



EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK
RÉSEAU EURO-MÉDITERRANÉEN DES DROITS DE L'HOMME
الشبكة الأوروبية - المتوسطية لحقوق الإنسان



THE OBSERVATORY
for the Protection of Human Rights
Defenders

a joint programme



SYRIA Unfair trial of 12 members of the National Council of the Damascus Declaration for Democratic National Change (NCDD).

17 September 2008

The Euro-Mediterranean Human Rights Network, the Observatory for the Protection of the Human Rights Defenders (a joint program between the International Federation for Human Rights and the World Organisation against Torture), Human Rights Watch and Human Rights First express their deep concern about the arbitrary detention and unfair trial in Syria of 12 members of the National Council of the Damascus Declaration for Democratic National Change. The undersigned organizations urge the Syrian authorities to halt the trial and release immediately and unconditionally these 12 human rights and political activists.

Dr. Ahmad Tohme, Mr. Jaber al-Shoufi, Mr. Akram al Bunni, Dr. Fida al-Hurani, Mr. Ali al-Abdullah, Dr. Walid al-Bunni, Dr. Yasser Tayser Aleiti, Mr. Fayez Sarah, Mr. Mohammed Haj Darwish, Mr. Riad Seif, Mr. Talal Abu Dan and Mr. Marwan al-Esh are all members of the National Council of the Damascus Declaration for Democratic National Change (NCDD), a collective opposition and pro-democracy movement comprising more than 160 Syrian political activists, human rights defenders, intellectuals and artists.

The NCDD was established on 1 December 2007 as a follow-up body to the Damascus Declaration for Democratic National Change of 16 October 2005. After publishing the National Council's Concluding Statement, the NCDD was subject to crackdown by the authorities. Starting on 9 December 2007, 40 of its members were arrested by the Syrian State Security Intelligence and placed in detention. Out of these 40, the above mentioned 12 remain detained.

On 28 January 2008, the 12 were brought before an investigative judge, on the basis of charges related to Syrian Criminal Code Articles 285 ("weakening national sentiments"), 286 ("spreading information known to be false or weakening national sentiment"), 306 (belonging to an "association that aims to change the economic or social structure of the State") and 307 ("any action, speech, or writing aimed at sectarian incitement or encouraging conflict among sects"). On 26 August 2008, the General Prosecutor confirmed the charges, while the defendants rejected all accusations, stating that Damascus Declaration's aim was to initiate a debate on a democratic and peaceful reform process in Syria.

Defense lawyers will speak at the next hearing before the First Instance Criminal Court scheduled for 24 September 2008. The verdict is expected to be announced a few weeks later. The 12 defendants face prison terms of up to 15 years.

We, the undersigned organizations, recall that these 12 human rights and political activists, by signing the Damascus Declaration and taking part to the establishment of the National Council of the Damascus Declaration for Democratic National Change, have done nothing except peacefully exercise their fundamental rights as guaranteed by Syria's Constitution and international law. Amongst other provisions, Article 38 states that "*Every citizen has the right to freely and openly express his views in words, in writing, and through all other means of expression*". The trial taking place before the Damascus Criminal Court violates these constitutional guarantees.

We also fear that the 12 defendants will not benefit from their right to a fair trial. The provisions of the Penal Code articles are so vague and broad that they allow the authorities to use them to crack down on peaceful dissidents and human rights activists. Moreover, there are serious worries that the defendants have been and will be subject to ill-treatment during their detention. Although eight of the defendants claimed to the investigating magistrate that they had been beaten during their interrogation and forced to sign false confessions, no independent investigation was ordered regarding their allegations; it is likely that the forced confessions will be used against them in court. More generally, the subordination of Syrian judges and prosecutors to the executive authorities and the lack of judicial independence leave us limited hope that this will be a fair trial conducted in accordance with international standards.

Finally, we are extremely concerned about the health of some of the defendants, who are denied access to proper medical attention: Mr. Riad Seif, Secretary General of the NCDD, suffers from prostate cancer and is refused access to adequate treatment; Dr. Fidaa al-Horani, Chairwoman of the NCDD, is refused the medical attention required by her heart condition; Mr. Ali Abdallah, an independent journalist, has allegedly lost hearing in his left ear as a result of blows received during interrogation. On 28 January 2008, he was examined by a doctor who refused to issue a report and no medical treatment was granted since. Moreover, Mr. Ali Abdallah was transferred more than two months ago to the "disciplinary" wing of Adra prison under much harsher conditions as a punishment for having refused to stand up during an argument with a guard.

Therefore, we, the undersigned organizations, call upon the Syrian authorities to:

- Recall the charges and put an end to the trial before the Damascus Criminal Court against Dr. Ahmad Tohme, Mr. Jaber al-Shoufi, Mr. Akram al Bunni, Dr. Fida al-Hurani, Mr. Ali al-Abdullah, Dr. Walid Bunni, Dr. Yasser Tayser Aleiti, Mr. Fayez Sarah, Mr. Mohammed Haj Darwish, Mr. Riad Seif, Mr. Talal Abu Dan and Mr. Marwan al-Esh, and release them immediately and unconditionally;
- Until their release, guarantee and protect the 12 defendants' physical and psychological integrity in accordance with the UN Minimum Rules for the Treatment of Prisoners and ensure that proper, independent and swift investigation is made on the claims of ill-treatment and forced confession put forward by them;
- In the event charges are not recalled, guarantee to the defendants a right to a fair trial before an independent and impartial court in conformity with Syria's own commitments, in particular Article 10 of the 1948 United Nations Universal Declaration on Human Rights and Article 14.1 to 14.5 of the 1966 United Nations International Covenant on Civil and Political Rights and ensure that the procedure is in conformity with the standards and principles adopted by the United Nations bodies, including the 1985 Basic Principles for the Independence of the Judiciary and the 1990 Guidelines on the Role of Prosecutors.

More generally, we urge the Syrian authorities to:

- Respect their human rights obligations as established by the UN Universal Declaration on Human Rights and enshrined in the international instruments ratified by Syria, in particular the International Covenant on Civil and Political Rights, and guaranteed by the Syrian Constitution; accordingly fully respect and protect the right of all citizens to enjoy in particular the freedom of expression and of association and the right to peaceful assembly;
- Comply with the provisions of the 1998 UN Declaration on Human Rights Defenders, especially its Article 1 (*"Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels"*) and Article 5 (*"For the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels: (a) To meet or assemble peacefully; (b) To form, join and participate in non-governmental organizations, associations or groups; (c) To communicate with non-governmental or intergovernmental organization"*).
- Accordingly, stop all harassment, intimidation, threats, and deliberate attacks - including through judicial proceedings - against human rights defenders in Syria, and release immediately and unconditionally all those currently detained.
- Lift the state of emergency, repeal Syria's Emergency Law and amend all laws that criminalize the exercise of free expression and freedom of association, in order to conform to Syria's human rights commitments.
- Guarantee to all citizens an effective access to justice and the right to a fair trial before an independent and impartial tribunal.

We also call upon the European Union's institutions to:

- Communicate their strong disapproval of the trial of the 12 human rights and political activists to the highest levels of the Syrian authorities and ask them to halt the trial and release them immediately and unconditionally;
- Condition any further progress in their relations with Syria, in particular the entry into force of the Association Agreement concluded on 17 December 2004, on real and lasting improvements in Syria's human rights situation as well as on concrete and measurable commitments by Syria to further improve its policies in this field;
- Comply with their own human rights commitments in their relations with Syria, recalling that according to Article 6 of the Treaty on the European Union "The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law" and that all policies and actions undertaken by the European Union's institutions have to be based on such principles;
- Comply with the provisions of the EU Guidelines on Human Rights Defenders when dealing with Syria.

Finally, we call upon all European Union's Member States to:

- Communicate their strong disapproval of the trial to the highest levels of the Syrian authorities and ask them to halt the trial and release the above mentioned 12 human rights and political activists immediately and unconditionally;

More generally,

- Condition any further progress in their bilateral relations with Syria on real and lasting improvements in Syria's human rights situation as well as on concrete and measurable commitments by Syria to further improve its policies in this field;
- Establish and maintain contact with the human rights defenders at risk in Syria in order to document human rights violations and provide support when necessary.

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