



Syria: The Price Of Dissent

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PREFACE

This report focuses on the state security court and the continuing trials of individuals accused of membership in unauthorized political groups. The report also examines the practice of torture in Syria, and the continuing pressure on political prisoners after release.

This is the first of a series of reports on Syria that Human Rights Watch will publish in 1995, based on information obtained during an unprecedented, forty-eight-day fact-finding mission earlier this year. To our knowledge, no international human rights organization has ever spent this amount of time inside Syria conducting interviews and carrying out research.

This mission—which began on March 23, 1995, and concluded almost seven weeks later on May 9, 1995—was undertaken with the agreement of the Syrian government. This agreement was received in writing in January 1995, following discussions between the government and Human Rights Watch in 1994 in Washington, D.C., and Damascus. Government officials promised Human Rights Watch that our representatives would be able to travel throughout the country without restrictions, and meet freely with anyone. During the mission, Human Rights Watch representatives indeed travelled freely, without any restrictions or overt surveillance, in metropolitan Damascus and in various governorates.

Our representatives had discussions with a wide range of Syrians in Damascus and the governorates of Aleppo, Hasakeh, Homs, and Latakia. These included released political prisoners, victims of torture and other abuses, defendants on trial before the state security court, relatives of sentenced political prisoners and prisoners held without charge, lawyers, academics, writers and other intellectuals, university students, and members of unauthorized political groups. Meetings were also held with leaders and members of some of the political parties in the National Progressive Front, officers of the National Lawyers Syndicate, and the head of the Syrian Writers Union.

Our representatives met Syrian government ministers in March and April 1995, and we extend our thanks to Minister of Justice Hussein Hasoun, Minister of State for Foreign Affairs Naser Qadur, and Minister of Culture Dr. Najah al-Attar for accommodating our

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political prisoners who have been tried and are serving their sentences. Human Rights Watch had particularly sought to visit human rights advocates from the Committees for the Defense of Democratic Freedoms and Human Rights in Syria (CDF) who were tried and sentenced by the security court in 1992.

The request to visit prisons was discussed with senior government officials in Damascus in October 1994, and was made again in a letter to Minister of Interior Muhamed Harba dated March 14, 1995. At a meeting in Damascus with Minister of Justice Hussein Hasoun on March 29, 1995, Human Rights Watch representatives were informed that permission had been granted to visit any civilian prison in Syria supervised by the ministry of justice. The minister noted, however, that it was not within his authority to grant access to facilities not under the supervision of his ministry, such as Tadmor, Sednaya and Mezze prisons, and the detention center of the Military Interrogation branch of Military Intelligence in Damascus: where many of Syria's political prisoners are held.

In a letter to Interior Minister Harba dated and hand-delivered to his office on April 1, 1995, Human Rights Watch welcomed the government's offer of access to civilian prisons, but indicated that we wished to conduct these visits as part of a broader look at other places of detention in Syria, particularly those facilities where political prisoners, security suspects and sentenced security prisoners are held. We noted in the letter that Human Rights Watch had collected information and reported about conditions at these facilities since 1989, and that access would enable us to obtain current, first-hand information about conditions and prisoners. This letter was not answered, and efforts by Human Rights Watch representatives to obtain a meeting with the interior minister to discuss the request were unsuccessful.

Human Rights Watch is grateful to the Embassy of the Syrian Arab Republic in Washington, D.C., which played an important role in facilitating our request to conduct a mission. The embassy also provided invaluable assistance with securing visas and other logistics.

On June 13, 1995, Human Rights Watch presented the Syrian government with a written summary of the major findings of this report, as well as requests for information about specific cases mentioned in the report and the appendices. The government's reply, dated June 23, 1995, is in Appendix C.

ACKNOWLEDGMENTS

This report was written by Virginia N. Sherry, associate director of Human Rights Watch/Middle East, who visited Syria from March 23, 1995 to May 9, 1995.

The report also includes information collected by Eric Goldstein, research director of Human Rights Watch/Middle East, who joined Ms. Sherry in Syria from March 26 to April 4, 1995, and Christopher George, executive director of Human Rights Watch/Middle East, who visited

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SUMMARY AND RECOMMENDATIONS

This report focuses on Syria's state security court and the continuing trials of individuals accused of membership in unauthorized political groups. It also examines the practice of torture in Syria, and the pressure and punishment placed on political prisoners after release. The report documents the high price that some Syrians have paid-and continue to pay-for exercising their right to peaceful political dissent.

The country's seventeen million citizens continue to live under emergency law. The state of emergency was declared on March 8, 1963, and is still in effect. Emergency law empowers the prime minister of the republic, acting as the martial law governor, and the minister of interior, as deputy martial law governor, to arrest preventively anyone suspected of endangering public security and order; and to authorize investigation of persons and places at all times, and to delegate any person to perform these tasks. These broad powers have been exercised by various branches of the security apparatus, which for decades have arrested, detained, and interrogated under torture thousands in Syria without any form of judicial oversight.

In interviews with Syrians across the country between March 1995 and May 1995, we heard repeated complaints about the lack of political freedom in Syria and the authoritarian nature of the rule of president Hafez al-Asad, who has exercised complete power since 1970. The guarantees in the Syrian constitution of 1973-which grants every citizen the right to free and public expression of his or her opinion, and provides for the right to participate in political life-are all but meaningless. There is no law by which political parties can seek and obtain legal status.

In 1992, Syrian authorities began to try hundreds of political activists, suspected members of unauthorized political groups, and independent critics of the government before the state security court, an exceptional three-judge tribunal that sits in Damascus and had been largely inactive until that year. Various divisions of Syria's security apparatus, pursuant to emergency-law powers, refer defendants to the court. Some of the defendants tried by the court since 1992 were arrested as long ago as 1980 and held for over a decade without charge. Others were detained in successive arrest sweeps in the years that followed; they too had languished without charge for many years.

Since 1992, the court has prosecuted many of these individuals for exercising their most basic rights, including the right to free association and the right to hold and express political ideas. Most of them have been charged with vaguely formulated criminal offenses such as "opposing any of the goals of the Revolution," "publishing false information with the aim of causing disorder and shaking the confidence of the masses in the aims of the Revolution," and membership in secret organizations "created to change the economic or social structure of the state or the fundamental fabric of society."

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sentenced in March 1992 to prison terms ranging from five to ten years, which effectively caused the collapse of a nascent independent human rights movement inside Syria. In other trials that followed, ten- and fifteen-year sentences for non-violent political activists were not uncommon. Fifteen-year sentences recently handed down by the court could keep some political and human rights activists imprisoned until the year 2002. It is widely believed in Syria that the lengthy sentences are intended not only to punish principled Syrians who maintain a defiant attitude toward the authorities, but also to deter others from engaging in independent opposition politics-or even dissent.

These individuals were convicted of vague and overbroad offenses, spelled out in the penal code and the emergency law, that essentially criminalize peaceful freedom of expression and association. The overly broad provisions in Syria's penal code and emergency law that are used to charge and convict defendants in the security court constitute violations of the internationally accepted standard of due process. Other statutory provisions used to charge and convict defendants infringe upon the internationally recognized rights of free expression, free association, and peaceful assembly. The decisions of the state security court cannot be appealed to a higher tribunal, as required by the International Covenant on Civil and Political Rights, to which Syria acceded in 1969.

Defendants prosecuted in the state security court are denied their right under international law to a fair and public trial by a competent, independent and impartial tribunal. Nor do defendants have the right to appeal their convictions and sentences to a higher tribunal, which is another bedrock principle of international human rights law.

As an exceptional tribunal, the court is exempt from the rules of criminal procedure and evidence that apply during the investigation, prosecution and trial proceedings in ordinary courts. Lawyers have not been guaranteed access to clients prior to trial, and trial proceedings begin before lawyers have had an opportunity to see the case files. Lawyers have also been denied the opportunity to engage in oral argument on behalf of their clients, and must content themselves with submitting written defense statements to the court, some of which are cited in this report. The court convicts defendants based on confessions taken under torture or other forms of duress.

We observed numerous violations of international fair-trial standards at the court sessions we attended in April 1995. Some defendants did not have the opportunity to communicate with their lawyers prior to trial, others did not have lawyers, and some were represented by counsel not of their own choosing. The court showed no interest in complaints by defendants who said that they had been tortured and their confessions were coerced. The president of the court at times openly displayed a lack of impartiality and did not afford some defendants the presumption of innocence. Some key stages of certain trials-including the presentation of evidence by the state security prosecutor, and the defense-took place behind closed doors, without the defendants themselves present. Court-appointed defense lawyers appeared to have divided loyalties and did not represent themselves as vigorous advocates for their

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attended. He said that he had met with the prosecutor, who read the charges and evidence from the file. The lawyer said that he told his clients what had transpired. We learned that there were additional court sessions from which defendants had been excluded. One group of defendants told us that they had not been present when the prosecutor made his arguments, nor were they present at the defense session. We witnessed a session for one defendant that took place in the private office of the president of the court, not in the courtroom.

Torture Victims

We obtained testimony inside the security court from defendants who had been held incommunicado and tortured-and in some cases seriously injured-in the custody of the Palestine Branch of Military Intelligence, Political Security, State Security, and Air Force Intelligence. Torture victims provided us with the names of senior officers in Political Security-two brigadier generals and two majors-who they claimed supervised and participated in the brutality.

During a visit to the court on April 11, 1995, we interviewed a thirty-year-old defendant

who told us about his unsuccessful attempts to have the court acknowledge his torture complaint and refer him for a forensic medical examination and to a hospital for medical care. On the day we met this defendant at the court, he was seeking to present a handwritten note to the judge, pursuant to the court's own request to this defendant three months earlier. Because the court that day postponed this defendant's session until April 30, 1995, he could not submit his note and gave it to us instead. The text of the handwritten note is included in this report.

Released Prisoners: Pressure, Fear and Continuing Punishment

Pressure on political prisoners by the security apparatus to "give up politics" sometimes begins prior to release, and in some cases has been a condition for release. There is also post-release surveillance and harassment by security forces. Some have been summoned for questioning, threatened, and asked to cooperate with the security apparatus as informers.

The most controversial legal sanction imposed on released political prisoners who have been sentenced by the security court is a punishing ten-year deprivation of civil rights. This provision is contained in the Syrian penal code, which specifies that individuals convicted of criminal offenses and sentenced to imprisonment with temporary hard labor are to be stripped of their civil rights from the day of sentencing to ten years following the expiration of their sentence. According to Syrian lawyers, individuals penalized with the loss of civil rights cannot work in the state sector or return to their former government jobs. They cannot vote or run for office, or serve in the council of a syndicate or sect. Many released political prisoners are also denied their passports without any semblance of due process.

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- Suspend immediately the state security court trials for defendants facing prosecution solely for their nonviolent exercise of freedom of expression or association, with a view toward dissolution of the court itself.
- Release all prisoners in Syria who are detained or serving sentences because they exercised their right to freedom of expression and freedom of association, unless such prisoners are explicitly charged with weapons-related offenses, with participating in the planning or execution of acts of violence, or with other recognizably criminal offenses. If so charged, they are entitled to a fair trial in which their due-process rights are safeguarded.
- In cases of prisoners convicted by the security court for exercise of freedom of expression or association but who have already been released, rescind the accessory ten-year penalty of deprivation of civil rights and take legal measures to expunge the criminal conviction itself from their records. The case files of such prisoners should be reviewed as soon as possible by the Ministry of Justice, and appropriate legal remedies should be undertaken to reinstate the civil rights of these individuals and erase the criminal convictions.
- Take immediate steps to cease the practice of arbitrarily denying passports and public-sector employment to former political prisoners.
- Take appropriate legal measures to decriminalize peaceful political activity in Syria. One significant first step would be to strike or substantially revise the vague and overbroad statutes in the emergency law and penal code which are used to prosecute individuals for the peaceful exercise of the right to freedom of expression and freedom of association.
- Ensure that confessions and other evidence gathered under torture are inadmissible in all criminal proceedings, including proceedings before the state security court.
- End the impunity of the security apparatus by taking immediate and practical steps to make the country's various security forces accountable for their conduct under the rule of law, and to stop the torture of detainees under interrogation. Such steps should include the following:
 1. Clear public statements by senior government officials, including the president of the republic, the prime minister and the interior minister declaring that confessions obtained under torture are not admissible as evidence in any court of law in Syria, including the state security court.
 2. Issue orders to each branch of the security apparatus to cease immediately the practice of incommunicado detention, and require these branches to create mechanisms and guidelines to ensure access of lawyers and family members to detainees promptly after arrest. These mechanisms and guidelines should be published in the national daily newspapers so that family members and lawyers will be informed of their rights of access to detained relatives

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protected against an ill treatment or humiliation as a consequence of his or her complaint or any evidence given.

4. Security personnel and officers who have committed acts of torture, or who have been complicit in acts of torture, should be prosecuted and, if found guilty, punished by appropriate penalties which take into account the grave nature of such offenses.

- Human Rights Watch also calls upon President Hafez Asad to instruct responsible authorities, under the supervision of the Ministry of Justice, to thoroughly inspect the premises of all places of detention and interrogation in Damascus and elsewhere-including, but not limited to, facilities under the control of the Palestine Branch of Military Intelligence, Political Security, State Security, and Air Force Intelligence-and compile a detailed inventory of all torture implements and devices in these locations. Once inventoried, these items should be systematically removed from these premises and publicly destroyed, in the presence of representatives of the Ministry of Justice.

To the United States Government

The improved bilateral relationship between the U.S. and Syrian governments-and continuing high-level diplomatic contacts between the two states-presents an important opportunity for a more assertive and vocal U.S. role in addressing ongoing human rights violations in Syria. We urge the Clinton Administration to adopt the recommendations in this report, and raise these items in discussions with senior Syrian government officials, including the president of the republic.

Persistent and concerted diplomatic initiatives on specific human rights issues have produced results on the ground in Syria-the international campaign for freedom of movement for the small Syrian Jewish community is one of the most notable successes. Human Rights Watch believes that other Syrian citizens merit similar forceful advocacy efforts so that they can fully enjoy their rights to liberty and security of person, freedom of expression and association, due process and fair trial, and freedom of movement. Our specific recommendations to the Clinton Administration are:

- Instruct U.S. embassy staff in Damascus to attend the ongoing security court trials and observe the proceedings, in order to demonstrate the concern of the U.S. government about the criminalization of peaceful political activity in Syria and court proceedings that fall short of international fair-trial standards.

- Issue public reports about the findings of these trial observations, including joint reports prepared with trial observers from other embassies, and discuss the findings with Syrian government officials on a periodic and continuing basis.

- As discussions proceed between the U.S. and Syrian governments concerning the Arab-

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assess and publicly report on the steps being taken by the Syria government to remedy human rights problems and ensure basic civil and political rights for all Syrian citizens.

To the European Union and its Member States

- European Union members states should-in a coordinated effort-instruct diplomats at their embassies in Damascus to attend the ongoing security court trials and observe the proceedings, in order to ensure that there is an international presence and some measure of transparency at these sparsely attended but important trials. Such a gesture will send a strong signal to the government about the EU's concern about the criminalization of peaceful political activity in Syria. Because the brief trial sessions for any group of defendants are spaced months apart, the Damascus-based diplomatic community is particularly well-suited to carry out full trial observation, from the first investigation session to the concluding sentencing session.

- The European Commission should, through its Permanent Delegation in Damascus, initiate monitoring of the ongoing security court trials, and should, on a regular basis, report back to the relevant Directorate Generals on the proceedings.

- Human Rights Watch urges the European Council of Ministers and the European Commission to seriously consider the recommendations in this report, and calls upon the Council and the Commission to present a progress report on human rights in Syria to the European Parliament, in accordance with the commitment made by the Commission during the debate on the Fourth Protocol on financial and technical cooperation with Syria in December 1993.

- On a bilateral basis as well as in appropriate European Union fora, members states should press for the adoption of the recommendations in this report in discussions with Syrian government officials, particularly in advance of the November 1995 meeting in Barcelona that will be attended by foreign ministers from all European Union countries and twelve Mediterranean states, including Syria.

- Members states should show restraint in arms-export policy toward Syria until the Asad government makes measurable progress on the recommendations in this report. Human Rights Watch makes this recommendation based on the common criteria for arms exports agreed to by the European Council in its Declaration on Non-proliferation and Arms Exports issued at its 1991 Luxembourg meeting and in the conclusions of its 1992 Lisbon meeting. These common criteria include the respect of human rights on the part of the country of final destination.

INTRODUCTION

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-Member of an unauthorized political group. Human Rights Watch interview, Damascus, March 1995.

"We did not choose secrecy. It was forced on us by the absence of freedom and democracy."

-Member of an unauthorized political group who was tried by the security court. Human Rights Watch interview, Aleppo, April 1995.

Trials of admitted and suspected members of unauthorized political groups continue before the Supreme State Security Court because the Syrian government will not tolerate peaceful political dissent and permit opposition political groups to operate legally. In interviews with Syrians across the country between March 1995 and May 1995, we heard repeated complaints about the lack of political freedom in Syria and the authoritarian nature of the rule of president Hafez al-Asad, who has exercised complete power since 1970.

Syria's seventeen million citizens continue to live under emergency law. The state of emergency was declared on March 8, 1963, and is still in effect. Emergency law empowers the prime minister of the republic, acting as the martial law governor, and the minister of interior, as deputy martial law governor, to arrest preventively anyone suspected of endangering public security and order; and to authorize investigation of persons and places at all times, and to delegate any person to perform these tasks.¹ These broad powers have been exercised by various branches of the security apparatus, which for decades have arrested, detained, and interrogated under torture thousands in Syria without any form of judicial oversight. "Neither the constitution, nor the legislature or any person, envisioned that [the state of emergency] would last for more than thirty years, that it would include the entire country, and that implementing the emergency regulations would suspend the constitution itself, as well as other laws," a Syrian lawyer wrote in a defense statement submitted to the security court in 1993.

In conversations with Syrians around the country, we heard dozens speak out with surprising frankness about the Asad government. They lamented the systematic dismantling of Syria's once-vigorous institutions of civil society, which culminated with the suppression of independent professional associations in 1980. They also expressed nothing but bitterness about one-party rule under the Arab Ba'th Socialist Party.

The Syrian constitution grants every citizen the right to free and public expression of his or her opinion.² The constitution also provides for the right to participate in political life and states that "[t]he law shall organize this participation."³ But, as Syrian lawyers are quick to point out, there is no law by which political parties can seek legal status. "There is no legal political opposition. The regime is not built on freedom for political parties, but on the dominance of one party and the parties aligned with it in the [National Progressive] Front," one prominent Damascus lawyer told us, echoing the sentiments of many other citizens.

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National Progressive Front, a grouping of six smaller political parties which are subservient to the Ba'ath in every important respect.⁴

The preamble to the constitution states that the Arab Ba'ath Socialist Party leads the National Progressive Front, and adds that the Front "has been established in a developed framework satisfying the needs and interests of the people and oriented to make of the masses...a unified political organization."⁵ It is the absence of legal political options outside the framework of the Front that constrains meaningful participation in public affairs. "If a person wants to work in politics outside the parties of the Front, he will be under surveillance, accused of a crime, tried by the security court, and sentenced harshly," a lawyer remarked. "If a person writes a declaration against the government or belongs to an illegal group, he is accused of conspiring against the security of the state. As lawyers, we know that this is a violation of international human rights guarantees."

Many Syrians are dismissive about the political parties that joined the Ba'ath Party in the Front. Dr. Ahmad Favez al-Fawaz, a sixty-one-year-old physician who was arrested in 1980 and sentenced to fifteen years by the security court in 1994, put it this way in the written defense statement that he submitted at his trial:

There are no more truly active organizations in the country on the political level. Even the ruling party itself remains only a shell of a party, while it is in fact one of the propaganda systems that serve the regime....The National Progressive Front is not in any way a decisionmaker, and it constitutes one of the examples of the deprivation of the public's political rights. The member parties of the Front have signed with their own hands to give up the right of independent political activism, for the purpose of becoming part of the decoration and property of an authority that does not have a future.⁶

A lawyer in Latakia, the home province of Hafez al-Asad, emphasized that the six parties participating in the Front with the Ba'ath "give the image of political pluralism" without any semblance of substance. "These parties are not even registered or licensed. They can only distribute their newspapers to members and friends, and cannot sell them to the public," he said.

A senior figure in one of the political parties in the Front, who asked not be named, conceded to us that his party's newspaper is unlicensed and restricted. "Journalism is in the hands of the government," he said. "Political parties have their own papers, but these are not official newspapers. Ours is printed and distributed openly, but it cannot be sold in kiosks. It is the same thing with our magazine." He added that the lack of a license for these publications brings with it other problems. "Print shops will not print anything that is not approved by the security apparatus. When we want to print, the secretary of the Front must review [the publications]." As we continued to talk, he admitted that the political parties in the Front are limited in their ability to criticize: "We are not an opposition party. We participate in the government. This gives us certain responsibilities. There is a margin, and we have some

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Syrians now in their forties, fifties and sixties remain deeply affected by the accumulated effects of several decades of one-party rule and the extinguishing of the country's nonviolent political opposition. "Over a period of twenty-five years, this clique of military rulers has changed the structure of our society," said a resident of Latakia. "People should be free to oppose, to criticize. This is what human rights means to me. I am lost. I don't believe in anything," a university professor in Damascus told us with deep sadness.

"Political activity in the country has been crushed, and every family in Syria has been touched by this," said an engineer who maintains links to opposition politics but only in the most clandestine manner. "Because there is no political activity, there are no political arrests now. But if opposition opinions and activities are not allowed to exist in this country, it means that there are no human rights," he argued, a point made by other Syrians whom we interviewed. "We no longer have institutions of civil society," a lawyer in his sixties said. "Even the professional and scientific syndicates, which had been independent, now are part of the system. There is no right to assembly and expression, no right to work politically."

Syrian government officials took sharp exception to these views. They emphasized that the country is free from the political violence that is wracking other states in the region, such as Algeria and Egypt. "The truth is that we live in security and stability in Syria," newly appointed Minister of Justice Hussein Hasoun told us. "We are proud that the rights of the citizen are protected and that his liberties are guaranteed by law. I think we have been misjudged by these [human rights] organizations that try to misrepresent reality."⁸

Minister of State for Foreign Affairs Naser Qadur acknowledged that some rights are not enjoyed fully, but he stressed that Syria is still in a state of war with Israel and that part of Syrian territory is occupied. "We have to enforce some restrictions [on rights] to ensure the stability of the country and the health of society. We are dealing with occupation and aggression, and we are trying to protect our society." The minister also said that, given the continuing state of war with Israel, emergency law "is not a shame. But maybe the applications are creating the abuses. The president stressed before parliament more than once that emergency law must be applied within the narrowest of limits and with great care."⁹

Minister of Interior Muhamed Harba said that he had "forgotten" about the emergency law because it has been in force for so long. "Every state has the right to invoke emergency law....Emergency laws are justified when you are in a state of war. When the state of war is gone, then the reasons for the emergency laws disappear."¹⁰

Many Syrians see the situation differently, but very few dare to speak out about it. One who did is Salim Khair Beik, a politically independent engineer who was detained without charge for twelve years because of a speech he delivered in April 1980 at a meeting of the engineers syndicate in Damascus.¹¹ In his trial before the security court in 1993, Khair Beik made a plea

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... fear of any repressive actions. Or is democracy the right of supremacy of one party [over a country], or is it the right of the opposition to exist, be active, and supervise the ruler on the basis of a correct constitution and law? ... Sirs, If I am in a dream, wake me up.¹²

A defense attorney made a similar broad appeal for the restoration of human rights in Syria in a written defense statement that he submitted to the security court in 1993. He argued that the national interest required the following:

[T]erminating the state of emergency, ensuring general freedoms, security the rule of law and the independence of the judiciary, cancelling the emergency laws and courts, releasing political prisoners, stopping torture and ill-treatment of prisoners, and legislating a modern law for [political] parties that guarantees the participation of the citizens in running the affairs of the country.

Through the continuing use of harsh measures against political activists-including torture, long-term detention without charge, lengthy prison sentences by the security court, and continuing pressure and punishment on prisoners after release-the Syrian government has made the price of political opposition extremely high. "The campaign of repression against political parties has created a state of horror among citizens," observed a critic who lives in Aleppo and was himself a political prisoner for many years. The main problem, according to another veteran political activist, is that "the weapon against political work still stands. The threat of detention remains a fact of life." But, he added, "we have to attempt to bring back politics into this society."

1. THE SUPREME STATE SECURITY COURT: OVERVIEW

"Presiding judges! The name of your court implies partiality to one side against the other: it is the `state security court.' Here I ask: Where is the individual's security? Who establishes his rights against the state in this case?"

-Excerpt from the written defense statement submitted to the security court in 1993 by Salim Khair Beik, a forty-six-year-old engineer who was detained without charge for twelve years.

"I told the court that I am a member of the party. I feel that it is our right to exist."

-Akram al-Bunni, thirty-nine years old, detained since 1987 and now on trial for membership in the Party for Communist Action, an unauthorized political group. Human Rights Watch interview in the state security court, April 1995.

In 1992, Syrian authorities began to try hundreds of political activists, suspected members of unauthorized political groups, and independent critics of the government before the Supreme State Security Court (mahkama 'amn al-dawla al-'alia, in Arabic), an exceptional

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been held for many years without trial. It was the prosecution of human rights activists from the Committees for the Defense of Democratic Freedoms and Human Rights in Syria (CDF).¹⁵ They had been arrested in late 1991 and early 1992, and ten of them were sentenced in March 1992 to prison terms ranging from five to ten years, which effectively caused the collapse of a nascent independent human rights movement inside Syria.

In other trials that followed, ten- and fifteen-year sentences for non-violent political activists were not uncommon. As explained below, these individuals were convicted of vague and overbroad offenses, spelled out in the penal code and the emergency law, that essentially criminalize peaceful freedom of expression and association. One prominent Damascus lawyer explained the lengthy sentences this way: "It is according to the logic of the state. These people are used as examples so that others will not get ideas to do the same thing."¹⁶

In many cases, the sentences handed down by the court have not resulted in long terms of imprisonment because those convicted had already been detained for an amount of time equal to, or longer than, their sentences. Nevertheless, the extensive periods of detention prior to charge and trial-without any form of judicial review-have left many sentenced prisoners embittered by an extreme sense of injustice.

"It was ten years, three months and twenty-three days before I was put before this court," one former prisoner told us.¹⁷ Some detainees had been held without charge since 1980, and were not sentenced until 1994.¹⁸ "Others were in detention for seven years before being brought before the security court. In my group, they created new [security] files for us so we could be brought to the court," said a political activist who had been held since 1986 and whose prosecution did not begin until 1992.¹⁹

During the years that these detainees were held without charge, they never had the opportunity to challenge the lawfulness of their detention, as required by Syria's obligations under international law.²⁰

Legal Authority and Procedures

The security court's legal authority is derived from Decree Law No. 47 of 1968, which replaced the exceptional military courts, created by decree in 1965, with the state security court. This law exempts the security court from the rules of procedure followed by regular Syrian courts:

The right of defense as prescribed in relevant laws notwithstanding, state security courts are not required to follow judicial procedures stipulated in these laws during any of the phases of investigation, interrogation and trial.²¹

The power of review and ratification of the verdicts of the security court rests with the

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decisions of the state security court cannot be appealed to a higher tribunal, as required by the International Covenant on Civil and Political Rights, to which Syria acceded in 1969.²²

Defendants are referred to the court by various divisions of Syria's security apparatus.²³ According to one experienced lawyer who has represented clients before the court, each referral— which is in the form of a martial order, pursuant to emergency-law powers—is signed by the minister of interior. "The minister signs every paper he receives from the security people—he really doesn't make the decision," the lawyer said.²⁴

Once a detainee has been referred to the security court by a martial order, he or she faces a series of sessions before judicial officials. The first step is questioning by the state security prosecutor, which does not take place with a defense lawyer present. "When the detainee is brought from the security forces, the prosecutor interrogates him and decides whether to [press charges]. In ninety-nine percent of the cases, he presses charges and the case is given a number," one lawyer told us.

This is followed by questioning by the investigating judge (qadi al-tahqiq, in Arabic). According to lawyers, this session also takes place without a lawyer present. After this, the trial commences in one of the court's two chambers with a series of consecutive sessions—questioning, prosecution, defense, and sentencing—that typically are spaced months apart at minimum. The three-judge panel in each chamber includes two civilian judges and one military judge, all of them appointed by President Asad.

The president of the court, Justice Fayez al-Nouri, presides over one chamber and Justice 'Adil Mini presides over the other. Justice al-Nouri said that Justice Mini's court is in session on Saturdays²⁵ and Mondays, and that his own court convenes on Sundays and Tuesdays. "We are not a secret court....The trials are public," Justice al-Nouri told us last year.²⁶ He said at that time, and again in 1995, that court sessions take place in the presence of lawyers, with all the rights of the defense respected.²⁷ As discussed in Chapters Two and Three, we found that this has not been the case.

Criminalization of Peaceful Political Activity

Former and current political prisoners, and their relatives, emphasized that peaceful political activists have been severely penalized—in some cases, detained for up to twelve years without charge or judicial oversight—because the government does not tolerate political dissent and there is no legal mechanism for organizing opposition political parties.

Syrian lawyers agreed, and stressed that defendants were being prosecuted by the security court for exercising their most basic rights, including the right to free association and the right to hold and express political ideas. One lawyer told us that he had practiced before the court only as a gesture of solidarity with "prisoners of opinion, even though I am personally opposed to their political views. I did not hope for or expect justice." He added: "I witnessed

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he was a member of an unauthorized political party. The defendant was charged with “opposing the goals of the Revolution by holding meetings, provoking disturbances, and spreading false information for the purpose of shaking the confidence of the masses in the aims of the Revolution.” His defense lawyer argued, in a written statement submitted to the court, that the charge was based on only one piece of evidence that the prosecutor had presented to the court: a political leaflet, dated January 1991, found in the defendant’s home that criticized Syria’s participation in the U.S.-led military alliance that was created after Iraq’s invasion of Kuwait in August 1990. “The order charging my client did not differentiate between the goals of the Revolution and the daily political positions of the regime,” the lawyer argued. “Even if this law [opposing the goals of the Revolution] was legitimate, hypothetically, it calls for the conviction of those opposing the goals of the Revolution and not the daily political positions [of the regime].”

In a written defense statement submitted to the security court in 1992 on behalf of his clients, another lawyer wrote the following: “The Ba’th Party was established to fight injustice and oppression....Citizens have the right to criticize and oppose this party, or any party they dislike.” He argued that “the right to political and intellectual activism is a natural right,” and cited the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR), reminding the court that Syria acceded to the ICCPR in 1969. The lawyer’s statement continued:

In 1973, the Syrian constitution granted all political freedoms in Article 26 and the articles that followed it. And although Article 8 of the constitution made the leadership of the society and the state a monopoly of the National [Progressive] Front under the leadership of the Arab Ba’th Socialist Party, it did not make political activism the exclusive prerogative of the [Front]. This leaves the space for every citizen to exercise his political rights and obligations fully, as an individual or part of a group within an organization or a party....No government or party or front or revolution has the right to withhold the right of political activism.²⁹

The state security court prosecutor, Justice ‘Ali Abdu al-Dhahir, presented a different view. He told us that defendants brought before the court are individuals who have engaged in anti-state activities with the aim of overthrowing the government. He insisted that no one was prosecuted for political criticism alone, but that cases before the court involved “enemy organizations working to overthrow the government.”

As the prosecutor continued speaking, however, he expanded the definition of an enemy organization: “We have a Front system which includes all political parties. Whoever is working [politically] outside the [National Progressive] Front is working against the state.” We asked the prosecutor about defendants who argue that they had no choice but to conduct their political work illegally, outside the seven-party Front, because there is no process in Syria for opposition political parties to obtain legal status. “We turn it back on them,” he replied. “The system here is built on many political parties. Not one party rules the country.

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prison were with groups that committed violence or are calling for a violent overthrow [of the government]. There is a very clear charge for this: belonging to an organization with a political mandate to use violence to encourage people or encourage soldiers to overthrow the government.

We do not charge people for criticism only, but for belonging to a political organization that has as its sole aim to overthrow the government by means of force...We do not put people in jail for their beliefs. We put them in prison for belonging to terrorist organizations.³¹

Most defendants tried before the security court have been charged with one or more of the following overly broad offenses:

- The felony of "opposing any of the goals of the Revolution, or obstructing these goals through committing demonstrations, assemblies, or conducting disorderly acts, or inciting them, or publishing false information with the aim of causing disorder and shaking the confidence of the masses in the aims of the Revolution," pursuant to Article 3(e) of Decree Law No. 6 of 1965.
- The felony of membership in a secret organization "created to change the economic or social structure of the state or the fundamental fabric of society," pursuant to Article 306(1) of the Penal Code.³²
- The felony of "actions held to be incompatible with the implementation of the socialist order in the state whether they are written, spoken or enacted, or come about through any means of expression or publication," pursuant to Article 3(a) of Decree Law No. 6 of 1965.

According to lawyers, hundreds of defendants have faced these vaguely formulated accusations. "These provisions are so broad that they can be applied to anything. You can even be tried because of physical gestures, such as pointing," said one lawyer. He told us about the case of Bahey Yacoub, which was being handled by another lawyer. Yacoub, an accountant in his forties from Hasakeh in northeastern Syria, was arrested three years ago. His sister was found with the newspaper of an unauthorized political group and was detained for one week. When she disclosed that she had received the paper from her brother, he was arrested. The lawyer said that the case was scheduled to be heard by the court in April 1995.³³

In a 1993 written defense statement to the court, one lawyer criticized the lack of specificity in the statutes used to charge and convict defendants:

Among the characteristics of a penal law is the precise specification of the actions that are considered crimes, and that linguistic interpretation is the only kind of interpretation that can be used [to explain and understand these laws]. Decree Law No. 6, on the other hand, is general and unclear, containing sentences such as: "actions that are incompatible with the

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implementation of the socialist order, whether through written or spoken or any other means of publication or expression.

Lawyers also noted that although some defendants have confessed to membership in unauthorized political groups, neither the intelligence services nor the prosecutor produced evidence that these groups were terrorist organizations using violent means, as defined in Article 304 of the penal code. "The accusation is the same for people of different political points of view: membership in secret organizations with the aim of overthrowing the government by force," one lawyer told us. "But this accusation does not apply to them because one of the conditions must be weapons or the use of other violent means," he said, referring to Article 306(1). "These people are calling for democracy and do not advocate violence. Another accusation is working against the aims of the Revolution, which are unity, freedom and socialism. These people are trying to achieve the aims of the Revolution with discussion and publications, not weapons. The court did not take this defense into account," the lawyer said. He said that no evidence was produced about the use or planned use of weapons by defendants who have faced these charges.³⁴

The state security prosecutor disputed this. He told us that the evidence against defendants includes "documents we find on them proving [planning for violent activity at a future date], things we confiscate in their homes, confessions, and the testimony of others."³⁵

Prisoners being tried by the security court also vigorously challenged the prosecutor's claim that violence is a feature of the political agenda of their organizations. One of them, who has been detained for over two years and is charged with membership in the Party for Communist Action, wrote the following in a note handed to us in the courtroom:

Let it be known to you that the Party for Communist Action is a party of opposition in opinion only-there is no military organization or anything of that type.³⁶ And I do not belong to the party-all there is to it is that I gave services to the party because it defends human rights and demands freedoms and democracy and this is an issue which interests me as a citizen and a human being.³⁷

Akram al-Bunni, a former medical student from the city of Hama who was arrested in August 1987, admits that he is a member of the Party for Communist Action.³⁸ Despite almost eight years in detention, he remains an unrepentant political activist. "All of us have demanded in front of the court to have a law for [regulating] political life. This is most important," he told us in an interview in the courtroom.³⁹ He said that he informed the court that he is a member of the central committee of the political bureau of the Party for Communist Action:

I told the court that I am a member of the party. I feel that it is our right to exist. I demanded a political party law, and the nullification of emergency law and the security court. I did this in April 1993 in front of the investigating judge, and in the summer of 1993 before the entire court.

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We asked al-Bunni, as a member of the leadership of the Party for Communist Action, to identify the most important human rights issues in Syria. He replied: "Arbitrary arrest without charge. Referrals to courts such as this one. Unjust sentences for political prisoners. The absence of a political party law to regulate political life so that people can give opposition opinions when the authorities make mistakes. Martial law and emergency law, which lead to arbitrary arrests."⁴⁰

Government Officials Comment: No Political Prisoners in Syria

Syrian government officials maintain that no one is arrested for peaceful political expression and association. Minister of Justice Hussein Hasoun told us that there are no political prisoners in Syria: "We have no one in prison for belief or political action. All the individuals in society have the right to be in political organizations."⁴¹ Minister of State for Foreign Affairs Naser Qadur also stated that Syria holds no political prisoners:

We have nothing that may be called political prisoners, prisoners of conscience, or prisoners because of religion. We imprison people because they commit crimes that are punishable by law. We have no prisoners without an accusation. Whoever uses politics to incite violence, hurt society ... this is a person that we would imprison. Yet, headlines come out saying that we have political prisoners.

Minister Qadur stressed that no one in Syria is arrested "for simply voicing an opinion," but because they are accused of committing or inciting violence. The people who are punished are those "who hurt the stability of society," the minister said.⁴² "No one is imprisoned in these [security court] cases unless they have used violence or called for violence," Minister of Interior Muhamed Harba claimed.⁴³ Yet, as Syrian defense lawyers told us repeatedly, prosecuting authorities have presented no evidence to the court to substantiate the allegation that defendants have been involved in violence or the planning of violent acts.

Harsh Sentences and Continuing Trials

Security court verdicts have been harsh. Fifteen-year sentences recently handed down by the court could keep some political and human rights activists imprisoned until the year 2002. We received information from sources inside Syria about security court verdicts in 1993 and 1994 for seventy-six defendants accused of membership in the Communist Party - Political Bureau, the Party for Communist Action, and the pro-Iraqi Ba'th party. In this group of defendants, almost half of them (thirty-five) were sentenced to fifteen years, and less than 10 percent (five) were found innocent by the court. Over 30 percent (twenty-three) were sentenced to prison terms of ten to fourteen years, and 17 percent (thirteen) received sentences of four to eight years.⁴⁴

It is widely believed in Syria that the lengthy sentences are intended not only to punish

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engineer who is a critic of the Assad government.⁴⁵

Trials continue before the security court, albeit at an extremely slow pace for each individual defendant. Ten or more prisoners may be brought to the court on any given morning, yet there was no session that we observed that lasted over two hours. Most sessions of the court were much briefer, and defendants typically spent no more than a few minutes in front of the judges.

Magid Hubbo, one of the defendants we met in the courtroom, was arrested in Aleppo by Political Security in March 1983, when he was twenty-four years old and completing his compulsory military service. He was held without charge for nine years in the central jail in Aleppo. His trial was still in progress as of late April 1995.

In addition to the ongoing trials of political detainees who have been held for years without charge, the court is also prosecuting Syrians who have been arrested more recently—in 1992 and 1993. A university student accused of membership in the Party for Communist Action told us that he was arrested in November 1993 when a force of about fifteen armed security men dressed in civilian clothes stormed his house at three o'clock in the morning. After a search of the house that “created terror,” the student was brought to the Palestine Branch of Military Intelligence and tortured. He is currently in Adra prison. We interviewed him briefly at the security court, where his trial was still in progress as of late April 1995.⁴⁶

International Standards

The overly broad provisions in Syria’s penal code and emergency law that are used to charge and convict defendants in the security court constitute violations of the internationally accepted standard of due process. An individual accused of a criminal offense has a right to know with certainty what conduct is considered criminal. Statutes with vague language—such as Decree Law No. 6, which makes it a felony to engage in “actions incompatible with the implementation of the socialist order”—are an invitation to arbitrariness because of the lack of specificity to the criminal charge. Such statutes are contrary to the guarantees in the International Covenant on Civil and Political Rights.⁴⁷

Other statutory provisions used to charge and convict defendants infringe upon the internationally recognized rights of free expression, free association, and peaceful assembly.⁴⁸ Such provisions include Article 3(e) of Decree Law No. 6, which criminalizes the publishing of “false information,” opposition to “any of the goals of the Revolution,” and obstruction of the goals of the Revolution through demonstrations or assemblies.

2. SYRIAN LAWYERS CONDEMN THE SECURITY COURT

“It is a security committee following orders, not a court.”

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violates international human rights fair-trial standards. They noted that, as an exceptional tribunal, the court is exempt from the rules of criminal procedure and evidence that apply during the investigation, prosecution and trial proceedings in ordinary courts. Lawyers have not been guaranteed access to clients prior to trial, and trial proceedings begin before lawyers have had an opportunity to see the case files. Lawyers have also been denied the opportunity to engage in oral defense on behalf of their clients, and must content themselves with submitting written defense statements to the court. The court convicts defendants based on confessions taken under torture or other forms of duress. The court's verdicts cannot be appealed to a higher tribunal. "The president of the Supreme Constitutional Court [Nasrat M. Haydar] is one of the best judges in Syria," an experienced Damascus lawyer said. "Several years ago, he gave a lecture at the Ministry of Justice and said that the security court is unconstitutional and should be dissolved."⁴⁹

In a written defense statement to the court in 1993, one lawyer summed up the views of many of his colleagues by arguing that the court was illegitimate because it violated the Syrian constitution and international human rights standards:

The Supreme State Security Court is an exceptional one, based on the announcement of the state of emergency, and cases are transferred to it by martial orders....It does not provide sufficient guarantees to the suspect [for a fair trial] because the powers to prosecute, interrogate and charge are merged in one power, while they are separate in the regular justice system. The decisions of your court cannot be appealed, and are authorized by the [executive branch], and this contradicts the principle of an independent judicial system.

It also contradicts the principle of equality among citizens, because those who are referred to the regular system have more guarantees and better chances than those who are referred to the exceptional system. This situation violates the constitution that has guaranteed the right to appeal, the independence of the judiciary, and equality among citizens.

Syrian government officials avoided characterization of the security court as an exceptional tribunal, despite the clearly exceptional provisions of the law that sets out its procedures. "We are not any different from a regular court," court president Fayeze al-Nouri told us in April 1995. Minister of Justice Hussein Hasoun made the same point, stating in an interview that the security court "is controlled by the same procedures as regular courts."⁵⁰ Syrian lawyers disagreed with such claims, and the court's practice and its foundation in law supports the views of the lawyers.

"The president of the court does not understand the law, or anything else," said a prominent Damascus lawyer with undisguised scorn. Another attorney expressed disgust at the court's procedures: "I participated once and never did again. The court takes its verdict as it wishes. The rules of evidence are not used, and the sentences are excessive in relation to the accusations." A lawyer who has represented over 150 clients before the security court, all of

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The sentences are signed by the minister of interior. If the government is the prosecutor and the reviewer, it is hopeless. The court did not examine our defenses at all.⁵¹

Other lawyers also expressed nothing but contempt for the security court, and said that defendants were being prosecuted solely for their political ideas. One lawyer put it this way:

The presence of a lawyer does not make a difference in this court. It is not a neutral court. The judges are with the ruling party. The sentences are completely arbitrary: one person might be acquitted, but someone else, with identical charges, is sentenced to fifteen years in prison.⁵²

Lawyers also complained about the security court's decision to rule out oral defense. "We asked the president of the court for the right of oral defense," one lawyer told us. "He apologized and said that verbal defense would mean longer trials. He asked us to be satisfied with submitting written defense statements." This lawyer, who had attended about one hundred sessions of the court, involving twenty to thirty cases, said that he spoke to the judges only one time, on a narrow point involving the statute of limitations.⁵³

"These are not real trials," another lawyer remarked. "I told my clients that there are no guarantees for the rights of the accused, according to the law that organizes the court. And if the verdict is unjust, there is no hope of changing it because there is no right of appeal."

Lawyers indicated that defending their clients before the court was a meaningless gesture. "The security court is a political court. People are being put on trial for membership in political parties. The court's verdicts are political. The court did not take our defenses into account," one remarked. "The Party for Communist Action did not use or incite the use of violence. Members of the party have been detained for years but not one of them has been accused of carrying weapons," said another lawyer who has represented members of this unauthorized political group before the court.⁵⁴ Other lawyers we interviewed made similar comments about the lack of evidence to support charges of violence or incitement to violence.

The brief 1992 trial of the human rights activists affiliated with the Committees for the Defense of Democratic Freedoms and Human Rights in Syria (CDF) was widely viewed as unfair. One lawyer who attended all of the sessions said this:

I saw that the court did not apply the law properly. They should not have been convicted to such long terms. They confessed that they distributed material and that it was their right to do so as human rights activists. I said that this was a right of theirs and did not violate the law. The court said that the distribution of this material was evidence that they belonged to a secret organization that was acting against the security of the state. The trial lasted about one month. After this, I stopped going to the court.⁵⁵

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Kurdish defendants argued to the court that the defendants “were interrogated while they were alone, in the absence of an attorney who could stand by them and defend them.” The lawyers noted that these defendants had been subjected to “harsh interrogations, including physical and psychological torture, and abusive treatment to force them to confess to committing acts that they did not commit.”⁵⁶

One lawyer who has stopped participating in the trials criticized the lack of access to clients. He told us:

No [defendant] can see a lawyer before he goes to court. The court will not give permission for lawyers visits until the trial. Lawyers attend the first session of the court without having seen the [client’s] file. All that is in the file is the confession taken by the security apparatus, which is often altered.

He mentioned that in a 1993 defense he argued that a client’s statement to the state security prosecutor should be thrown out because there was no legal counsel present. “The prosecutor wrote what he wanted, and my client was forced to sign,” the lawyer said.⁵⁷ Other lawyers who had practiced before the court also said that they had not been given access to defendants’ files until the second session of the full court.

Torture, Reliance on Coerced Confessions, and Lack of Evidence

Syrian lawyers readily acknowledge that the torture of detainees held in the custody of security forces is a longstanding pattern of abuse in Syria, and that confessions extracted under torture are used by the security court to convict defendants. One lawyer explained that in a regular criminal trial in Syria, the confession is only one aspect of the evidence but cannot alone be used to determine a defendant’s guilt. “The security court relies on confessions only. The confession is used as evidence that a crime has been committed,” he said.⁵⁸ As discussed in Chapter Four of this report, lawyers also noted that the court does not investigate defendants’ allegations of torture.

In drawing up charges against defendants, the prosecutor often relies on intelligence reports prepared by various branches of the security apparatus, lawyers claim. Such reports may include fabricated testimony from those accused. In one written defense statement to the court, lawyers made the following argument:

[T]he charge sheet mentioned that the initial testimonies of the clients “were connected and symmetrical in describing the events.” It seems that the general prosecution did not look closely when reading these initial testimonies because they were not only connected and symmetrical, but literally identical.

We would like to draw the attention of the court to Question Six and the answers of the

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given by one person who is certainly not one of our clients. This is where the connection and symmetry came from. The answers were fabricated and cannot be considered trustworthy. Based on that, our client's denial of these statements is not to escape punishment, as the prosecution claimed, but rather to deny statements that were not made by them.⁵⁹

Lawyers also told us that sometimes charges are simply baseless, with no evidence produced to support the prosecutor's case. One lawyer stressed in a written defense statement to the court that no evidence had been presented to support the charges that his clients belonged to a secret organization and had spread false information:

During all the interrogations that were conducted by the security services, the general prosecution, and finally after the administrative questioning, the defendants were not proven to be members or to have been members of any party...the documents of the case provide no evidence that supports these allegations.

The documents did not include any evidence of spreading false information. We also do not find any evidence that can help the honorable prosecution regarding this allegation, and this allegation, therefore, also remains a claim with no evidence to support it.⁶⁰

Another lawyer, in a 1992 written defense statement, similarly argued that no evidence was produced to support the charges against his client: "There is no incriminating evidence against him in any document or testimony that was presented in front of the...court."⁶¹ A group of lawyers who presented a defense statement to the court in 1994 wrote that "no evidence was presented" to substantiate the prosecution's claim that their clients belonged to an unauthorized political party, and that "no evidence was presented to prove that all the defendants distributed and posted a [political] leaflet, which is the subject of this case."

Defendants Protest, and Defense Lawyers Withdraw

After the trials started in 1992, some defendants accused of membership in illegal political groups began to submit notes of protest to the court. Taysir Hasoun, who was arrested in June 1989 in Latakia by Political Security, criticized the court along with other defendants accused of membership in the Party for Communist Action. "They wrote a note to the court one and a half years ago about torture and the fact that there was no evidence against them," an informed source reported.⁶² The note also stated that the court was unconstitutional and protested the lengthy prison sentences that were being imposed on other prisoners. "Taysir was in detention for three years, and then the court [proceedings] went on for three more years," the source said. "At court, they tried to present their own defense. They were not listened to by the judge, and were told to shut up and go back to their places."⁶³

According to the source, Hasoun was finally sentenced to an eight-year prison term and deprived of his civil rights. He was accused of reading an illegal newspaper and membership

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1993 some of the sixty political prisoners in Wing Number Two presented a protest note to the security court. Terming the court illegitimate, they called for the cancellation of the emergency law, referral of political prisoners to open civilian courts, and a law to legalize and regulate political parties, among other demands.⁶⁵ One prisoner at Adra mounted a six-day hunger strike on November 28, 1994. He told us: "I demanded to be referred to a civilian court and to be treated as a political prisoner in the jail."⁶⁶

It was protests such as these by defendants themselves, coupled with the lengthy sentences being handed down by the court in 1993 and 1994, which were widely regarded as unjust, that prompted the initial group of experienced attorneys to withdraw from participation in the trials.

"When the security court began to try large groups of defendants [in 1992], many lawyers participated in the defense work. But because of the [long] sentences that were given, we felt that our presence was helping to legitimize the government's claim that the security court is really a court," one lawyer told us. "Defendants felt after a while that lawyers were ineffective and legitimized the court, and asked us to withdraw. Since these verdicts were passed, we stopped accepting cases," said another attorney who has practiced law for over thirty years. "After this, the court asked the lawyers syndicate to appoint defense lawyers, free of charge. These lawyers have no experience and their defense is weak. They would not dare say what I would say in my defense."⁶⁷

The Appointed Lawyers

At the courthouse, we spoke with several appointed lawyers, who responded to us more as defenders of the court than as advocates for their clients. One of them said that he started to represent defendants two years ago, and he had only high praise for the security court.

"This court is better than other courts," he claimed. In sharp contrast to the reports of other lawyers, he said: "All our demands as lawyers are met. The presiding judge has given us complete freedom to say what we want." He added that defendants are sentenced "after deep thought and very accurate study." He cited the case of Nashat Tu'meh, a lawyer accused of membership in the Communist Party-Political Bureau, who he reported was released by the court on March 25, 1995. He said that Tu'meh had been arrested six years earlier and was charged in 1992. "His twelve-year sentence was reduced to six years because he showed a desire to live within society's regulations," the court-appointed lawyer said.

The lawyer also informed us that in several day's time he would represent ten defendants, all of them charged with belonging to a secret political organization. We asked him when these clients had been arrested and he said that he was not sure. "Some two or three years ago, some longer," was the only information he provided. When we asked the lawyer to describe what would be happening with these clients at the upcoming court session, he was vague:

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represented. We had interviewed Haroun briefly when he appeared in the courtroom on April 4, 1995 and whose session was postponed that day until June 1995. "I am not sure. I have not looked in the file," was his response. We then asked why Haroun had been arrested. "He was practicing criminal activities against his country," the lawyer replied.⁶⁸

On April 18, 1995, we identified ourselves and attempted to speak with another lawyer who said that he was defending three Syrian Kurds who had been brought to the court that day. When we began to ask the lawyer questions in front of his clients, he turned to a uniformed security forces officer who was standing within earshot and asked: "Do you want us to give them the information?" The lawyer told us that he did not know when his clients had been arrested and said that he needed permission of the court to answer our queries.

One prisoner we interviewed was completely dismissive of the appointed lawyers who were in the courtroom one day in April 1995. "These are men of the authorities," he said.

Views of the National Lawyers Syndicate

Lawyers in Syria who took exception to the views of the independent lawyers we interviewed included officers of the National Lawyers Syndicate. At a meeting in the association's headquarters in Damascus, Mu'awiya at-Taba', the secretary general of the syndicate, denied that the security court was prosecuting individuals imprisoned for expression of their political beliefs. "We do not have any political crimes in Syria. There are cases of a political nature before the state security court, but the crimes for which suspects are being tried are crimes of violence. There are no political detainees or prisoners in Syria."⁶⁹

The syndicate leader's remarks were identical to those of high-ranking government officials whom we interviewed in 1994 and 1995. The syndicate has lacked independence since April 9, 1980, when the Council of Ministers dissolved all professional associations in Syria, and new officers and executive councils were appointed.⁷⁰

3. INSIDE THE COURTROOM

"This was supposed to be our defense [session]. We do not know what is happening. Our defense is by lawyers we do not know. This is not a court. No one came to us. No one spoke a word to us."

-Defendant on trial in the state security court. Human Rights Watch interview, April 30, 1995.

Defendants prosecuted in the state security court are denied their right under international law to a fair and public trial by a competent, independent and impartial tribunal.⁷¹ Nor do defendants have the right to appeal their convictions and sentences to a higher tribunal,

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lawyers prior to trial, others did not have lawyers, and some were represented by counsel not of their own choosing. The court showed no interest in complaints by defendants who said that they had been tortured and their confessions were coerced. The president of the court at times displayed a clear lack of impartiality and did not afford some defendants the presumption of innocence. Some key stages of certain trials—including the presentation of evidence by the state security prosecutor, and the defense—took place behind closed doors, without the defendants themselves present. And, as discussed in the previous chapter, appointed defense lawyers appeared to have divided loyalties and did not represent themselves as vigorous advocates for their clients.

We first attended a session of the security court on April 4, 1995. Eleven defendants—all of them men—were seated together on a small, slightly elevated platform enclosed on three sides by a wooden railing. They were not handcuffed and wore civilian clothes. Less than twenty family members and visitors occupied benches in a small section at the rear of the room, across from the defendants. There were uniformed soldiers in the room, and men in civilian clothes, presumably members of security forces; all of these men remained standing during the proceedings.

In a meeting in his chambers before the trial, Justice Fayez al-Nouri, the president of the court, described the day's proceeding as an "investigation session." He told us that this was the first time that the defendants had appeared before the full court since their arrest in June 1994. In earlier procedures, in two separate sessions, the defendants had been questioned by the state security prosecutor and Justice Abdallah Atalli, the questioning judge (qadi tahqiq), a civilian judge who also sits as a member of the court. According to the president of the court, the purpose of this session was to "complete the investigation." Justice Atalli told us that he had questioned the defendants one month earlier. "Today, they will be questioned about the charges [by the president of the court]. The prosecutor has no role today," he said.

When the judges entered the courtroom, all the defendants rose and remained standing throughout the session. Court president al-Nouri sat in the center of the bench, with the civilian judge and military judge on either side of him. During the session, only Justice al-Nouri questioned the defendants, referring to and often quoting at length from their confessions in the case file in front of him. The other two judges did not question the defendants and did not have copies of the case file. The civilian judge took notes during the proceedings; the military judge appeared disinterested and did not take notes. The prosecutor, who did not speak during the session, stood at one side of the judges' bench and took notes. Two court stenographers sat in front of the judges' bench, facing the judges. We sat directly across from the judges' bench, with the defendants to our left. Two lawyers sat to our immediate left; neither of them took notes or had any papers in front of them.

One by one, ten of the eleven defendants were called by name and approached the bench.⁷³ They were asked to state their names, place of residence, year of birth, schooling, and profession. Of the ten men who were called to the bench, some said that they were illiterate:

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Each defendant spent less than five minutes before the bench, answering questions posed by Justice al-Nouri. All of them denied the charges against them; three of them told the judge that they had been tortured and that their confessions had been coerced.⁷⁴

"I had an operation because of the torture," Sabri Khalil Ja'far said. Ja'far, from Afrin, a predominantly Kurdish area in northwestern Syria, said that he worked as a tailor and a musician at weddings. He was born in 1967 and has a sixth-grade education. The judge asked him no questions about the circumstances of his alleged torture.

'Ali Abdel Moneim, a repairman from Afrin who was born in 1962 and said he was illiterate, told the judge:

They came at 3:00 in the morning and arrested me. They kept beating me at the division, and I told them anything, just to get rid of them.

The judge then read briefly from part of his confession. Abdel Moneim replied: "I said this after they beat me. What was I going to do to save myself?" The judge ignored this allegation and did not ask the defendant to provide additional information.

Ibrahim Mustafa Khalil, who was born in 1948, also denied the charges against him. When the judge read part of his confession, Khalil replied that he had been beaten and tortured. He told the court that in his confession he had given two names—that of a member of the Syrian parliament and that of his brother, who works abroad—"because I did not want to implicate strangers." Later, Khalil told us that he had been tortured for fifteen days while in the custody of State Security in Aleppo, and that no lawyer was present when he gave his confession.

During this session, we noted that the portions of the confessions read aloud by the president of the court did not at all correspond to the vocabulary and patterns of speech used in the courtroom by the largely uneducated defendants.

When the questioning was completed, the next court session for these defendants was set for May 28, 1995—almost two months away.

No Access to Lawyers

After the session was completed and the judges retired to chambers off the courtroom, we spoke briefly to the defendants. Since their arrest in June 1994, none of the defendants had met with their lawyers. "This is the first time that we even saw our lawyers," one of them said. "But the lawyers have not talked to us yet. No one has seen a lawyer yet." The defendants also said that four of them were still without lawyers.⁷⁵

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northeastern Syria, near the Turkish and Iraqi borders. All five had been arrested on November 18, 1992. The men were being held in Sednaya prison; the woman, Asia Muhammed, twenty-five years old and a sister of one of the men, was incarcerated at Duma women's prison.⁷⁶ She told the judge that her confession was not true. She said that her interrogators "threatened" her and "said that they would bring my father, and he is an old man."

At many points during his questioning of the defendants, Justice al-Nouri did not appear to grant them the presumption of innocence and opted for a prosecutorial approach.⁷⁷ "Tell us when you started belonging to the party," he said to one defendant. The defendant told the judge that he never was a member, merely a supporter. "Didn't you do training in Turkey?" he asked another defendant. "What proof do you have that you no longer supported the party?" the judge asked. This was the second session of the court we attended in which we heard the president of the court mocking the defendants' Kurdish names.

After the court session, we spoke to the defendants, despite the objection of their lawyer, who told them not to speak to us. One of them provided some details about what happened after their arrest. They were first held for one month by State Security in Qamishli, a large city west of Malkya. There, they said they were beaten and tortured. Then they were moved to its Damascus branch and held for another month before being moved to prison. "They are delaying our court sessions," one of them said. "There are people in Sednaya [prison] who have been held for years and years without coming before the court."

Prosecution Sessions behind Closed Doors

Whatever proceedings were held by the court on April 18, 1995, took place behind closed doors. At about 11:40 a.m., we listened as a lawyer informed the three Syrian Kurdish defendants that their next court date was set for June 4, 1995. The lawyer eventually conceded to us that the court session for his clients that morning had not been public. He said that he had met with the state security prosecutor, who read the charges and evidence from the file. "Today was the day that the prosecutor made his demands. These men were brought to the court because they should be brought," the lawyer said. "I told them what happened." He admitted that this proceeding had not been public, but added: "This is an administrative issue. It is not very important. What is important is the defense." He said that he had asked for a delay in the next session, the defense, and told us that this is why the court set the next date for June 4.

According to prisoners we interviewed, defendants have been excluded from other court sessions. "Today was my defense session," one prisoner told us at the court on April 30, 1995. Although this prisoner had submitted a written defense statement, it was not based on an informed response to the prosecutor's evidence and arguments, which the prisoner never heard: "Only the accusations were read to us-opposing the goals of the Revolution, belonging to a secret organization created to change the economic or social structure of the state.

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not hear the prosecutor's statements. It is impossible for five hundred people to have exactly the same charges. I want to hear the specifics.

Additional in camera Proceedings

On April 30, 1995, numerous prisoners were brought to the court in the morning, but we observed no public proceedings that day. When we first entered the courtroom, we observed five men, some family members, and uniformed and plainclothes guards. This group of five defendants, all accused of membership in the Party for Communist Action, did not have a public trial that day, nor were they brought before the judges in an in camera session. One of them told us:

This was supposed to be our defense [session]. We do not know what is happening. Our defense is by lawyers we do not even know. This is not a court. No one came to us. No one spoke a word to us. The lawyers are coming as ghosts.

Another defendant said: "They took the defense of the lawyer administratively." The next court date for this group was set for June 11, 1995-presumably, they believed, the session at which they would be sentenced.

Later, five more prisoners, chained to one another, were brought into the courtroom at approximately noon. One of them, Ahmad Abdallah Bakr, an illiterate shoemaker who was born in 1953 and has four children, was arrested by Air Force Intelligence in Aleppo on December 1, 1992. He is accused of membership in the Kurdish Workers Party.

Our conversation with Bakr was interrupted when guards came and escorted him into Justice al-Nouri's office, which is on one side of the courtroom. After Bakr entered, the door was shut. We knocked on the door. When it was opened, we found Justice al-Nouri seated at his desk, with defendant Bakr's file in front of him. A court stenographer sat to the judge's right. The state security prosecutor, the other civilian judge, and the military judge were seated in armchairs against a wall of windows; neither the civilian judge nor the military judge had files or any writing material. Seated next to these two judges was a man who we later learned was the court-appointed lawyer; he too had neither a file nor any writing materials. At the rear of the room was another man whom we could not identify.

We asked if a court session was taking place inside this office. Justice Atalli said that it was, adding that "nothing will happen outside," referring to the courtroom itself. The judges said that they had no objection to our presence, and chairs were brought for us.

Justice al-Nouri then read the charges against Bakr, which included the accusation that he was opposing the goals of the Revolution and a member of a secret organization created to change the economic or social structure of the state. Then he asked Bakr questions, based on

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prosecutor. Bakr replied: "They asked me if I belonged. How can I belong. I gave them 200 lira [less than \$4.50]. At one point during this questioning, the man seated next to the military judge interjected a few words. Bakr appeared surprised. "Who are you?" the shoemaker asked. "I'm your lawyer," he said. "I don't know you," Bakr responded.

When this brief session ended, we left Justice al-Nouri's chambers with Bakr. "I was stunned to see this man as my lawyer," he told us. He also claimed that the confession in the judge's file was not his own:

The confession [that the judge] read today was not my words. The man doing the investigation was writing what he wanted, not writing my words. He is accusing me of things that I cannot accept. Why did they bring me to court if they will not listen to me?

During this conversation, Bakr was informed by his own lawyer (the man who was seated in the rear of the judge's office whom we could not identify) that his next court session-when the prosecutor would present his case-had been set for June 11, 1995.

Lawyers of Choice Refused

Other defendants in the court on April 30, 1995 were represented by counsel not of their own choosing. One of them told us:

We have refused these lawyers. We do not want these lawyers. We told this to the court on June 27, 1992, and February 22, 1993. We appointed our own lawyers, but the court refused them. Now, any lawyer we want needs permission of Political Security.

They mentioned that another defendant-Moheiddin Shananah, who was arrested in 1986 in Damascus by Political Security and accused of membership in the Party for Communist Action-had his court proceedings halted for two years because he insisted on appointing his own lawyer, whose name was rejected by Political Security.

One of these defendants, who had been held without charge for over ten years and was forced to sign a confession by Political Security, said that he was penalized by the court for his attempt to defend himself: "I once tried to defend myself in front of the judge and he delayed me for eighteen months."

In a separate conversation at the court that day, another defendant told us that this was his fifth appearance before the court and that he had not been permitted to have two lawyers of his own choosing. "I refused to give my own defense," he said.

4. TORTURE

"You never see it. They put three beads on your head. It flies backwards and you start

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The Syrian constitution prohibits torture.⁷⁸ In 1969, Syria acceded to the International Covenant on Civil and Political Rights, which also proscribes torture.⁷⁹ But these protections are all but meaningless for Syrians who have been arrested, taken into the custody of a division of the security apparatus, and held incommunicado while under interrogation. We took testimony in the state security court from defendants who had been held incommunicado and tortured-and in some cases seriously injured-in the custody of the Palestine Branch of Military Intelligence, Political Security, State Security, and Air Force Intelligence.⁸⁰ Torture victims provided us with the names of senior officers in Political Security-two brigadier generals and two majors-who they claimed supervised and participated in the brutality.

Lawyers can request that the security court refer an alleged torture victim for a forensic medical examination by physicians attached to the ministry of justice. "You can ask the judge for a medical report," one senior lawyer told us, "especially if the defendant made a confession that is being used against him. But [this referral] is at the discretion of the judge."⁸¹ We found no evidence that the security court is concerned about allegations of torture made by defendants who claim that their confessions were coerced. In one case described below, a prisoner with obvious physical signs of torture had tried fruitlessly for four months in 1995 to obtain the court's consent for his referral to a forensic medical doctor for examination and documentation of his injuries.

A major reason for the use of torture in Syria-to gather information about the political opposition-is illustrated by the detailed testimony of Yousef, a young secular political activist who was arrested at his school with a friend.⁸² He was first held in the basement of the State Security building in the city where he lives, then was moved to Damascus, where he was tortured for two weeks at the Palestine Branch of Military Intelligence. His testimony also reveals how threats by the Syrian security apparatus have been used to silence some torture victims in the security court.

Yousef began his account with a description of his arrest:

A security man came and we were brought to the principal's office. Without any talk, they threw us into a security car and took us to the division. They interrogated my friend first and released him. Then one man in civilian clothes asked me a few questions. He gave me a piece of paper full of names, handwritten, and asked me to point to the ones I knew. I knew the names of my friends who had been arrested before me. There were about 150 names on the list. I knew seven names, and underlined them.

I was really afraid and tense. They took me into a small, empty room, about one meter by one and a half meters, in the basement. They kept me there for one hour, then called me. There were three of them in civilian clothes, including the one who showed me the list. He asked what party I belonged to. When I asked him what he meant, he slapped me. There were more

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month. During this time, he was not interrogated. Then he was moved to Damascus.

I was held for nine days in the first place in Damascus. Then I was moved, taken through a maze of streets, then into a courtyard, and then into a basement. I was brought once for interrogation and slapped. They asked questions about the party, names of members, where we met, what we talked about, who were the leaders.

Then I was moved to another building for a day-it was a referral place. Then I was moved to the Palestine Branch. I thought: this is my grave. Below us, I saw people thrown on the floor. They took us to a room, asked our names and made us face the wall. My luck is not very good-they called me first. I had to fill out a form with the names of all my relatives. Then [the interrogator] asked me questions in a very dirty manner, with insults and beatings. I was sent to a room where I stayed one night.

On the second day, I was sent to the basement. There, I saw seventeen of my friends from [his home town]. There were forty-five people in the cell. It was so crowded that we had to sleep on one side and sometimes sleep on top of one another.

Two weeks of interrogation and torture followed, an experience that Yousef described as "very tough."

They blindfolded me and tied my hands behind my back. It was the same questions as before. A top officer stood in front of me. He kicked me in the stomach, then punched me. I fainted. Blood was coming out of my mouth and nose. This lasted about a half-hour. Then one of them washed me and stood me at the wall. They sent in my oldest friend and tortured him in front of me.... Then they asked me to tell the truth or I would be tortured like him.

The interrogators wanted names and a confession. Yousef said that he provided no information, so he was tortured for two weeks. He was reluctant to provide details of his torture, but showed us one trace of physical evidence: a grotesquely swollen foot, with the skin discolored and lateral purple marks from the impact of an apparent hard object still clearly evident. "After three days, I felt that I could not walk on my foot. Then it swelled up and turned red. A doctor gave me pills for infection," he said. The torture stopped after two weeks, but he continued to be held at the Palestine Branch for another eight weeks.

Yousef was eventually tried and sentenced by the state security court. He told us that it never occurred to him to complain to the court about the torture:

We were threatened at the [Palestine] branch. They told us that if we spoke about what had happened, they would bring us back for a different kind of torture. They called it the blanco-they tie your hands and feet and hang you from two metal bars on the ceiling. We did not tell the judge that we were tortured because we were afraid of them and afraid of being sent

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years I defended [clients] before the court, all of them said that they had been tortured severely and demanded that the officers who tortured them be put on trial," noted one attorney who has practiced law for almost forty years. "The court did not register this. In this court, torture complaints are never investigated."⁸⁴

We interviewed numerous defendants inside the security court who told us that they had been tortured while held incommunicado and interrogated. Conditions in the courtroom were not conducive to lengthy, detailed interviews such as the one that we conducted with Yousef, reported above. However, in abbreviated conversations we were told the following information:

- A political prisoner in his thirties, who was arrested in 1992 in Damascus, said that he was tortured for ten days in Political Security with beatings, electricity, the "German chair"⁸⁵ and the "flying carpet."⁸⁶ He was also threatened with the arrest of family members, including his younger sister, who had been taken hostage in 1987 and held for six months by Political Security in Damascus. His interrogators wanted him to confess to membership in an unauthorized political group and sought the names of others. As a result of the torture, "I was urinating blood for one and a half months. My arms are now bad because of the electricity- they feel dead-I can't control them." He said that officer Mahmoud Abdel Wahab supervised and participated in the torture, and he named two of his other torturers as Brig. Gen. Muhamed Seifu⁸⁷ and Maj. Samir Wasouf.⁸⁸

- Another political prisoner who was arrested in Damascus in 1992, was held for the first six months in an underground detention center of Political Security and tortured during the first month with electricity, the "tire"⁸⁹ and the flying carpet. The prisoner provided a description of the flying carpet:

It is a piece of wood that has joints that go along the joints of the body. They tie you to it, like on a crucifix. It bends backwards and puts pressure on the spine ... When they bend it back, they step with their feet on your head and face. I was blindfolded. There were about four or five in the room torturing me.

There's a specialist in electricity-on this chair they beat or use electricity. They used electricity on me, connected to my fingertips and feet. They do it scientifically so you don't die. I had no sense of time-no sense of how long I was there.

They were asking questions while they were doing this, and after. They wanted me to confess to membership in the party, and to have me make confessions about other people.

This prisoner, who had four or five torture sessions, said that the name of one of the torturers was Maj. Abdel Aziz Hamoud. "They use things written by security [officers] as evidence. I gave a confession under torture. Then they wrote something and I was tortured to

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to the Palestine Branch, where he was interrogated and tortured. "They wanted information," he said. He was held in a solitary cell for six months, and was tortured with electricity, the German chair, and the tire. His left arm is still physically weak and has "no strength," he told us.⁹¹

- A political prisoner who was arrested in Damascus in 1992 by Political Security was detained for six months in a solitary cell in the basement of that division. Each torture session lasted several hours, he said, and the methods included electricity and the tire. "I was tortured by officers. Brig. Gen. Mahmoud Abdel Wahab supervised the torture and participated in it. They wanted me to confess my relationship to the party and bring in my friends or anybody else," he told us. He was given electric shocks to the heart, legs, hands, arms, and sexual organs while he was tied down.⁹²

- A prisoner, arrested by Air Force Intelligence, was taken to that division's detention center in Damascus and tortured. He told us that he had been tortured for "about ten days" while under interrogation. He said that his hands were tied behind his back and a hood covered his entire head, except his mouth. He was reluctant to provide details, but said that one technique used on him was electricity, including "on private parts." Then he added: "They tried all the methods." He said the officers who tortured him were named Haytham and Eissam.⁹³

- A defendant who was arrested in the early 1980's by Political Security asserted that his confession had been coerced: "Political Security made me sign a statements against my will, that I knew people who belong to the Party for Communist Action and that I am covering up for them. First, they said if we signed the confessions we would be released. Then they deprived us of visits [at the prison]. Then we were tortured with the tire and the flying carpet."⁹⁴

1995: The Court Ignores One Torture Complaint for Four Months

During our visit to the court on April 11, 1995, we interviewed thirty-year-old 'Ali Kamel Ahmad. Unlike some defendants we met at the court who were frightened and reticent, Ahmad spoke to us openly and insisted that we publish his name. He is accused of membership in the Party for Communist Action. He told us about his unsuccessful attempts to have the court acknowledge his torture complaint, and refer him for a forensic medical examination and to a hospital for medical care. On the day we met Ahmad at the court, he was seeking to present a handwritten note to the judge, pursuant to the court's own request to Ahmad three months earlier. Because the court that day postponed Ahmad's session until April 30, 1995, he could not submit his note and gave it to us instead.

Ahmad, who was a university student in philosophy in the 1980's, had been in hiding since 1986. He was arrested in Damascus on October 28, 1993.⁹⁵ After his arrest, he was held

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showed as broken teeth, and a swollen and badly disfigured left wrist, with the bone protruding. He said that his right ankle was injured, his arm broken and his fingernails peeled off.

He was strapped to what he said was the German chair. "You never see it," he told us. "They put three hoods on your head. It flips backwards and...you start choking." He said that it was difficult to be precise, but he estimated that he was on the chair for ten to fifteen minutes. He said that he was told: "Mudhar al-Jundi died here and you will die on this chair."⁹⁶

Ahmed then was moved to the Military Interrogation Branch for one month and finally was transferred to Adra prison, where he continues to be held. He said that he has not spoken to a lawyer since his arrest. He said that this was his fourth time before the court, and the third time that he had been brought from prison to the court only to have his session postponed. The previous postponements were on January 31, 1995, and March 12, 1995.

The note that Ahmad sought to present to the court about his torture read as follows:

Upon your request that I write a letter directed to you in my last court session that was held on January 31, 1995, which is related to my official demand to the assembly of your court that a forensic doctor examine me fully and be able to evaluate the injuries and suffering, physical and psychological, that have been inflicted on me as a result of severe torture that I was exposed to at the military intelligence division in Damascus-whose number is 235 and which is known by the name Palestine Branch-that continued for as long as the interrogation, for a period of three months, specifically from October 28, 1993 until January 31, 1994.

Keeping in mind that I have suffered permanent disabilities as a result of this torture, such as breaking of the teeth, a break in the left arm with deformity, fracture in the foot of the right leg, and other traces that remain until now on my body. And not only this, but there was an attempt to kill me in a deliberate manner on October 19, 1987 by the same division. And this is proved by the bullet that I was hit with and its scar remains on my body until now, on the left side of my chest at the direct level of the heart!?

Last, whatever the result of the forensic medical examination, I ask from the assembly of your court to refer me as soon as possible to the hospital for full treatment...keeping in mind that there has been no medication for me up until now.

[Signed]

Ali Kamel Ahmad

Accused of a relationship with the Party for Communist Action in Syria

March 12, 1995

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sentenced because he expressed his opinion,” Minister of State for Foreign Affairs Naser Qadur told us.⁹⁷ In an earlier interview, during a discussion about torture, the minister said: “Some offenses might occur. This is not a problem-it happens all over the world.” He went on to stress that holding torturers accountable-“what we do when we find out,” as the minister put it-was the key issue. He added: “An abuser is punished. The government does not stand with its arms folded.”⁹⁸

Minister Qadur asked that we mention in this report the information contained in an interior ministry document, dated October 15, 1994, that was provided to Human Rights Watch during our October 1994 visit to Damascus.⁹⁹ The document provided the names of twelve officers from unspecified security forces who were facing prosecution and trial in nine cases for various offenses, including causing the death of a wanted suspect during arrest (two captains), causing the death of a woman while in the pursuit of a wanted suspect (a major), causing the death of a policeman during a training session (a first lieutenant), beating a suspect for delaying a patrol during a wedding (a major), and covering-up in the kidnapping of a man’s daughter (a major). The dates of these nine cases ranged from 1990 to 1994, and the interior ministry information indicated that the legal proceedings were still in progress. None of the nine case descriptions provided any indication that prosecutions were in progress for acts of torture committed during interrogation of detainees by various branches of the security apparatus, or for abuses related to the treatment of political suspects.

The tenth case in the document included the following information: “Major Amer al-Sa’ad. Was accused of the mistreatment of a citizen in an interrogation session on 11/4/91 in the case number 234/92. He was sentenced to ten years and eight months. He was stripped of his rank. Paid 500,000 Syrian lira [approximately \$11,100] to the victim. The decision was appealed, and the hearing will take place in 9/25/94.” No information was provided about the branch of the security apparatus in which this officer served.

Notwithstanding Minister Qadur’s statement that torture “might occur” and would be punished, the remarks of security court president Justice al-Nouri made clear that he does not believe allegations of torture by defendants who appear before the court. He told us:

It is natural that detainees will claim that they have been tortured, but it probably is not true. They are making it up. We record the claim, but we do not investigate. The defendant must go to the civilian court, with a lawyer, and make the charge against the alleged abuser. There have been no cases in which a man says he has been tortured and there was actual evidence.¹⁰⁰

Justice al-Nouri said that coerced confessions are not accepted by the security court. “The court does not take into consideration a confession that comes from torture or pressure. The forced confession is thrown out. The file goes to the legal advisor who questions the defendant. If the written confession-which is claimed to have been coerced-is supported by

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report, included the following conclusion:

Defendants being tried before the security court have been tortured-and in some cases seriously injured-while under interrogation at the Palestine Branch of Military Intelligence, Air Force Intelligence, Political Security and State Security. We found no evidence that security court judges have referred alleged torture victims for forensic medical examinations by physicians attached to the Ministry of Justice. We would appreciate any information indicating when and how the security court has investigated complaints about torture during interrogation.

The government's reply, dated June 23, 1995, gave no credence to this finding:

The claim of the use of torture is absolutely not true. It is important to remind you that Syrian laws punish any official who mistreats detainees or prisoners. During the last year, more than forty security officials [employees] were prosecuted because they crossed the [legal] line in their treatment of prisoners. They were sentenced according to the law, and are now in prison.

5. RELEASED PRISONERS: CONDITIONS, PRESSURE, AND PUNISHMENT

"They are not criminals. They just said a word. A word is always stronger than a weapon."

-Elderly Syrian woman. Human Rights Watch interview, Latakia, April 1995.

"Those being released are facing a terrible time. It is another form of prison. This is a way of punishing the whole society and making yet more examples for the rest of us."

-Middle-aged Syrian woman. Human Rights Watch interview, Damascus, April 1995.

Beginning in late 1991, Syrian authorities have periodically released groups of political prisoners, sometimes in large numbers. The most dramatic prisoner release was in late 1991, when approximately 3,500 detainees were set free.¹⁰² During our mission, there were unofficial reports and numerous rumors that some 500 to 600 prisoners had been released in late March and early April 1995.¹⁰³ Such releases inevitably are viewed as positive steps toward improvement of the government's human rights record. Human Rights Watch welcomes the release of any individual held unjustly for years without trial. In the Syrian context, however, prisoner releases are not necessarily an indicator that repression has eased, but merely that the state has shifted its tactics.

It is rare for a released political prisoner to resume a normal life in Syria, let alone to undertake any form of independent political activity, peaceful opposition to the government, or human rights advocacy. Pressure on prisoners by the security apparatus to "give up

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under the law, deprived of their civil rights.

"Those coming out of prison know that politics cannot be practiced under current conditions," remarked one Syrian who considers himself a member of the silenced political opposition and has met with released prisoners. "Most of them have learned their lesson and shun any kind of political work. Some have joined [the political] parties in the [National Progressive] Front. Security forces have approached families, including wives, and put pressure on them psychologically to tell their relatives to give up politics."¹⁰⁴

Some former prisoners continue to suffer from physical disabilities as a result of torture inflicted on them ten years ago or longer. One civil engineer, who was released in 1984 after four years of detention without charge, told us that he was tortured under interrogation with beatings, electricity, the tire, and the "chicken."¹⁰⁵ He sustained injuries to his neck, back, right knee and left foot, some of which are permanent. He continues to require physical therapy.¹⁰⁶ Another former prisoner said that the cost of an operation to correct deformities in his foot and ankle, caused by torture in Damascus in 1990 at the Palestine Branch of Military Intelligence, was 50,000 to 60,000 Syrian lira (about \$1,100 to \$1,333), a large sum for the average Syrian family.¹⁰⁷

Psychological scars from long years of detention have driven some former prisoners to suicide. Others suffer from depression because they have lost years of their lives, cannot find employment, and are unable to travel outside the country because their applications for passports have been refused by authorities without explanation. "They have ruined our lives and made us paupers," one former prisoner told us. "I have no house, no family, no money to live. I am almost forty-seven years old," said another prisoner who was unmarried at the time of his arrest in 1980 and was held for over ten years without charge.

The difficulties faced by these and other prisoners has not gone unnoticed by Syrians, and many people offered us anecdotes about former prisoners and their families whom they know who are suffering. "Those being released are facing a terrible time. It is another form of prison. This is a way of punishing the whole society and making yet more examples for the rest of us," is the way one woman who lives in Damascus expressed it.

Pressure Prior to Release

Some prisoners have been pressured by a special security committee to sign a written pledge of allegiance as a condition for release. The testimony of two former political prisoners, one in Damascus and the other in Aleppo, shed light on how this committee approached prisoners. Their testimony also revealed the consequences for those who refused to sign the pledge.

Salim Khair Beik, an engineer from a prominent Alawi family, was arrested by State Security on June 7, 1980, when he was thirty-two years old. He told us that he is politically

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Khair Beik, who designed steam and gas turbines and worked at the government-owned airlines, was one of a group of engineers and lawyers from Damascus and Aleppo who were arrested between March and May 1980.¹⁰⁸ He began by explaining the reason for his long detention:

In 1980, I gave a ten- to twelve-minute speech in Damascus at a meeting of the engineers' syndicate that took place from April 4 to April 8. I spoke in front of 1,200 engineers-it was the largest meeting held at this time. I called for democracy in Syria and the cancelling of martial law. I also criticized the one-party system.

The other lawyers and engineers were released between 1981 and 1991. Khair Beik was the only one to be tried before the security court, more than ten years after arrest, which extended his imprisonment. He believes that this happened because in 1991 he refused to sign a statement given to him by a special committee of officers from Political Security. He said that the members of the four-person committee were Brigadier Generals Adnan Mahmoud, Muhamed Seifou and Nazih Naquri, and Col. Ahmad Rami, director of the office of the general who headed Political Security.

The committee asked us not to deal with politics. The head of the committee asked me if I would defend democracy and freedom after my release. He took a piece of paper and gave it to me. I refused to look at it. He wanted me to read it and I refused.

They wanted us to sign that we would not be involved in politics, that we would agree to cooperate with the security apparatus, and that we would report to security every two weeks. One of them told me that the others were released, and that the piece of paper would not be shown to anyone.

For four to four and a half months, they denied me family visits, which had been once every two weeks. In January 1992, at 8:30 at night, they took me from Adra prison to the general who was head of Political Security. We talked for one hour about the situation in Syria, in the Arab world, and in the world. After this, he said that he could not do anything for me. Then they put me before the security court.

In April 1992, Khair Beik was questioned by Political Security, and then questioned again by the state security prosecutor, in preparation for his trial before the security court. No lawyer was present during his session with the prosecutor. He was charged with counter-revolutionary activities, dissemination of false information, creating disorder, and shaking the confidence of the masses in the aims of the revolution.

Khair Beik-who termed the security court "a political and exceptional court, not a normal court"-refused to have a lawyer make his defense statement. He wrote his own statement and submitted it to the court. He described for us his impressions of the trial:

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speech [before the Engineers' Syndicate in April 1980] was my opinion. They produced no evidence against me.

I told the court that I was there because I refused to sign the piece of paper. The judge told me that if I was not a member of a political party, I should have signed it. I told him that the constitution guarantees my right as a citizen.

Khair Beik was released by the court on April 25, 1993, because of the ten-year statute of limitations had expired.¹⁰⁹ "I did not promise them anything," he told us. "I will continue to defend my people as a human rights advocate."¹¹⁰

At the time of this interview, Khair Beik was engaged in a legal and bureaucratic battle to obtain back pay from, and reinstatement to, his former job at SyrianAir, the state-owned airline. He said that on March 22, 1995, a three-judge court overturned a lower court ruling, and awarded him his back salary and his job. The court ordered that he be paid 100 percent of his salary for thirteen years, and forty percent since his release.¹¹¹ "Tomorrow I will go to the company with the document from the court. The company told me that they need permission from security to rehire me." While he has made slow progress in regaining his job, international travel is impossible because Khair Beik's application for a passport was not approved.

In a separate interview, another former political prisoner testified that he too was pressured by officers from Political Security to sign a document as a condition for his release:

In December 1991, there was an amnesty for people named on a list. They started calling people by name in prison and we were taken in groups of fifteen to the division. I was brought before a security committee: three officers and the head of the Damascus branch of Political Security. He told me that I could go home, but I had to sign a paper, that is was just routine.

He was presented with a typewritten piece of paper—a standard form, not a personalized document. He told us that it contained the following pledges: "to cooperate with regime and defend its political leadership; to cooperate with the security apparatuses and inform them of any communications addressed to me; and to abandon political work and withdraw from the party." He refused to sign:

I said that I would not sign because this is against the constitution and human rights charters. I took it, read it again, and told them that I was sorry. I argued with them for ten minutes. I told them: don't you see the democratic trends all over the world? Wasn't the Ba'th an opposition party in the 1950's?

They asked me if I had a wife and children. I told them that I did, but that if I signed this I would not be able to look them in the eye. Then they told me to sign it and they would keep it

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Party Political Bureau and families who refused to sign these statements were held longer and then sent to the security court. When I was finally released, I was given a lecture about not resorting to secrecy in my work. I said that we did not choose secrecy. It was forced on us by the absence of freedom and democracy."¹¹²

Syrian authorities violate the rights of individuals to hold opinions without interference by conditioning their release on signing such pledges.¹¹³ Once prisoners are informed that their freedom depends on endorsing a particular political viewpoint, their continued imprisonment constitutes a form of discrimination on the basis of their beliefs—regardless of the acts for which they were initially imprisoned.¹¹⁴ Such ideological litmus tests are objectionable because they show that the criminal justice process is not based on objectively defined criminal conduct, but is openly used as a weapon to intimidate and silence political opponents of the state. Loyalty oaths of this sort violate the internationally recognized right to freedom of thought and the right to hold opinions without interference.¹¹⁵ These documents also violate other international standards that guarantee the equality of all persons before the law and the right not to be deprived of one's liberty except in accordance with procedures established by law.¹¹⁶

Fear and Pressure after Release

Released prisoners and their families are reluctant to meet with human rights investigators. They know, or believe, that they are under the surveillance of security forces. Some have been summoned for questioning, threatened, and asked to cooperate with the security apparatus as informers. "Families are suffering financially and emotionally," said one former prisoner who was released in 1993 after serving more than ten years in detention without charge. "After release, the pressure begins again, but in other ways." He said that one month after his own release, he was summoned to meet with a brigadier general in Military Intelligence.¹¹⁷

An engineer and former political prisoner, who was held without charge for over four years in the 1980's, cautioned us that newly released prisoners were under surveillance and probably would be afraid to speak. He said that after his own release in 1984 he had been summoned for questioning by security officers, but was no longer.¹¹⁸ "Before prisoners are released, they are told not to talk," said one lawyer who has met with former prisoners. Some have resorted to visible pro-government gestures to keep security forces away. "Families are putting up pictures of Basil Asad¹¹⁹ at the entrance of their homes," the lawyer added.

We visited a professional in Damascus who had been released from prison in October 1994 after serving over ten years in detention. The man was visibly frightened. He said that he was under surveillance from his home to his workplace, and that since his release he had been summoned for questioning a few times. He declined to speak to us.¹²⁰

We interviewed another former prisoner who had been released in 1991. He told us that he was called in for questioning in April 1995 by Political Security in Damascus, five days before

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told us that this type of harassment was more frequent immediately after he was released from prison, when he was summoned three times a week on average, sometimes from his place of work.¹²³

We also talked to a Damascus-based professional who was arrested in 1983 and held without charge for four years in Tadmor military prison and then for over four years in Sednaya prison. He was released in late 1991. He informed us that when he was summoned for questioning after his release he was asked if he was meeting with political activists or receiving political literature. He said that he was instructed to inform the security apparatus of any such occurrences. He added that he was also warned with the following words: "Now there is a court, and you can be sentenced to three years for reading an illegal newspaper."¹²⁴

Restrictions on Freedom of Movement and Employment

The denial of passports and public sector employment hits many former prisoners the hardest. "It is impossible to resume a normal life," said an engineer who was released in 1991. He continued:

I am an example. I was a government employee. When I was released, the head of Political Security in Aleppo told me that I could go back to my old job. I reported to work immediately, but they told me that they needed to get approval. This was three and a half years ago. I learned through [personal connections] that [the] security [apparatus] made a decision that I cannot work anywhere. I also cannot get my passport.

The engineer told us that he had applied many times for his passport. Each time, he said that he was informed orally that his application was "not approved," with no reasons provided. "They just want to make examples of people," he remarked.¹²⁵

"I was released eighteen months ago, but I am still in prison," a former prisoner now in his forties told us. "My passport was denied and I cannot travel. I do not have a job, and I have no money to get a license [to set up] a company."¹²⁶ Another former prisoner spoke on behalf of himself and others accused of membership in the same unauthorized political group: "None of us can leave Syria because we do not have our passports. We are deprived of our civil rights, and cannot work in government jobs."¹²⁷

The denial of passports without any semblance of due process is a violation of the right to freedom of movement guaranteed by the International Covenant on Civil and Political Rights.¹²⁸ International law provides safeguards against arbitrary restrictions by authorities on freedom of movement.¹²⁹ The Syrian government is in violation of its obligations under international law when it denies passports to citizens without providing information about a reasonable basis, in previously established rules, for such action and without providing citizens with the opportunity for a hearing on the reasons for the denial. Barring public-sector or private employment for former political prisoners is a violation of due process

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The most controversial legal sanction imposed on released political prisoners who have been sentenced by the state security court is a punishing ten-year deprivation of civil rights (huquq madaniyya, in Arabic). This provision is contained in the Syrian penal code, which specifies that individuals convicted of criminal offenses and sentenced to imprisonment with temporary hard labor are to be stripped of their civil rights from the day of sentencing to ten years following the expiration of their sentence.¹³⁰

According to Syrian lawyers, individuals penalized with the loss of civil rights cannot work in the state sector or return to their former government jobs. They cannot vote or run for office, or serve in the council of a syndicate or sect. "The judge writes the order denying civil rights. It accompanies the other verdict. It is automatic and supplemental," one lawyer told us. "After the ten-year period ends, you must go back to the court and apply for a restoration of your civil rights." Lawyers we interviewed said that it was unjust to deprive released political prisoners of their civil rights for a decade, and emphasized that this sanction has even been applied to prisoners sentenced to three-year terms. Ordinary citizens agreed. "They are not criminals," an elderly woman in Latakia remarked. "They just said a word. A word is always stronger than a weapon."

Human Rights Watch obtained a copy of the security court's decision in the case of Dr. Khalid Naser of Aleppo, which included a brief reference to the deprivation of his civil rights.¹³¹ Dr. Naser, a physician who served as secretary-general of the Popular Naserite Organization (PNO), an unauthorized political group, was arrested in September 1986. He was put on trial in the security court in 1992. Although statements were taken from Dr. Naser on April 14, 1992, his court case dragged on for more than two years, due to many postponements. In his defense, Dr. Naser did not deny that he was a member of the PNO but argued that it was a democratic, nonviolent organization. The court sentenced him to six years of temporary hard labor for opposing the goals of the revolution and deprived him of his civil rights. He was ordered released by the court in May 1994 because he had been detained in excess of the length of his sentence.

Human Rights Watch/Middle East

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Brian Owsley is the Leonard S. Gardner Fellow. Gary Sizer is the chair of the advisory committee and Lisa Anderson and Bruce Rabb are vice chairs.

APPENDICES

APPENDIX A

State Security Court Decision in the Case of Dr. Khalid Naser. The Arabic original follows.

Statement

After examining the file registered [in our court] under the number 37 of 1994, which was opened for the suspect Khalid Bin Abdu al-Naser, a resident of Aleppo...who is suspected of committing the felony of joining an organization that was established to change the social and economic structures and fundamental bases of society, and the felony of opposing the goals of the Revolution by spreading false information to cause disorder and shake the confidence of the masses in the goals of the Revolution,

The supreme state security court, by virtue of its decision Number 24 on March 27, 1994, has decided the following:

1. Incarcerating the suspect Khalid Bin Abdu al-Naser for committing the felony of opposing the goals of the Revolution, in accordance with the provisions of Article 3 of Decree No. 6 of 1965, and sentencing him to nine years of temporary hard labor. Because the felony is included in the general amnesty decree Number 11 of 1988, his sentence will be decreased by one-third, so that it becomes six years of temporary hard labor.
2. Altering the offense of joining an organization that was established to change the structure of the state with the provisions of Article 306 of the penal code into a misdemeanor, according to Article 288 of the penal code. Because this crime is covered by the general amnesty [decree] Number 2 of 1992, the case against the suspect for committing this crime will be dropped.
3. Calculating the period of detention as of September 3, 1986, as part of the duration of the sentence, and since he spent more than the duration of his sentence [in detention], [we order] his immediate release unless he is detained for other reasons.
4. Curtailing and depriving him of his civil rights in accordance with Articles 50 and 63 of the penal code, and letting it be known that this decision has acquired final status after being authorized by the specialized authority, in accordance with decision Number 52 on May 5, 1994.

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State Security Court Verdicts, 1993-1994

Human Rights Watch received the following information, some of it incomplete, from sources inside Syria about state security court verdicts issued in 1993 and 1994 against seventy-six defendants accused of membership in unauthorized political organizations and related criminal offenses.

Human Rights Watch was unable to verify this information independently. In a letter dated June 13, 1995, we presented these lists to the Syrian government, and asked for comments on the accuracy of the data and revision of information that was incorrect. As of the date of the publication of this report, we have not received such comments.

A. VERDICTS ISSUED ON APRIL 21, 1994

Nineteen accused members of the Communist Party-Political Bureau were sentenced, and all of them received sentences of twelve to fifteen years. Each sentence was reportedly accompanied by deprivation of civil rights.

The court also issued judgments against seven accused members of the Party for Communist Action. Four of these defendants were sentenced to terms of twelve and fifteen years. The government did not reply to our request concerning whether these prison sentences were accompanied by deprivation of civil rights.

Communist Party-Political Bureau

Fifteen years

1. Omar Hayek, arrested in 1987.
2. Yassin el-Haj Saleh, arrested in 1980, medical school student.
3. Farhan Ner Bey, arrested in 1980, engineering student.
4. Adnan Maqdad, arrested in 1980.
5. Yosha el-Khatif, arrested in 1980, teacher.
6. Adnan Abu Jenab, arrested in 1980, engineer.
7. Ahmed Fayeze al-Fawaz, arrested in 1980, doctor.

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11. Amin Mardini, arrested in 1980, artisan.

12. Muhamed Sayed Rasas, arrested in 1980, university student.

13. Adil Ahmad, arrested in 1980.

14. Abdel Karim 'Eissa, arrested in 1980.

15. Hikmat Murjaneh, arrested in 1987.

Fourteen years

1. Nicola Zaher, arrested in 1980, pharmacist.

2. Hanna Nadir, arrested in 1980.

Note: The Syrian government reported to us that both of these men were released on October 15, 1994, because they had served their sentences of fourteen years.

Thirteen years

Aram Kura Beit, arrested in 1987.

Twelve years

Muhamed Khair Khalaf, arrested in 1987.

Party for Communist Action

Fifteen years

1. Safwan Aqash, arrested in 1981.

2. Ousama Ashour, arrested in 1982, university student.

3. Mazen Shamseen, arrested in 1987, university student.

Twelve years

Amar Rizzik, university student.

Six years

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Innocent

Habib Mu'alla

B. OTHER VERDICTS ISSUED IN 1994

Human Rights Watch received information that the following seven others defendants accused of membership in the Party for Communist Action were sentenced in 1994 to terms ranging from eight to fifteen years.

Fifteen years

1. Ratib Sh'abo, arrested in 1983.
2. Feras Eunis, arrested in 1982.
3. Aziz Tabsi, arrested in 1983.

Thirteen years

Al-Harith Al-Nebhan, arrested in 1984 or 1985.

Twelve years

Adib al-Jani

Eight years

Bassam Badour, arrested in 1989.

Taysir Hasoun, arrested in 1989.

C. VERDICTS ISSUED ON OCTOBER 19, 1993

The information received by Human Rights Watch included the date of arrest and place of residence of some of the individuals listed.

Party for Communist Action

Fifteen years

1. Abdel Halim Roumiya, arrested in 1982, from Latakia.

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5. Ali al-Barazi, arrested in 1982, from Salamiyya.

6. Faisal Alloush, arrested in 1985, from Salamiyya.

7. Munther Milhem, arrested in 1986, from Homs.

8. Hayel Yousef, arrested in 1987, from Homs.

9. Marwan Mahasen, arrested in 1984, from Sweida.

10. Marwan al-Ali, arrested in 1984, from Sweida.

11. Yasir Milhelm, from Homs.

12. Ziyad Zoba'a

13. Yahya Mourtada

14. Munir Sha'bo

Twelve years

1. Abdel Karim Kurdiyya, arrested in 1986, from Aleppo.

2. Wafiq an-Nouqri, arrested in 1987, from Homs.

3. Ghassan el-Mifleh

4. Khalid Khaydar

5. Marwan Muhamed

6. Haytham Mayhoub

Ten years

1. Yousef 'izzo, arrested in 1986, from Salamiyya.

2. Taref Abdel Razzak, arrested in 1986, from Hama.

3. Nizar Makhoul, arrested in 1987, from Hama.

4. Nathir al-Sayfi, arrested in 1986, from Qatana.

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7. Shahoud Shahoud, arrested in 1987, from Misyaaf.

Eight years

1. Hamed al-Jasem

2. Bassam Jouma'

3. Abdel Aziz al-Jarf

4. Ibrahim Beraqdar

Seven years

1. Zuhair Ashqar, arrested in 1987, from Latakia.

2. Ahmad Rifa'i, from Homs.

Six years

1. Ayman Daghestani, arrested in 1987, from Homs.

2. Sadik as-Sabi, from Latakia.

Five years

Hussein Majalli, arrested in 1987, from Homs.

Innocent

1. Nidal Haddad, arrested in 1987, from Homs.

2. Amjad Klas, arrested in 1992.

3. Alameddin Kurdiyaya

4. Tammam Amin, from Hama.

Pro-Iraqi Ba'th Party

Ten years

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APPENDIX C

The Syrian Government's Response to the Major Findings of the Report

Embassy of the Syrian Arab Republic

Washington

Number LR-101/95

Date 23/6/1995

Mr. Chris George

Executive Director - Middle East Watch

Our greetings to you.

Regarding your letter on June 13, 1995, we would like to inform you that the Syrian government thanks you personally for your willingness to include our point of view in the report which your organization is preparing on the human rights situation in Syria.

We would like to emphasize the wish of the Syrian government to continue a positive and constructive dialogue with your organization to clarify the reality of human rights in Syria- this issue was and still is being used, unfortunately, for purposes that have no relation to the human, and is not related to his basic rights in any way. [When we talk about human] we mean by that the Syrian human.

Mr. Nasir Qadur, the Minister of State for Foreign Affairs, has informed us that because of the short time set [by your organization] to receive the comments of the Syrian government [on the report] (26th of June); and because of the large number of questions that were raised by your organization and their diversity and intricacy; and, despite that, the minister, Mr. Nasir Qadur, had previously answered these questions in his personal meeting with you and other representatives of your organization in Damascus; and in order that your report will not be published without presenting the point of view of the Syrian government, something that neither of the parties-the Syrian government and your organization-would want; therefore, we are attaching to this letter Memorandum 25/29, submitted by our permanent delegation to the United Nations in Geneva on 5/6/1995. You will find that many of the questions raised by your organization are answered in the memorandum.

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Penal Code, which was issued on June 22, 1949, states the following:

"Article 63:

a. Every sentence of life imprisonment with hard labor or life in detention entails deprivation of civil rights for life.

b. Every temporary sentence with hard labor or temporary detention, entails deprivation of civil rights from the day the sentence becomes effective until the end of the tenth year after the implementation of the original sentence."

· Regarding the second part of the [Human Rights Watch] letter, (the main findings of the delegation):

The claim of the use of torture is absolutely not true. It is important to remind you that Syrian laws punish any official who mistreats detainees or prisoners. During the last year, more than forty security officials [employees] were prosecuted because they crossed the [legal] line in their treatment of prisoners. They were sentenced according to the law, and are now in prison.

· Regarding the sentenced Nicola Zaher: he was released on 15/10/1994 because he had completed his sentence.

· [Regarding] the sentenced Hanna Nadir: he was released on 15/10/1994 because he had completed his sentence.

· Regarding the health situation of Riad al-Turk, please see paragraph 10 of page 5 of the memorandum of the permanent delegation in Geneva, because it applies to him as well as all prisoners.

Please be informed, and regarding the rest of the cases that were mentioned in your report, we will continue studying them. We would like to use this occasion and emphasize, as Mr. Nasir Qadur, the Minister of State for Foreign Affairs, has emphasized during his meetings with you in Damascus, that we desire to continue our cooperation and dialogue with you, and as long as the purpose is the Syrian human and his rights, we will not have any disagreement because this is first and foremost our human.

With all respect and appreciation,

Embassy of the Syrian Arab Republic

Washington

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aimed to ensure the safety of the structure of the homeland and the nation and to challenge the socialist regime.”

3 Constitution of 1973, Article 26.

4 These six parties are: the Syrian Communist Party (Khalid Bakdash wing), the Syrian Communist Party (Yousef Faisal wing), the Arab Socialist Union, the Arab Socialist Party, the Socialist Unionists, and the Democratic Socialist Unionists. The Democratic Socialist Unionists, a breakaway group from the Socialist Unionists, joined the Front in 1988.

5 This is formalized in Article 8 of the constitution, which identifies the B’ath Party as “the leader party in society and the state” and stipulates that the B’ath “shall lead a National Progressive Front that works to unite the capacities of the masses of the people to serve the interests of the Arab nation.”

6 Defense statement dated February 20, 1994.

7 Interview, Damascus, March 1995.

8 Interview, Damascus, March 29, 1995.

9 Interview, Damascus, April 10, 1995.

10 Interview, Damascus, October 15, 1994.

11 For information about the events leading up to the government’s crackdown on independent professional associations in 1980, see Middle East Watch, *Syria Unmasked: The Suppression of Human Rights by the Asad Regime* (Human Rights Watch Books, Yale University Press, New Haven and London: 1991), pp. 13-14 and pp. 85-88.

12 See Chapter Five for additional information about the case of Salim Khair Beik.

13 Individuals suspected of links with the Muslim Brotherhood are not included in these trials. Most of them were arrested in the early 1980s and continue to be held in Tadmor military prison, located in the Palmyrene desert 200 kilometers northeast of Damascus. Many of the Tadmor prisoners appear to be the young relatives of suspected Muslim Brothers, or individuals named by others under torture. Some of them were juveniles at the time of their arrest, such as Tawfiq al-Bueidan, who was sixteen years old and in tenth grade when he was arrested in 1981, according to a Syrian lawyer. He reportedly was released on March 21, 1995. According to independent sources in Syria, many of those who continue to be held at Tadmor prison were “tried” years ago by military field courts, in brief proceedings that lacked any semblance of due process. A secular political prisoner who spent five years in Tadmor told us that when he was transferred from Tadmor to Sednaya prison in May 1992 there were about

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an unauthorized political group, were arrested. About eighty were released within three months, but the rest remained in detention. There were more releases in the 1991 amnesty, leaving eight leaders of the party, who were tried by the security court. The court's judgment against one of them, Dr. Khalid Naser, a physician, is in Appendix A.

¹⁵ CDF was founded in 1989. For additional information, see Human Rights Watch/Middle East, "Syria: Human Rights Workers on Trial," Vol. 4, Issue 5, March 9, 1992.

¹⁶ Interview, Damascus, April 1995.

¹⁷ Interview, Damascus, April 1995.

¹⁸ Among this group was Dr. Ahmad Fayez al-Fawaz, a specialist in internal medicine and cardiology who was born in 1934. He was arrested on October 6, 1980, for affiliation with the unauthorized Communist Party-Political Bureau (CP-PB). For the first three years of his detention, Dr. Fawaz was allowed no visits. He was sentenced to fifteen years by the security court on May 29, 1994. At the time of our mission, he was in Adra prison, awaiting release.

The leader of the CP-PB, sixty-five-year-old lawyer Riad al-Turk, was arrested twenty days after Dr. Fawaz. Riad al-Turk has never been charged with an offense and has been detained for over twenty-four years in an isolation cell in the basement of the Military Interrogation Branch of Military Intelligence in Damascus. With the exception of one sixty-minute visit from his wife and daughter in 1993, he has not had contact with other prisoners or the outside world since 1980. Human Rights Watch requested access to Riad al-Turk and other prisoners in a letter hand-delivered to Minister of Interior Muhamed Harba in Damascus on April 1, 1995, but Syrian authorities never acted on this request. In a letter to President Asad dated May 3, 1995, Human Rights Watch expressed concern about recent, unconfirmed reports in Damascus that al-Turk's health was deteriorating and his life might be in danger. We urged the Syrian leader to order the release of Riad al-Turk for humanitarian reasons.

¹⁹ Interview, Syria, April 1995. Name of city withheld by Human Rights Watch.

²⁰ Article 9(4) of the International Covenant on Civil and Political Rights states: "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."

²¹ Article 7(a) of Decree No. 47.

²² Article 14(5) states: "Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law."

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²⁵ It appears that the court does not convene every Saturday. When we arrived at the court on Saturday, April 8, 1995, we were told that there was no session that day.

It is also difficult to obtain information at the court about the schedule on any given day. For example, when we arrived at the court on Tuesday, April 18, 1995, we found an empty courtroom. We inquired of several court officials if the court would convene that day. No one we spoke with could answer our question. We finally went to the office of the state security prosecutor, who also did not know if prisoners would be brought before the court that day. We waited, and finally knew that proceedings would take place when a security truck with prisoners pulled up in front of the building.

²⁶ Interview, Damascus, October 15, 1994.

²⁷ Interview, Damascus, March 28, 1995.

²⁸ Interview, Damascus, March 1995.

²⁹ Emphasis added.

³⁰ Interview, Damascus, April 4, 1995.

³¹ Interview, Damascus, October 15, 1994.

³² Article 306(1) of the penal code also specifies that the means used to carry out this offense must be one of those specified in Article 304 of the code. Article 304 describes these as "terrorist means," which are defined 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."

³³ Yacoub reportedly was first held in Hasakeh prison, and then was moved to Sednaya prison north of Damascus.

³⁴ Interview, Damascus, April 1995.

³⁵ Interview, Damascus, April 4, 1995.

³⁶ Emphasis in original.

³⁷ Excerpt from a handwritten note received by Human Rights Watch in April 1995. Name and age of defendant withheld by Human Rights Watch.

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for five years to Tadmor military prison, where he was held with eight other men from the Party for Communist Action (PCA) leadership and seven men serving their compulsory military service who were also accused of membership in the party. In May 1992, all of them were transferred from Tadmor to Sednaya prison.

The eight PCA central committee members imprisoned at Tadmor with al-Bunni were: Wajih Ghanem, poet Faraj Baraqdar, Nizar Maradni, Muhamed Mi'mar, Yousef al-Bunni (Akram al-Bunni's brother; since sentenced to fifteen years by the security court), Samir Khalid al-Hassan (also sentenced to fifteen years), Rashid Satouf, and Abbas Abbas. The seven who were serving in the Syrian army are: Bassam Johar, Muhamed al-'Ali, Nabil Homsy, Muhamed al-Smoudi, Adnan Qadur, Suleiman Mansour, and Nu'man Habib.

³⁹ We almost missed the opportunity of speaking with al-Bunni at the court on April 30, 1995. While we were speaking with a group of prisoners inside the courtroom, they began to shout that al-Bunni was being brought in and moved elsewhere through a side door. We went to the doorway and insisted on speaking with him. The young guards, without a senior officer present, consented, and we interviewed al-Bunni inside the courtroom.

⁴⁰ Interview, Damascus, April 1995.

⁴¹ Interview, Damascus, March 29, 1995.

⁴² Interview, Damascus, March 27, 1995.

⁴³ Interview, Damascus, October 15, 1994.

⁴⁴ See Appendix B for additional information about these verdicts.

⁴⁵ Interview, Damascus, March 1995.

⁴⁶ Interview, Damascus, April 1995. Name and age withheld by Human Rights Watch.

⁴⁷ See Articles 9, 14 and 15 of the ICCPR.

⁴⁸ See Articles 19, 21 and 22 of the ICCPR.

⁴⁹ Interview, Damascus, April 1995.

⁵⁰ Interview, Damascus, March 29, 1995.

⁵¹ Interview, Damascus, April 1995.

⁵² Interview, Damascus, April 1995.

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56 Date of defense statement withheld by Human Rights Watch.

57 Interview, Damascus, April 1995.

58 Interview, Damascus, March 1995.

59 Emphasis added.

60 Date of defense statement withheld by Human Rights Watch.

61 Date of defense statement withheld by Human Rights Watch.

62 The source told us that Taysir Hasoun was in his last year of medical school at Tishreen University when he was arrested on June 5, 1989 at his home in Latakia. He was first detained for one month at Political Security in Latakia, and then was interrogated for two months by Political Security in Damascus. There, he said that he was tortured by "all methods" -- including the "tire" and the "German chair," both described in Chapter Four -- which resulted in a slipped disk in his lower back, according to the source. His condition required that he be sent to the prison hospital four or five times. He spent four more months on his back in prison, assisted by his fellow inmates. He was then transferred to Adra prison, where he continues to be held.

Hasoun did not receive his first family visit until nine months after his arrest. His family learned of his whereabouts one month after he was transferred to Adra prison. The news came through released prisoners, not the authorities.

63 Interview, Damascus, April 1995.

64 Their names and sentences were reported to us as follows: Ratib Sh'abo, arrested in 1983, fifteen years; Feras Eunis, arrested in 1982, fifteen years; Aziz Tabsi, arrested in 1983, fifteen years; Al-Harith Al-Nebhan, arrested in 1984, thirteen years; Adib al-Jani, twelve years; and Bassam Badour, arrested in 1989, eight years.

65 We received information that these prisoners included: Mazen Shamsin, sentenced to fifteen years by the court in April 1994; Safwan Aqash, arrested in 1981 and sentenced to fifteen years; trade unionist Omar Qashash, arrested in 1980 and sentenced to fifteen years in April 1994; and Mahmoud 'Eissa and Neman Abdu, both arrested in 1992 and still on trial as of late April 1995.

66 He complained about the lack of reading material and radios. "They sell us Tishreen, Thawra and al-B'ath," he said, referring to three government daily newspapers. "Criminal

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68 Interview, Damascus, April 1995.

69 Interview, March 28, 1995. Sha'ban Shahin, deputy secretary-general for Syria and former minister of justice, who served from 1985-85, and 'Omar Badleh, a member of the executive committee of the syndicate, also attended this meeting.

70 See Syria Unmasked, pp. 85-88, for additional information, including a description of the controversial 1981 law that transformed the lawyers syndicate into a Ba'th Party mouthpiece.

71 These rights are spelled out in Article 14 of the International Covenant on Civil and Political Rights.

72 International Covenant on Civil and Political Rights, Article 14(5).

73 The court postponed the session of eleventh defendant, Nidal Haroun, until June 4, 1995. In a brief conversation, Haroun told us that he was arrested in 1992 and accused of membership in the pro-Iraqi wing of the B'ath party. He said that he had been living in Europe, and surrendered himself to the Syrian embassy in Athens after he heard that an amnesty had been declared. After he was returned to Syria, he was held for two months in a State Security detention center in Damascus and then was transferred to Sednaya prison.

74 See the next chapter for additional information about torture.

75 Their names are: Fathi Muhamed 'Ali, 'Ali 'Ali Mustafa, Sabri Khalil Ja'far, and Abdeen Ahmed.

76 There are at least four other women imprisoned at Duma on political charges, according to sources in Syria:

* Thirty-year-old Doha al-Ashour from Aleppo, the mother of a female child who was born in the prison. Ashour went into hiding in 1987. When security forces came to arrest her and did not find her, they detained her sister Lina as a hostage for ten months. Ashour was finally arrested on February 11, 1993, and accused of membership in the Party for Communist Action (PCA). Pregnant at the time of her arrest, she was held for six months by Political Security in a cold, damp underground cell and then moved to Duma. Her brother Oussama was sentenced to fifteen years by the security court for membership in the PCA and is in Adra prison.

* Thirty-five-year-old Khadija Deeb from Latakia, imprisoned for three years and also accused of membership in the PCA. Her husband, Qais Darwish, was sentenced to fifteen years by the security court for membership in PCA and is in Sednaya prison.

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be innocent until he is condemned by a final judicial decision.”

78 Article 28(3) of the constitution states: “No one shall be subjected to physical or moral torture, or to humiliating treatment. The law shall define the penalties of such actions.”

79 Article 7 of the ICCPR states in its pertinent part: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

80 For a description of these branches of Syria’s security apparatus, see Middle East Watch, *Syria Unmasked*, pp. 38-53.

81 Interview, Damascus, March 1995.

82 Yousef is a pseudonym.

83 Interview, Syria, April 1995. Name of city withheld by Human Rights Watch.

84 Interview, Damascus, April 1995.

85 The German chair (al-kursi al-almani, in Arabic) is described this way in an authoritative report about torture in Syria: “[A] metal chair with moving parts to which the victim is tied by the hands and feet. The back rest of the chair bends backwards, causing acute hyperextension 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, the fracturing of the vertebrae.” Amnesty International, “Syria: Torture by the Security Forces,” AI Index: MDE/24/09/87, October 1987, p. 18.

86 Amnesty International describes the flying carpet (bisat al-rih, in Arabic) as follows: “[S]trapping the victim to a piece of wood shaped like a human body and either beating him or her or applying electric shocks all over the body.” Ibid.

87 See Chapter Five for information about Brig. Gen. Seifu’s participation in a special security committee that pressured prisoners to sign pledges of allegiance as a condition for release.

88 Name, age and date of arrest withheld by Human Rights Watch.

89 The tire (dullab, in Arabic) is described as follows by Amnesty International: “[H]anging the victim from a suspended tyre and beating him/her with sticks, clubs, cables or whips.” Ibid.

90 Name, age and date of arrest withheld by Human Rights Watch.

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[94](#) Name, and date, year and place of arrest withheld by Human Rights Watch.

[95](#) His wife, Ragda Hassan, was arrested with him and at the time of our interview was being held in Duma women's prison. Ahmad said he had learned that his wife was found innocent by the court on April 10, 1995.

[96](#) According to information we received from other sources in Syria, civil engineer Mudar al-Jundi, who was born in 1959 in the port city of Tartous and was a member of the central committee of Party for Communist Action, died under torture in the Palestine Branch in Damascus on September 20, 1987, the same day that he was arrested. He reportedly suffered from asthma, informed his torturers about his illness but, under severe torture, he died within hours of his arrest.

Al-Jundi was married to Munira Jweijeh from Salamiyya. The couple had been in hiding and were wanted by the Palestine Branch. His wife was detained in December 1987, after her husband's death, and was held in Duma women's prison for four and a half years. They had one child, a daughter Sara.

[97](#) Interview, Damascus, April 10, 1995.

[98](#) Interview, Damascus, March 27, 1995.

[99](#) Judicial and Behavioral Investigations Department, Ministry of Interior, Number 82, October 15, 1994.

[100](#) Interview, Damascus, October 15, 1994.

[101](#) Ibid.

[102](#) See Human Rights Watch, World Report 1993 (Human Rights Watch, New York: 1992) pp. 338-339.

[103](#) During the mission, we requested the names of these released prisoners from Minister of State for Foreign Affairs Naser Qadur. We repeated this request in a letter to the Syrian government dated June 13, 1995. As of the date of the publication of this report, we have not received this information.

[104](#) Interview, Damascus, April 1995.

[105](#) Amnesty International describes this technique as follows: "[S]trapping the victim to a revolving wooden bar resembling a roasting spit and subjecting him or her to beating with sticks." See "Syria: Torture by the Security Forces," pp. 19-20.

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in 1981 after eighteen months in detention), Salim 'Aqil (released in 1989), Abdel Majid Manjouneh (released in 1989), Sureiyya Abdel Karim (released in 1989), Asad 'Ulabi (released in 1986), Sayid Nino (released in 1986 and died in 1989); engineers Abdel Magid Abu Shala (released in 1989), and Abdel Hadi al-Aqras, Dr. Nabil Salem, Dr. Jalal Khanji, and Ghassan Najjar (all released in 1991).

He named the lawyers arrested in Damascus as: Haytham Maleh, Bahghet al-Masouti, Adnan Orabi, and Michel Arbash, all arrested in May 1980 and released in 1986; Muwaffaq al-Din al-Kuzbari, an older lawyer also arrested in May 1980 who was released after three and a half years in detention. In addition to himself, Khair Beik said that the other Damascus engineers arrested in April 1980 included: 'Ali Muhammed (released after three and a half years in detention); and Riyad Bustati and Mamoun Sawah (released in December 1991).

[109](#) According to Syrian lawyers, the statute of limitations is three years from the date of arrest for a misdemeanor and ten years for a felony.

[110](#) Interview, Damascus, April 1995. Khair Beik was one of the few Syrians we interviewed who consented to the use of his name in this report.

[111](#) According to several Damascus lawyers, some political prisoners who have been found innocent by the security court, or who have been released because of the statute of limitations, have been able to regain their former state-sector jobs and back salaries. But for those sentenced by the court, compensation for lost salaries and return to their former jobs is ruled out, the lawyers said.

[112](#) Interview, Aleppo, April 1995.

[113](#) Article 19(1) of the International Covenant on Civil and Political Rights states: "Everyone shall have the right to hold opinions without interference."

[114](#) See Article 26 of the ICCPR.

[115](#) See Articles 18 and 19 of the ICCPR.

[116](#) See Articles 14 and 9(1) of ICCPR.

[117](#) Interview, Damascus, April 1995.

[118](#) Interview, Homs, March 1995.

[119](#) Maj. Basil Asad, the president's oldest son, was killed in an automobile accident on the way to Damascus airport on January 21, 1994, when he was thirty-one years old. Many Syrians

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120 This meeting took place in March 1995.

121 Article 388 of the penal code states: "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." Cited in Amnesty International, "SYRIA/Repression and impunity: The forgotten victims," April 1995, AI Index: MDE 24/02/95, p. 13.

122 Rank and name of officer withheld by Human Rights Watch to protect the identity of the source.

123 Interview, Damascus, April 1995.

124 Interview, Damascus, May 1995.

125 Interview, Aleppo, April 1995.

126 Interview, Damascus, April 1995.

127 Interview, Damascus, April 1995.

128 Article 12(2) of the ICCPR states: "Everyone shall be free to leave any country, including his own."

129 Article 12(3) of the ICCPR states that the right to leave any country "shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant."

130 Article 63 of the penal code. This article also stipulates that those sentenced to life imprisonment and hard labor are permanently stripped of their civil rights.

131 Decision No. 1225 of 1995 of the state security court; see Appendix A for a copy of the original document and the English translation.

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This report focuses on Syria's state security court and the continuing trials of individuals accused of membership in unauthorized political groups. It also examines the practice of torture in Syria, and the pressure and punishment placed on political prisoners after release. It documents the high price that some Syrians have paid—and continue to pay—for exercising their right to peaceful political dissent.

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