

AMNESTY INTERNATIONAL

Public Statement

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Syria: Investigation into killing of Sami Ma'touq and Joni Suleiman opened, but hindered by tampered evidence

Amnesty International welcomes the opening of an investigation into the killing of Sami Ma'touq and Joni Suleiman by Syrian security forces in the village of al-Mishrefeh, near the city of Homs, on 14 October 2008, but is seriously concerned by reports that the scene of the incident was tampered with yesterday.

In a letter sent yesterday to Syria's Minister of Defence, General Hassan Ali Turkmani, the organization welcomed the announcement that the Military Prosecutor had opened an investigation into the killing of Sami Ma'touq and Joni Suleiman, but expressed concerns that the scene of the killing appears not to have been inspected promptly after the shooting and has subsequently been tampered with, in an apparent attempt to destroy evidence.

Amnesty International urged the Minister to ensure that any remaining physical evidence at the scene of the killing is collected as a matter of urgency. It called for the investigation to be carried out in line with international human rights standards, such as the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. In particular, it should be thorough, independent and impartial; its results should be made public; witnesses to the events must be protected from intimidation; and those allegedly responsible should be brought to justice in trial proceedings that meet international standards of fairness and do not carry the possible imposition of the death penalty.

Sami Ma'touq and Joni Suleiman were killed around 9pm on 14 October 2008 during an operation by law enforcement officials who approached a group of individuals socializing in front of their homes. According to reports received by Amnesty International, the individuals were mainly sitting down and none of them was carrying a weapon nor posing a threat to the life or safety of the officials or anyone else. The officials opened fire, apparently targeting Joni Suleiman at close range. Some reports have indicated that he was shot at a distance of several metres and was hit by dozens of bullets. Sami Ma'touq appears to have been hit by bullets fired at Joni Suleiman and died as a result. Reports received by Amnesty International indicate that the officials may have belonged to Military Security.

On the morning of 20 October a group of individuals of unknown identity are reported to have set fire to objects at the scene of the killing, thereby apparently obscuring marks on the ground where the two men were shot, and used hammers to widen and deepen holes made in the walls of adjacent buildings by the bullets fired on the day of the shooting, thereby rendering them unidentifiable.

Amnesty International is seriously concerned that these killings were unlawful and an arbitrary deprivation of the right to life, and that in particular the killing of Joni Suleiman may have been deliberate - that is, an extrajudicial execution.

As a state party to the International Covenant on Civil and Political Rights, the Syrian authorities are obliged to ensure that “no one shall be arbitrarily deprived of his life.” When law enforcement officials resort to the use of force, this must be only such as is necessary and proportionate in the circumstances. According to the UN Code of Conduct for Law Enforcement Officials, they “may use force only when strictly necessary and to the extent required for the performance of their duty.” Furthermore, according to the 1990 UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, “Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these objectives.” In any event, intentional lethal use of firearms may only be made “when strictly unavoidable in order to protect life”.