SSSC.

One detainee held since 1992 alleged before the SSSC:

"...in the cells of *Fara' Falastin* I was subjected to severe torture and beatings all over my body, particularly my knee joints. I am still suffering the consequences. I was also subjected to all kinds of degrading treatment..."

Such testimonies were often put to the SSSC by the defendants in the form of complaints against the relevant arresting authorities. Amnesty International delegates who visited Damascus specifically asked the SSSC's judges and prosecuting authorities whether the SSSC had initiated any investigations into the allegations of torture made by defendants during their trial hearings. They were told that, in cases where defendants could be seen to be suffering from a disability, the court could decide to refer them for medical examination. This, they said, had happened in a case where it appeared that the defendant had become insane. With regard to other torture allegations made by defendants, the SSSC authorities said that these related to incidents in the past and were not the responsibility of the SSSC.

They added that the court's jurisdiction over the welfare of defendants begins only after they have been referred to it for trial and that the prosecution of those responsible for torture falls within the jurisdiction of ordinary courts not the SSSC. The SSSC approaches the issue of torture only to decide the admissibility of evidence. They explained that legal action against torture has to be filed by defendants or their lawyers before ordinary criminal courts. However, this legal remedy is not in practice available to political detainees given the impunity the security forces enjoy and the arbitrary treatment to which the prisoners are systematically subjected (see above). Amnesty International believes that such a remedy could be effective only if the government took adequate steps to ensure that arrests and detentions of political suspects are supervised by the judiciary; detainees are allowed access to lawyers and judges; lawyers are allowed to defend political detainees without fear of reprisal;

and cases of torture are routinely investigated by the public prosecution and brought before courts.

Amnesty International's delegates raised allegations of torture in meetings with government ministers, including the Minister of the Interior, who responded by saying that torture is a crime in Syria punishable by imprisonment. The ministers provided the delegates with a list of some 40 names of law enforcement officials who they said had been brought to justice in connection with allegations of torture. However, the list did not include any of the cases of political prisoners submitted by Amnesty International to the Syrian Government for investigation. Ministers failed to provide any clarification of these cases.

6.2 Deaths in custody

In most cases in which political detainees have died in custody in recent years torture or ill-treatment has allegedly been the main or a contributory factor. Principle 9 of the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions requires the authorities to conduct "a thorough, prompt and impartial investigation" of such deaths in custody. However, no independent inquiries or inquests are known to have been held to investigate the causes and circumstances of any such deaths.

Among the prisoners who have died in custody, and where death is alleged to have resulted directly or partly as a result of torture or ill-treatment, are:

1. Rif'at bin Ahmad Rajab, an electrician, who died in 'Adra Civil Prison in April 1992. He reportedly died as a result of a heart condition exacerbated by torture and lack of medical treatment. He had been detained as a suspected NDPO member since 1986.
2. Munir Francis, a civil engineer aged about 30, reportedly died as a result of torture in April 1990, after he was admitted to al-Muwassat Civil Hospital in Damascus suffering from internal bleeding. According to reports received by Amnesty International, when his coffin was returned to his family, his body bore the marks of beatings. Munir Francis was reportedly arrested, along with others, in Yabrud (al-Nabk), north of Damascus, at the end of March 1990, after anti-government slogans were written on the walls of the town. The arrests were reportedly carried out by members of *al-Amn al-Siyassi*.

3.'Abd al-Razzaq Abazid (see photo no. 12), a 41-year-old political prisoner, died between 20 and 22 April 1988, reportedly as a result of torture. He is believed to have died in *Fara' al-Tahqiq al-'Askari* (Military Interrogation Branch) detention centre in Damascus, and his body was returned to his family on 23 April 1988. He was arrested in February that year by members of *al-Amm al-Siyasi* as a suspected member of the CPPB. He was initially held in Dar'a town for one month, then transferred to *Fara' al-Tahqiq al-'Askari* in Damascus.

12 'Abd al-Razzaq Abazid

Other deaths in custody which have not been thoroughly and impartially investigated include that of Salah Jadid (see photo no. 13), who died suddenly on 19 August 1993 in al-Mezze Prison after almost 23 years in detention without charge or trial. A lieutenant-colonel and former Chief-of-Staff in the Syrian army, he was one of the former government and Ba'th Party officials detained following President Hafez al-Assad's assumption of power in November 1970. In a letter to Amnesty International in September 1993 the government said that he died of "septic shock, a circulatory collapse and kidney failure", although no explanation was provided as to what had caused "septic shock". Salah Jadid was not known to have been suffering from any serious ailments. Amnesty International sought further clarification from the authorities, but this has not been provided.

During talks with government officials, Amnesty International delegates sought clarification of the circumstances surrounding the death of these prisoners. In particular, they submitted a list to the Minister of Health as the authority in charge of forensic medicine. The organization has not received any response.

13 Salah Jadid

Amnesty International urges the government once again to ensure that arrests are carried out only with judicial supervision; that detainees are given a prompt opportunity to challenge the lawfulness of their detention before a judge; prompt and regular access to family, lawyers and doctors; that arresting authorities are clearly instructed that torture or ill-treatment will not be tolerated; and that the perpetrators of such acts will be

punished. These measures should be coupled with practical measures 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 abuse of human rights will be brought to justice.

7. "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 died in unclear circumstances or have been secretly executed. All were detained for political reasons by different security forces without judicial warrants and without their families or relatives being informed of their arrests.

All the "disappearances" follow a similar and simple pattern. The victims were arrested by one or other branch of the security forces and have not been seen or heard from since. The government has not acknowledged their detention or has denied knowledge of their whereabouts. The families and relatives continue to seek an explanation of what has happened to them. They include cases such as the following:

1. Dani Mansurati (see photo no. 14), a Lebanese national aged about 35, "disappeared" from 'Arnus Square in al-Shal'an area in Damascus on 9 or 10 May 1992. He was being driven by his brother when reportedly a car overtook them and blocked their way. Three people in plain clothes approached them, asked the driver to leave and took Dani Mansurati to their car and drove him away. They also took his car. Unconfirmed reports suggest that he may have been taken to the headquarters of the Air Force Intelligence in Damascus, but his fate and exact whereabouts have since remained unknown. Some reports have claimed that he died under torture at the beginning of 1994. Other reports suggested that he may have been executed. However, in July 1994 the Syrian Government informed the UN Special Rapporteur on extrajudicial, summary and arbitrary executions that the prisoner had been tried on suspicion of espionage and sentenced to death. His family have not seen or heard from him since his visit to Damascus and have not had any clarification from the Syrian Government regarding his fate and whereabouts.

2. Mudar al-Jundi (see photo no. 15), a 34-year-old engineer, was reportedly arrested or abducted by members of *al-Ann al-'Askari* during 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* detention centre in Damascus, but has not been seen or heard from since. The authorities have not acknowledged his detention.

3. Wafa Fahmi 'Ali 'Abidat (see photo no. 16), a fourth year student of dentistry at the University of Damascus born in December 1958, "disappeared" in November 1986. At that time she was living in the women's hall of residence at the University of Damascus. She was not apparently involved in any political organizations or activities. She may have been arrested solely because of her brother, Hani Fahmi 'Ali 'Abidat (see photo no. 17), who was reportedly arrested a month earlier for membership of Fateh-Revolutionary Council, a faction of the Palestinian movement led by Abu Nidal. His arrest is said to have taken place in Syria or Lebanon by the Syrian security forces or by his own organization. The fate and whereabouts of both remain unknown to their family.

Several other "disappearances" have involved Palestinians and Jordanians who had relatives caught up in the political struggles of the 1980s involving different factions of the Palestinian movement and various states in the Middle East. For example, Usama Hasan Batayna (see photo no. 18), a secondary school student born in 1968, was arrested on 10 September 1986 in Dar'a on his way to Syria from Jordan. The exact reasons for his arrest are unknown. He had apparently visited Iraq three months before he went to Syria and his passport bore an Iraqi stamp. His family suspect that this may have been the reason for his "disappearance".

Miyasser Jamil 'Abd al-'Isawi (see photo no. 19), a graduate in economic and political science born in 1958, "disappeared" on 3 September 1985. That day, she left her home in Damascus to visit her husband in prison, but did not return. Her husband was reportedly detained in connection with bombings in Damascus. He has since been released.

Other Palestinians and Jordanians who have "disappeared" include Ziad Muhammad 'Abdallah Mustafa, a former student at Aleppo University; Usama Fakhri Muhammad al-Bzur (see photo no. 20), and Mahmud 'Abd al-Qadir Mahmud Sabah Safi (see photo no. 21), both former students at the University of Lataqiyya; and 'Imad Ibrahim 'Abd al-Hadi Hamd (see photo no. 22), a law graduate from the University of Aleppo. They all "disappeared" in 1987 and 1988.

The families of these people have not seen or heard from them since their "disappearance". However, in 1986 and 1987 some of the families received anonymous phone calls urging them to work for the release of a group of Ba'thist detainees held in Jordan and offering them the release of their relatives in Syria in exchange. According to the families the phone calls emanated from Syria and the callers said they knew where their relatives were being held but did not tell them.

4. Michael Sa'adey (see photo no. 23), a physician born in 1944, was reportedly arrested or abducted from a street in Damascus by two people riding in a jeep. His family has made numerous inquiries about him but have not received any official response. According to

reports received by Amnesty International, he was apparently seen in Tadmur Military Prison in about 1984.

Detainees who are feared to have been executed were generally seen by, or had some contact with, families and friends following their arrest. They include cases such as the following:

1. Mahmud Bin Ahmad Gao (see photo no. 24), a civil engineer born in 1930 and married with five children, was arrested on 14 August 1980 in Aleppo by the army's special units. He was initially held in al-Saryan Prison where he was twice allowed family visits. He was then transferred to another prison and his fate and whereabouts have since remained unknown. Unconfirmed reports suggest that he may have been executed in 1983.

2. Hatim 'Abdallah al-Zurayqat (see photo no. 25), a Jordanian teacher born in 1938 and married with two children, was arrested in March 1981 in Homs, reportedly on suspicion of having links with Iraq. His family was allowed to visit him once, in 1983 in Tadmur Military Prison. Since then, the family has not seen or heard from him. Amnesty International has received conflicting reports about his fate and whereabouts. Some suggest that in 1987 he was transferred from Tadmur Military Prison to a prison in Damascus. Others suggest that he may have been executed in 1983 in Tadmur Military Prison.

In all of these cases the families of the prisoners live in great distress caused by the uncertainty of the fate of their loved ones. One mother whose child "disappeared" nine years ago told Amnesty International "I have not been able to eat or sleep properly for nine years". Another mother told the organization, "I need to know the fate of my child, dead or alive...If alive I need to know where, and be allowed to visit him...if he has committed any wrong they should tell me and allow me to visit him...if he is dead I need to know so that I can mourn properly".

To redress these gross human rights violations the government should take immediate action to clarify to the families the fate and whereabouts of these prisoners and allow them visits. In disputed cases, where the authorities deny any knowledge about the prisoners, the government should initiate an independent and impartial investigation into the circumstances surrounding their "disappearance". Such investigations should also be carried out in relations to those who may no longer be alive and the bodies should be returned to their families for burial.

no.14 Dani Mansurati
al-Jundi

no.15

Mudar

no.16 Wafa 'Abidat

no.17 Hani 'Abidat

no.18 Usama Batayna
al-Isawi

no.19

Miyasser

no.20 Usama al-Bzur

no.21 'Abd al-Qadir Mahmud Safi

no.22 Imad Hamd

no.23 Michael Sa'adey

no.24 Mahmud Gao

no.25 Hatim al-Zurayqat

8. DEATH PENALTY AND EXECUTIONS

The imposition of the death penalty after unfair trial is a recurrent feature of human rights violations in Syria, where the penalty is maintained for a wide range of offences, including certain categories of political opposition activities. Hundreds of people have been sentenced to death over the past two decades, particularly in the late 1970s and early 1980s; most were executed. Their trials were often held in secret and little is known about the procedures which led to their conviction and execution.

Amnesty International has over the years sought clarification from the government of trial procedures in cases of prisoners facing the death penalty, but has received little clarification. However, on the basis of cases monitored by the organization, it appears that the death penalty has been imposed after secret and unfair trials in which defendants were not given the opportunity to exercise their rights to have a proper public hearing or an adequate defence, or to appeal.

In the late 1970s and early 1980s the death penalty was frequently applied against political opponents of the government, such as members or supporters of the Muslim Brotherhood. Membership of the Muslim Brotherhood remains a capital offence. Other victims were military personnel convicted of coup attempts and individuals convicted of espionage. The sentences were passed by various courts, but particularly by military courts and the SSSC whose procedures are in clear contravention of international fair trial standards (see Chapter 3).

Imposition of the death sentence solely on political charges has decreased significantly in the 1990s. However, the organization continues to record executions of prisoners convicted of crimes such as murder, rape, smuggling and arson. At least 14 such executions were carried out in 1993, the highest number recorded by Amnesty International in a single year since 1985. Amnesty International does not have full details of the trial procedures in relation to such cases, but in at least one case, involving five prisoners, there was strong evidence that they were denied fair trials. The five were accused of setting fire to al-Hasaka Prison on 24 March 1993 and were executed on 20 May of the same year. Such speed raises serious questions about the fairness of the trial and observance of the international guarantees and safeguards required in death penalty cases^{iv}. The UN Special Rapporteur on extrajudicial, summary and arbitrary executions stated that he was:

"concerned that the short duration of the proceedings - only two months elapsed between the time of the crime and the execution of the death sentences - may not have given them full possibilities to exercise their rights to an adequate defence and appeal."^v

He called upon the Syrian Government:

"to revise [its] legislation governing procedures for trials where the imposition of capital punishment is at stake so as to make them conform to the pertinent international instruments."^{xvi}

Amnesty International's concern about deficient trial procedures in such cases is heightened by the government's progressive expansion of the scope of the death penalty during the past two decades. The most recent decision in this regard was taken in April 1993 when the Syrian People's Council (the parliament) approved a new law which extends the use of the death penalty to first-time drug offenders. The law officially came into force in July 1993. Previously, punishment by death was restricted to recidivist offenders in this area of crime.

The expansion in the scope of the death penalty is contrary to the international trend towards the reduction or abolition of this cruel, inhuman and degrading punishment. The UN General Assembly has stated that:

"the main objective to be pursued in the field of capital punishment is that of progressively restricting the number of offences for which the death penalty may be imposed with a view to the desirability of abolishing this punishment"^{xvii}

Amnesty International is gravely concerned that the new law, combined with the apparent increase in the number of executions in 1993 and the lack of fair trial, represents a serious retrograde step and has appealed to the Syrian Government to take action to reverse this trend. However, ministers and other officials with whom Amnesty International held talks in Damascus in October 1994 strongly defended the use of the death penalty on the basis of the Syrian culture and tradition. Amnesty International pointed out that this penalty is cruel, inhuman and unsafe, particularly when the accused is tried by courts which follow special procedures which disregard the UN's additional safeguards for such defendants, as is the case in Syria. Amnesty International calls on the Syrian Government to review its position and urgently take steps to abolish the death penalty.

9. LIST OF CASES SUBMITTED BY AMNESTY INTERNATIONAL TO THE SYRIAN GOVERNMENT IN JULY 1994

In July 1994 Amnesty International submitted names and details of more than 1,000 individual victims of human rights violations in Syria. In October 1994 the Government undertook to look into these cases. As of February 1995 no response was received. However, Amnesty International has learned that scores have been released since these cases were submitted. They included the five prisoners of conscience listed under 1 below, and the rest were from various unauthorized political organizations, particularly the PCA, CPPB,

ASDBP, Nasserist organizations, and Kurdish political groups. Amnesty International continues to seek clarification of the cases submitted in July 1994.

- 1) Five prisoners of conscience - former government and Ba'th Party officials - held since 1970 and 1972
- 2) Prisoners of conscience serving prison sentences in connection with the Committees for the Defence of Democratic Freedoms and Human Rights in Syria (CDF)
- 3) Prisoners of conscience and political prisoners tried by the Supreme State Security Court in connection with the Party for Communist Action (PCA)
- 4) Prisoners of conscience and political prisoners held in connection with the Party for Communist Action (PCA)
- 5) Prisoners of conscience and political prisoners detained in connection with the Communist Party Political Bureau (CPPB)
- 6) Political prisoners detained in connection with Nasserist political organizations
- 7) Political prisoners held in connection with the Arab Socialist Democratic Ba'th Party (ASDBP)
- 8) Political prisoners held in connection with Kurdish political organizations
- 9) Political prisoners held in connection with the Muslim Brotherhood
- 10) Doctors and other medical personnel held for political reasons
- 11) Engineers held for political reasons
- 12) Lebanese nationals held in Syria for political reasons
- 13) Palestinian prisoners held in Syria for political reasons
- 14) Miscellaneous cases of individuals held in Syria on political grounds
- 15) Political prisoners detained beyond expiry of sentence
- 16) Prisoners who died in custody over the last decade

17) "Disappeared" prisoners and prisoners feared dead

10. CONCLUSION

Thousands of people continue to be subjected to a wide range of gross human rights violations in Syria, including arbitrary arrest, unfair trials, indefinite detention without charge or trial, torture and death under torture, "disappearance" and execution. Amnesty International has over the years repeatedly drawn the attention of the Syrian authorities to these violations. In written appeals as well as in meetings with government officials and Syrian diplomatic representatives abroad, Amnesty International has urged the unconditional release of all prisoners of conscience and the prompt and fair trial or release of all other political prisoners. Amnesty International has also 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. In addition, the organization has appealed to the government to stop executions and abolish the death penalty.

In July 1994 Amnesty International submitted a memorandum to the government highlighting more than 1,000 cases of individual victims of gross human rights violations. The memorandum contained a set of recommendations designed to redress the various patterns of human rights violations documented by the organization over many years. This was followed by talks with the government in October 1994, during which the organization sought the implementation of its recommendations and clarification of the cases contained in the memorandum. Specifically, the organization sought clarification of the cases of 959 political prisoners, including prisoners of conscience, 59 "disappearances" and nine deaths in custody. Although ministers gave assurances that they would study the memorandum and provide a response, to date no response has been received by Amnesty International.

The Syrian Government has failed to halt the continuing patterns of gross human rights violations or to substantially redress violations recorded over many years. Amnesty International calls on the government now, as a matter of urgency, to redress these matters and to take clear and concrete steps to protect human rights in the future.

11. RECOMMENDATIONS

Amnesty International urges the Syrian authorities to take the following steps:

A. immediately and unconditionally release all prisoners of conscience;

B.release all political prisoners held without trial and all those detained beyond the expiry of their sentence unless they are charged with a recognizably criminal offence and given a prompt and fair trial as required by Article 14 of the ICCPR;

C.review the cases of all political prisoners serving sentences imposed after unfair trial;

D.stop torture by ensuring that the preventive and prohibitive penal laws intended as safeguards against this practice are rigorously implemented and their application monitored;

E.clarify the fate of "disappeared" prisoners and prisoners feared executed in secret and inform their families accordingly;

F.stop executions and abolish the death penalty;

Amnesty International urges the authorities to implement the following minimum investigative actions to investigate human rights violations, bring to justice those responsible and compensate the victims or their families:

A.set up an independent and impartial body to investigate all allegations of torture, deaths in custody and "disappearances", and make the findings public: such investigations should be consistent with standards such as the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions;

B.ensure that those responsible for torture and "disappearances" are brought to justice in accordance with the requirements of international standards;

C.ensure that all victims of torture or "disappearance", or their families obtain redress and have an enforceable right to fair and adequate compensation, including the means for as full a rehabilitation as possible for torture victims;

In addition, the organization urges the authorities to introduce safeguards to protect human rights. The government should:

A.ensure that arrests are carried out with a judicial warrant and are always supervised by the judiciary, except in those urgent cases where there is no time to set prior judicial approvals;

B.ensure that detained or imprisoned people are given prompt and regular access to family, lawyers and their own doctors, with whom they should be able to communicate in private;

- C. ensure that all political detainees have prompt access to a judge as required both by international standards and Articles 104 and 105 of the Syrian Code of Criminal Procedures;
- D. ensure that arresting authorities and the various security forces are issued with instructions that torture and ill-treatment of any person in their custody is strictly prohibited, and that any alleged breach of such instructions will be investigated and those found guilty punished;
- E. ratify the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the First Optional Protocol to the ICCPR, and to submit their second and third periodic report to the Human Rights Committee established under the ICCPR to monitor implementation of that treaty;
- F. enact a law implementing Article 9(4) of the ICCPR, which provides the right to challenge the legality of detention before a court and to obtain release when the detention is unlawful;
- G. enact a law guaranteeing the right to appeal to a higher judicial tribunal against conviction and sentence in all cases, without exception.

12. ENDNOTES

- i. For details about other authorities of arrest see [Syria: Torture by the Security Forces, AI Index: MDE 24/09/87, October 1987.](#)
- ii. Article 9 of the ICCPR states that:
1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.
 2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been victim of unlawful arrest or detention shall have an enforceable right to compensation.

iii. Principle 11 of the UN Body of Principles states that:

"1. A person shall not be kept in detention without being given an effective opportunity to be heard promptly by a judicial or other authority. A detained person shall have the right to defend himself or to be assisted by counsel as prescribed by law.

2. A detained person and his counsel, if any, shall receive prompt and full communication of any order of detention, together with the reasons therefor.

3. A judicial or other authority shall be empowered to review as appropriate the continuance of detention".

iv. See "Report from Amnesty International to the Government of the Syrian Arab Republic", published in 1983, PP 9-11.

v. Article 14 (1) of the ICCPR states:

"All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes of the guardianship of children."

vi. Article 131 of the Constitution of 1973 states that:

"The Judicial Power is independent. The President of the Republic, assisted by the Supreme Judiciary Council, shall guarantee this independence."

Article 133 states that:

"Judges are independent. They are subject to no authority other than that of the law in the discharge of their functions."

vii. Article 14(5) of the ICCPR states that:

"Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law."

viii. The revolution referred to is that of 8 March 1963 when the Ba'th Party assumed power in Syria.

ix. Article 38 states that:

"Every citizen shall have the right to express his opinion publicly and freely, in speech, writing and other forms of expression and to participate in ... the voicing of constructive criticism aimed to ensure the safety of the structure of the homeland and the Nation and to enhance the socialist regime. The state shall guarantee the freedom of the press and of printing and publishing, in accordance with the law."

Article 39 states that:

"Citizens shall have the right of assembly and peaceful demonstration within the principles of the Constitution. Exercising this right shall be regulated by law."

x. See UN Doc. E/CN.4/1993/24

xi. The UN Working Group on arbitrary detention has stated on a number of occasions that detention beyond the expiry of one's sentence is arbitrary.

xii. Decision no. 53/1992 of the UN Working Group on arbitrary detention.

xiii. Article 28 (3) of the 1973 Constitution states that:

"No one shall be subjected to physical or moral torture or to humiliating treatment. The law shall define the penalties for such actions."

In accordance with Article 391 of the Syrian Penal Code, any person who subjects another to any form of violence not permissible under the law for the purpose of obtaining a confession or information relating to an offence is liable to imprisonment for between three months and three years. If the violent act results in illness or injury to the victim, the law prescribes a minimum of one year's imprisonment for the offender.

xiv. See The UN Economic and Social Council (ECOSOC), safeguards guaranteeing protection of the rights of those facing the death penalty, adopted in its Resolution 1984/50 on 25 May 1984 and the Resolution 1989/65 implementing those safeguards adopted on 24 May 1989.

xv. See UN Doc. E/CN.4/1994/7, para. 573.

xvi. Ibid. para. 684

xvii. See UN Resolution No. 32/61 of 8 December 1977.