

SYRIA: Double Injustice

Prisoners of Conscience detained beyond expiry of their sentences

Introduction

Hundreds of political prisoners, including prisoners of conscience, are held in detention in Syria. Some of them have been held in incommunicado detention without charge or trial for more than 15 years, while others are serving lengthy prison terms imposed on them after trials which failed to meet international fair trial standards; often these trials took place many years after the initial date of arrest. Some prisoners are still in jail, despite having served their prison sentences in full, months or years after expiry of their sentence.

This report is concerned with the cases of six prisoners of conscience all arrested primarily because they exercised their fundamental rights to freedom of expression and association. They were all reportedly tortured and ill-treated, sentenced to lengthy prison terms following an unfair trial and are still held beyond expiry of their prison sentences. Their imprisonment is in contravention of the International Covenant on Civil and Political Rights, to which Syria acceded in April 1969.

Syria has, over the past few years, taken some positive steps in the field of human rights, primarily in releasing hundreds of political prisoners, including prisoners of conscience. Amnesty International has particularly welcomed the release of over 300 long term political prisoners, including prisoners of conscience, in 1998. Despite these measures, however, Amnesty International remains concerned that no substantive changes have been made which would lead to real improvement in the human rights situation in Syria, and is particularly concerned that many of the individual cases of human rights violations submitted by Amnesty International to the Syrian Government remain unresolved.

Detention Beyond Expiry of Sentence

In 1994 Amnesty International submitted a memorandum on its concerns to the Syrian authorities which included five cases of political prisoners held beyond expiry of their sentences. These were presented as a representative sample of dozens of similar cases. Although these five cases and others have been resolved, many others remain. Indeed, reports received over the years suggest a pattern whereby, upon expiry of their sentence, political prisoners are transferred to another detention centre (normally the one in which they were initially held and interrogated following their arrest) where they spend a few weeks to three months on average before being released. For example, five prisoners of conscience and human rights defenders who were detained in 1992 and sentenced for five

years each for their suspected involvement in the Committees for Defence of Freedoms and Human Rights in Syria, were not released until approximately ten weeks after expiry of their sentences in 1997. In addition, at least two former prisoners told Amnesty International that they remained in prison for several months after a court had found them not guilty.

In other cases, prisoners remain in detention years after they have served in full their prison sentences¹. Khalil Brayez, a former army officer and a writer now in his sixties, was detained in 1970, apparently in connection with the publication of two books: *The Fall of the Golan* and *From the Golan Files*, which were critical of the Syrian army during the 1967 war and sentenced in 1972 to 15 years' imprisonment; Mustafa Tawfiq Fallah, a former army officer who was among a group of about 350 civilian and military detainees brought before the Supreme State Security Court (SSSC) in a mass trial in August 1971, and sentenced to 15 years' imprisonment. Both were released in 1998 nearly 13 years after the expiry of their sentences.

The imprisonment of persons beyond expiry of their sentences amounts to arbitrary detention as there exists no legal basis or justification for their imprisonment and is therefore in violation of Article 9(1) of the ICCPR which states "*Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention except on such grounds and in accordance with such procedures as are established by law*". It is also contrary to Principle 2 of the Body of Principles for the Protection of all Persons under Any form of Detention or Imprisonment which requires that: "*Arrest, detention or imprisonment shall only be carried out strictly in accordance with the provisions of the law.....*".

Currently, Amnesty International is aware of the cases of at least six prisoners of conscience who are detained beyond the expiry of their sentences. They are **Fateh Jamus**, **'Isam Dimashqi**, **Basel Hurani**, **'Abd al-Halim Rumieh**, **Ratib Sha'bu**, and **Doha 'Ashur al-'Askari (f)**.

In March 1997, 'Isam Dimashqi, Fateh Jamus, Basel Hurani, and 'Abd al-Halim Rumieh, who were all due for release after serving their 15 year sentences, were transferred from Sednaya prison to *Far' Falastin* (Palestine Branch) detention centre. The move was then interpreted as an indication of their imminent release. However, rather than being released they have remained for over two years in *Far' Falastin* in appalling conditions. Recently, Amnesty International received information that the four prisoners of conscience have been returned to Sednaya prison.

¹Time served in pre-trial detention counts towards the sentence given at the time of trial.

In September 1998 Amnesty International received a communication from the Syrian authorities stating that the sentence of Doha ‘Ashur al-‘Askari will “terminate on 10 February 1999”. Doha ‘Ashur al-‘Askari is still in detention, four months after the expiry of her sentence.

Fateh Jamus, ‘Isam Dimashqi, Basel Hurani, ‘Abd al-Halim Rumieh, Ratib Sha‘bu, and Doha ‘Ashur al-‘Askari are considered by Amnesty International as prisoners of conscience who are imprisoned for their non-violent exercise of their right to freedom of expression and association. They are accused of membership in *Hizb al-‘Amal al-Shuyu’i*, the Party for Communist Action (PCA). The PCA, which is prohibited in Syria², is not known to have used or advocated violence, and there is no evidence to suggest that these individuals have used or advocated violence. All were reportedly subjected to torture and ill-treatment following their arrest and most have sustained injuries as a result. With the exception of Doha ‘Ashur al-‘Askari, they remained in detention without charge or trial for 10 years on average before they were referred for trial by the SSSC whose procedures fall far short of international standards.

The sole statutory right guaranteed to defendants before the SSSC is the right of defence; however, this is seriously curtailed. 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. Incommunicado detention and the lawyers' fear of reprisal renders the obtaining of the *wakala* by political detainees virtually impossible. Political defendants before the SSSC have no opportunity to choose or have a lawyer appointed for them until their first appearance before the court. Once the trial begins, the role of the defence lawyer is further restricted by the discretionary power of the judges and they are not free to meet their clients in detention without written permission from the president of the court, which is often withheld.

²Syria is governed by the Arab Ba’th Socialist Party which dominates a coalition of political parties known as the National Progressive Front (NPF). The NPF includes in addition to the Ba’th party, the Communist Party of Syria, the Syrian Arab socialist Union, the Unionist Socialist Party and the Arab Socialist party. All the parties, such as the PCA, which have not joined the Front are prohibited.

Additionally, in many cases of detainees tried by the SSSC and observed by Amnesty International, the evidence produced before the court was alleged to have been extracted under duress. The organization knows of no cases where the court has tried to establish whether “confessions” have been given freely or under pressure. Defendants sentenced by the SSSC have no right of appeal³. The procedures before the SSSC therefore violate Article 14 of the ICCPR which lays down the standards for fair trial including presumption of innocence, right of defence and appeal.

It was under these circumstances that the above mentioned prisoners of conscience were tried and sentenced. They were accused of forming or belonging to "an organization intended to change the social and economic structure of the state and society's fundamental conditions", and "opposing the objectives of the Revolution" in a reference to their suspected involvement with the PCA.

Amnesty International maintains that as prisoners of conscience they should have not been in prison in the first place and that their trial before the SSSC was grossly unfair. These prisoners are also apparently denied any legal remedies enabling them to challenge the legality of their continued detention in violation of Article 9 (4) of the ICCPR which states “*Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that the court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful*”.

Case Details

Doha ‘Ashur al-‘Askari

Doha ‘Ashur al-‘Askari (f), born in Aleppo in 1965, married with one daughter, was arrested in Aleppo on 11 February 1993 by members of the Political Security Department (*al-Amn al-Siyassi*). She was initially held in incommunicado detention and her family managed to discover her whereabouts only after two months. Before her arrest she had been in hiding since 1987 when she was warned that she was being sought by the Political Security Department. As a result of continued surveillance and harassment by the security forces, Doha was forced to leave her job at the Military

³ For more information on Amnesty International concerns on trials before the SSSC, see the report, Syria: Repression and Impunity: The Forgotten Victims (AI Index MDE 24/02/95)

Housing Department. Earlier in 1983 she was forced to discontinue her studies at Aleppo University after one year of enrolment, also as a result of continued harassment by the security forces, and the targeting of her family members. She was studying English Literature.

Three of Doha's brothers Usama, Numair and Mazin al-'Askari were arrested in 1982 and 1983 in connection with the PCA. Usama al-'Askari was sentenced by the SSSC to 15 years' imprisonment, and released in 1998, one year after the expiry of his sentence. He was reportedly beaten and ill-treated during his initial detention. Numair and Mazin al-'Askari, both then university students, were detained from 1983 to 1991, without charge or trial. They were released in a presidential amnesty in December 1991.

While she was in hiding, Doha's husband was arrested and detained in connection with the PCA and held for months without charge or trial. In 1987, her sister, Lina, was arrested from the family home in Aleppo by plain clothes security men, apparently in lieu of Doha. The security forces told her mother, Siham, that Lina would be back in ten minutes. She did not return, and remained held at the Military Interrogation Branch in Damascus for a year from December 1987 to December 1988. Her mother was also summoned and interrogated at the same detention centre in Damascus in 1992, and was asked to disclose the whereabouts of Doha. On another occasion, she was threatened with arrest unless she disclosed the whereabouts of her daughter.

Doha 'Ashur al-'Askari was sentenced to a prison term of six years by the SSSC in 1995. She remains held despite the expiry of her sentence on 10 February 1999. On 10 June 1999, Doha declared an indefinite hunger strike in protest of her continued detention following expiry of her sentence.

Fateh Jamus

Fateh Muhammad Jamus, a mechanical engineer born in Latakia in 1948, married with two children, was arrested on 12 February 1982; although sought by the security forces since 1976. He was referred, together with others from the same organization (PCA), for trial before the SSSC on 28 June 1992, and sentenced to 15 years' imprisonment on 11 January 1994. He remains in detention beyond the expiry of his sentence in February 1997. Since his arrest, Fateh Jamus has been held in various detention centres and prisons, including the Military Interrogation Branch, Tadmur Prison, and Sednaya Prison where he is believed to be currently held.

Fateh Jamus has two children, Izar (m), and Maya (f), who are growing up without their father's presence. Maya Jamus, who was born six months after the arrest of her father, has only seen him behind bars, while Izar who was born in 1975, has hardly been with his father who was first in hiding and then in prison. Both of Fateh Jamus's parents have died while he is in detention. His father died six years ago, while his mother, who was hoping to see her son free following expiry of his sentence in 1997, reportedly died in early 1999.

'Isam Dimashqi

'Isam Zaheer al-Din Dimashqi, a civil engineer born in Damascus in 1950, married with three children, was arrested in March 1982. He was previously arrested and detained from 1978 to 1980 accused of taking part in founding *Rabitat al-'Amal al-Shuyu'i* (League for Communist Action) which was later on renamed the Party for Communist Action. After his second arrest in 1982 he was held without charge and trial until referred for trial before the SSSC in 1992. 'Isam Dimashqi was sentenced to 15 years' imprisonment on 5 June 1994. He still remains in detention despite the expiry of his sentence in March 1997.

Basel Hurani

Basel Muhamad Ghalib Hurani, born in Hama in 1956, single, was a student of mechanical engineering when arrested in March 1982. He had been sought by the security forces since 1981. He was referred, together with Fateh Jamus and others, for trial before the SSSC on 28 June 1992 and sentenced to 15 years' imprisonment on 11 January 1994. He still remains in prison despite the expiry of his sentence in 1997.

'Abd al-Halim Rumieh

'Abd al-Halim 'Abd al-Karim Rumieh, born in Latakia in 1953, married, was a student of electrical engineering at Damascus University when arrested in March 1982. He was previously arrested from 1978 to 1980 in connection with his suspected involvement with the PCA. On 28 June 1993 he was sentenced to 15 years' imprisonment by the SSSC. He remains in detention beyond the expiry of his sentence.

His brother Jihad Rumieh, and nephew 'Isam Rumieh, were arrested from 1987 and held in Sednaya prison to 1992 and 1991 respectively also in connection with the PCA. They were both considered prisoners of conscience by Amnesty International.

Ratib Sha'bu

Ratib Jaber Sha'bu, a medical student in Damascus University born in Latakia in 1963, single, was arrested in July 1983. He was referred, together with others from the same organization (PCA), for trial before the SSSC on 11 July 1992, and sentenced to 15 years' imprisonment on 18 October 1994. He remains held in Tadmur military prison despite the expiry of his sentence in July 1998.

Ratib Sha'bu was transferred from 'Adra civil prison to Tadmur military prison in 1996 together with about 29 political prisoners, including prisoners of conscience. Their transfer apparently came as a punitive measure. Tadmur is notorious for its appalling conditions and as a prison where torture and ill-treatment are routinely inflicted on prisoners. When Ratib Sha'bu's mother managed to locate and visit him one year after his transfer to Tadmur, she could hardly recognize him as he had lost considerable weight apparently due to ill-treatment and poor diet. He was a living testimony to the type of treatment that prisoners receive at Tadmur military prison.

Ratib's brother Barakat was detained between 1978 and 1980, and again between 1982 and 1986. A number of his cousins were also detained in connection with the PCA, including Munir and Bahjat Sha'bu who were detained in 1987 and 1992 respectively, and Shahira Sha'bu who was detained for a few months in 1987. Both Munir and Bahjat Sha'bu were sentenced to 15 years' imprisonment by the SSSC. Munir Sha'bu was released in 1998 for medical reasons, whereas Bahjat is still serving his prison sentence. Both were considered prisoners of conscience by Amnesty International.

Conclusion

Fateh Jamus, 'Isam Dimashqi, Basel Hurani, 'Abd al-Halim Rumieh, Ratib Sha'bu, and Doha 'Ashur al-'Askari, are prisoners of conscience detained primarily for exercising their rights to freedom of expression and association. They have reportedly been tortured and ill-treated, and sentenced by the SSSC to prison terms ranging between six and 15 years after grossly unfair trials. Now they are detained beyond expiry of their unjust sentences. All reportedly suffer from serious health problems as a result of torture, ill-treatment, and lengthy detention in appalling prison conditions.

Amnesty International is seriously concerned that prisoners of conscience, who should not have been in prison in the first place, remain in detention despite having served their lengthy sentences in full. For the last fifteen years, all appeals by members of Amnesty International for the release of these prisoners have gone unheeded by the Syrian authorities.

Amnesty International is calling on the Syrian authorities to rectify these multiple injustices by immediately and unconditionally releasing the prisoners of conscience. They should also be given prompt access to legal remedies, in accordance with Syrian and International law, to challenge the legality of their continued detention.

KEYWORDS: CONTINUED DETENTION1 / PRISONERS OF CONSCIENCE1 / FREEDOM OF EXPRESSION /

