

AMNESTY INTERNATIONAL

Public Statement

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Syria: Memorandum to the Syrian authorities calling for the reform or abolition of the Supreme State Security Court

Amnesty International has today sent to the Syrian authorities a 12-page Memorandum highlighting the organisation's concerns about the Supreme State Security Court (SSSC), urging that it be fundamentally reformed or abolished.

For nearly 40 years the SSSC has been unfairly trying purported political and security suspects. Defendants before the court are routinely convicted of vaguely worded and widely interpreted offences, such as "weakening nationalist sentiments" or "inciting sectarian strife", which often relate solely to their peaceful expression of opinions that differ from those of the authorities. Defendants are routinely convicted with scant if any evidence being presented to the court to substantiate the charges against them.

Defendants suffer systematic violations of fundamental rights to fair trial that are guaranteed in international treaties to which Syria is a state party and which it has an obligation to uphold. Notably, the court is far from being independent and impartial; defendants are not promptly informed of the charges against them nor tried without undue delay; they are not afforded adequate time and facilities to mount their defence; "confessions" allegedly extracted under duress are accepted as "evidence" and Amnesty International knows not a single allegation of torture made before the court that has been investigated; and defendants have no right of appeal.

Amnesty International's Memorandum was submitted in light of the latest in a series of Opinions of the United Nations' Working Group on Arbitrary Detention (WGAD), which found the detention of an individual tried by the SSSC to be arbitrary. In Opinion 8/2007, the WGAD found Muhammad Zammar's detention to be arbitrary on a number of grounds including that he was held in incommunicado detention without charge for some five years; was sentenced to 12 years' imprisonment after being convicted of a crime for which no evidence was presented in court; and has no right to appeal the conviction against him. Other examples of flagrant breaches of fair trial rights highlighted in the Memorandum include:

- Mus'ab al-Hariri was convicted of membership of the outlawed Muslim Brotherhood organisation in June 2005, aged 18, despite no evidence being presented to the court to substantiate the charge and without any investigation being carried out into torture he reportedly suffered while in incommunicado pre-trial detention;
- Lawyer Anwar al-Bunni was ejected from the SSSC in June 2002 after he requested an investigation into claims that his client, 'Aref Dalilah, had been tortured in detention;
- At least 20 members of the Communist Labour Party were detained for more than a decade before being brought to court in the early 1990s;
- Aktham Nu'aysa and Nizar Nayyof were among 13 human rights activists whose convictions in 1992 were mostly based on "confessions" said to be obtained under torture. Despite both men being unable to walk into the courtroom unaided as a result of the alleged torture, no investigations into the claims of torture were carried out.

In June 2005, the Syrian authorities announced that a review was being conducted into the SSSC and its procedures. Since then there has been a lack of information regarding the make-up, terms of reference and progress, if any, of such a review. Amnesty International reiterates its call on the Syrian authorities to ensure that any such review takes into account the concerns detailed in the Memorandum. The organisation recommends that, given the magnitude of the SSSC's non-compliance with international

standards for fair trials, any review should lead to the court's fundamental reform, or its abolition.