

Syria: Free Peaceful Activists, Journalists, Aid Workers in Amnesty



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President Bashar al-Assad should release all peaceful activists, media professionals, and humanitarian assistance providers as part of an amnesty announced on October 23, 2012, Human Rights Watch (HRW), Alkarama, the Euro-Mediterranean Human Rights Network (EMHRN), the Gulf Centre for Human Rights, Index on Censorship, the International Federation for Human Rights (FIDH), Reporters Without Borders, and Samir Kassir Foundation – Skeyes Center for Media and Cultural Freedom said today. These persons have been detained purely for exercising their basic rights such as freedom of assembly and freedom of expression, or for assisting others and therefore should not have been detained or prosecuted in the first place, the groups said.

The president's Legislative Decree No. 71 grants a general amnesty, reducing or eliminating prison terms for most crimes, but it excludes those who have been charged or convicted of terrorism offenses under the Anti-Terrorism Law enacted on July 2. Although Assad issued four amnesty decrees in 2011 and two others in January and May, security forces have kept many peaceful activists in detention. To ensure that the amnesty does not exclude them, the government should allow independent UN monitors inside Syria's detention facilities, the groups said.

If President Assad is serious about his amnesty, he should open the doors of all his prisons to independent monitors to check who is actually detained and why," said Sarah Leah Whitson, Middle East director at Human Rights Watch. "Otherwise, this amnesty will be yet another false promise, with released detainees soon replaced by other activists, humanitarians, and journalists locked up for peacefully doing their jobs."

Some of the worst human rights abuses in Syria take place outside of public view, behind the cell walls of detention facilities, where thousands of Syrians, including many women and children, are arbitrarily detained and in many documented cases, brutally tortured. Peaceful activists, human rights defenders, aid workers, lawyers, doctors, writers, and journalists continue to be held, often arbitrarily, in incommunicado detention, and subject to torture and ill-treatment.

Anwar al-Bunni, a lawyer who is following up on the cases of many detainees, told Human Rights Watch that he is familiar with several cases in which individuals are being charged with assisting terrorists because they were providing humanitarian assistance

and that in some cases activists are also being charged with having conducted terrorist acts, including the prominent Syrian actress May Skaff.

The Anti-Terrorism Law defines a terrorism act as “every act that aims at creating a state of panic among the people, destabilizing public security and damaging the basic infrastructure of the country by using weapons, ammunition, explosives, flammable materials, toxic products, epidemiological or bacteriological factors or *any method* fulfilling the same purposes.” The law also stipulates that the promotion of “terrorism” including through the distribution of literature, or other information, is punishable by imprisonment with hard labor. Financing terrorism includes supplying, directly or indirectly money, weapons, ammunition, explosives, means of communication, information, or “other things” to be used in the implementation of a terrorist act.

Security forces should not use the expansive powers of the country’s Anti-Terrorism Law to exclude peaceful activists, human rights defenders, humanitarian workers and other political detainees from the amnesty, the groups said.

Although Syrian authorities technically lifted the emergency law on April 21, 2011, on the same day they enacted Legislative Decree 55, limiting the time that a person can be lawfully held in detention without judicial review to 60 days for certain crimes, including terrorism offenses. According to a former detainee who spoke to Human Rights Watch, high ranking officers explained to him while in detention that they were using this provision and the Anti-Terrorism Law to legally hold detainees for up to 60 days pending judicial review. This limit, does not meet the requirement in international law that judicial review of detention should take place “promptly.” Furthermore, several former detainees interviewed by Human Rights Watch said that they had been held without judicial review even longer than the 60 days permitted by Syrian law.

While it is impossible to verify the number of people detained since the beginning of anti-government protests in March 2011, the Violations Documentation Center (VDC), a Syrian monitoring group, has said it is at least 32,160. In some instances activists have reported that security forces detained their family members to pressure the activists to turn themselves in.

“It is not the first time that the Syrian president claims that he will grant a general amnesty, but we remain appalled by the figures of activists arbitrarily detained or disappeared” said Michel Tubiana, EMHRN president. “The Syrian authorities should immediately stop targeting peaceful activists and their families under the banner of so called fight against terrorism and reveal the fate of all persons detained incommunicado”.

Among those detained incommunicado are several employees of the Syrian Center for Media and Freedom of Expression (SCM). On February 16, Air Force Intelligence raided the group’s offices and arrested 16 people, including seven women. Five of the men

arrested, including Mazen Darwish, the group's president, and other staff members – Abdel Rahman Hamada, Hussein Ghareer, Mansour al Omari, and Hani Zetan – remain in incommunicado detention. Their whereabouts are unknown.

On October 2, the prominent human rights lawyer, Khalil Maatouk, who was working on the SCM case, was abducted while driving to his office with a friend, Mohamed Zaza, and has not been seen since. Maatouk has represented numerous human rights defenders and activists, including Darwish. Anwar al-Bunni, who is following up on his detention, told Human Rights Watch that Maatouk, who has health problems, is being detained in a Political Security detention facility in Damascus. Maatouk is the executive director of the Syrian Center for Legal Studies and Research and the head of the Syrian Center for the Defense of Detainees. He has defended numerous activists before and during the uprising in front of military, state security, and civil courts.

Humanitarian assistance providers and doctors have also been arrested and otherwise harassed by the Syrian government while attempting to provide assistance in violation of its obligations under international humanitarian law. Under humanitarian law, the government is required to allow and facilitate the rapid and unimpeded passage of impartially distributed humanitarian aid to the population in need and to ensure the freedom of movement of humanitarian relief personnel essential to the exercise of their functions.

A formerly detained doctor who spoke to Amnesty International after he was released in spring 2012 reported that he had been held with two other doctors in late February in the Air Force Intelligence branch in Mezze, Damascus and that both had been tortured in detention. Security forces arrested one of them, Dr. Mohamad Osama Al-Baroudi, at his clinic on February 18, and the other, Dr. Mahmoud Al Refaai, at al-Mouwassat hospital in Damascus, on February 16. The released doctor said he believed that Dr. Al-Baroudi and Dr. Al Refaai were detained for providing medical treatment to injured demonstrators.

On December 31, 2011, Syrian Military Intelligence arrested Hussam Ahmed al-Nabulsi after he and another man riding with him on a motorbike were shot at and he was injured, witnesses reported. A family member told Amnesty International that before his arrest he had been providing food and money to families who had suffered as a result of the unrest. His family has tried to find out his whereabouts and condition, but the authorities have not responded to their requests for information.

Syria remains one of the most dangerous places in the world for journalists to work. According to Reporters Without Borders, since the beginning of anti-government protests in March 2011 at least 150 journalists and citizen journalists have been imprisoned. 14 journalists and 41 citizen-journalists have been killed. Other people who have expressed controversial views or promoted freedom of expression have also been targeted by the government.

Syrian security forces have conducted a widespread and systematic campaign of torture of detainees across Syria since the beginning of the anti-government protests. Former detainees and defectors have reported horrific torture including sexual abuse such as rape, forced nudity, and electric shock to the genitalia; beatings with batons and cables, particularly targeting sensitive body areas; and burning and electric shocks.

The government should immediately stop arbitrarily arresting, detaining, and torturing those in custody, the groups said. The government should provide immediate and unhindered access for recognized international detention monitors, including the office of the Joint Special Representative of the UN and the League of Arab States, Lakhdar Brahimi and the UN Commission of Inquiry (COI) on Syria, to all detention facilities, official and unofficial, without prior notification.

The Joint Special Representative's Office and the COI should provide professional human rights monitors who are trained to organize random and regular visits to all places of detention, including suspected secret detention centers. These experts should have the capabilities and resources to identify people who are arbitrarily detained, protect interviewees from retaliation, ensure the confidentiality and safekeeping of interviews, and interview women who have been sexually abused and children who have been tortured.