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Syria: 41 years of the State of Emergency - Amnesty International reiterates its concerns over a catalogue of human rights violations

Amnesty International today expressed grave concern at the continuing enforcement of the State of Emergency Legislation (SEL) in Syria. This month marks the 41st anniversary of the declaration of the SEL which has been in force without interruption since 8 March 1963 and has resulted in thousands of suspected political opponents being detained, tortured and held incommunicado without charge or trial, some for over two decades. Others have been convicted and sentenced to lengthy prison terms after grossly unfair trials before military or state security courts.

Among the recent examples of victims of human rights violations facilitated by the SEL are fourteen Syrian human rights activists who were arrested on 23 August 2003 from a lecture they attended to mark the 40th anniversary of the declaration of the SEL. The 14 men were charged with "affiliation to a secret organization and carrying out acts which could incite factional conflict within the nation". Amnesty International has called on the Syrian authorities to drop all charges against these men, currently standing trial before a military court, as they are being tried for exercising their rights to freedom of assembly and expression and would therefore be prisoners of conscience if convicted. They include Fateh Jamus and Safwan 'Akkash, both members of the Party for Communist Action and former prisoners of conscience sentenced to 15 years in prison after grossly unfair trials. The other twelve are 'Abd al-Ghani Bakri, Hazim 'Ajaj al-Aghra'i, Muhammad Deeb Kor, 'Abd al-Jawwad al-Saleh, Hashem al-Hashem, Yassar Qaddur, Zaradesht Muhammad, Rashid Sha'ban, Fuad Bawadqji, Ghazi Mustafa, Najib Dedem and Samir 'Abd al-Karim Nashar.

The SEL allows the Syrian authorities to restrict the right to freedom of expression by permitting the censorship of correspondence, communications and information media. It also allows for the establishment of special courts for the trial of state security and political cases without recourse to ordinary court procedures and guarantees.

"Over the years," said Amnesty International "we have documented evidence of human rights violations against opponents or suspected opponents of the Syrian government who have not been involved in violence."

The SEL is inconsistent with the requirements of human rights law, particularly Article 4 of the International Covenant on Civil and Political Rights (ICCPR) to which Syria is a state party. In April 2001, the Human Rights Committee, which monitors states' implementation of the ICCPR, expressed concern over the SEL in Syria which it said "does not provide remedies against measures limiting citizens'

fundamental rights and freedoms". The Committee recommended that the SEL be "formally lifted as soon as possible".

Article 4 of the ICCPR recognizes that in times of extreme national crisis which threaten the life of the nation, emergency powers may legitimately be used. However, such powers are clearly defined and limited by Article 4 which stipulates that restrictions placed on rights guaranteed by its provisions are to be limited in both scope and duration "to the extent strictly required by the exigencies of the situation". A state of emergency is by definition a temporary legal response to an exceptional and grave threat to the nation. However, in the case of Syria, the perpetual state of emergency can only contribute to making human rights violations permanent," stressed Amnesty International. Amnesty International is not aware that the Syria authorities have ever informed the Secretary-General of the United Nations of any derogation from the provisions of the Covenant, as required by Article 4(3) of the ICCPR. Syria is therefore bound by all the articles under the ICCPR.

Amnesty International calls upon the Syrian authorities to bring all its legislation in line with international law, including Articles 18 - 22 of the ICCPR, guaranteeing the right to freedom of conscience, expression, assembly and association and the right to exercise these freedoms without undue interference.