

L'OBSERVATOIRE

pour la Protection des Défenseurs des Droits de l'Homme

THE OBSERVATORY

for the Protection
of Human Rights Defenders

EL OBSERVATORIO

para la Protección
de los Defensores de Derechos Humanos

PRESS RELEASE

SYRIA:

Syrian Court releases Mr. Aktham Naisse

Geneva, Paris---August 17, 2004

The Observatory for the Protection of Human Rights Defenders, a joint program of the World Organization Against Torture (OMCT) and the International Federation for Human Rights (FIDH), has been informed that the Supreme State Security Court of Syria (SSSC) accepted on Monday, August 16, 2004, the demand for the release on bail of Mr. **Aktham Naisse**, president of the Committees for the Defense of Democratic Liberties and Human Rights in Syria (CDF). Mr. Naisse's bail was set at the symbolic amount of 10,000 Syrian pounds.

The Observatory sent Mr. Mohamed Zarea, President of the Human Rights Association for the Assistance to Prisoners in Egypt, to observe the trial. Unlike at the first hearing of July 26, 2004, all international observers were allowed entry. The Court set the next hearing, which will deal with the merits of Mr. Naisse's case, for October 24, 2004.

The Observatory welcomes the release of Mr. Naisse. However, the Observatory remains concerned that Mr. Naisse's trial will continue to take place before the Supreme State Security Court (SSSC), which does not guarantee fair and impartial trials because of the exceptional nature of the SSSC. Indeed, normal criminal procedures of pursuit, investigation and litigation, are not applicable before this Court. Additionally, the SSSC is not under the authority of a higher judicial entity, but rather under the authority of the National Security Office of the ruling Baath Party, and the decisions of the SSSC are final and not subject to appeal (See Observatory Press Release of July 27, 2004). Specifically troubling in the trial of Mr. Naisse is the fact that two of the three judges on the SSSC panel for his case are military officers.

Mr. Naisse was arrested on April 13, 2004 by the military security service and subsequently charged on April 22, 2004, with "opposing the objectives of the revolution" and "disseminating false information aiming at weakening the State". If convicted on all remaining counts, Mr. Naisse risks up to 15 years of forced labor.

This most recent arrest of Mr. Naisse occurred immediately following the publication of the annual CDF report denouncing flagrant human rights violations in Syria. After the pronouncement of charges, he was placed in solitary confinement in Sednaya prison, where during his first week he had a stroke that left him partially paralyzed. The Observatory in previous appeals and reports had voiced its concerns regarding the continuous harassment of Mr. Naisse due to his activities as a human rights defender, specifically by recurrent interrogations and notifications, (See Observatory appeals, SYR 002/0404/OBS 026 and SYR 002/0404/OBS 026.1, and Observatory's Annual Report 2003). The

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Observatory considers the current charges against of Mr. Naisse to be arbitrary since they sanction his freedom of expression and association as a human rights defender.

The Observatory urges the authorities of the Syrian Arab Republic to:

- i. drop the current charges against Mr. Naisse;
- ii. stop the harassment of human rights defenders in Syria;
- iii. conform with the provisions of the 1998 United Nations Declaration on Human Rights Defenders, specifically Article 1 providing that "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 6b providing that "everyone has the right, individually and in association with others...freely to publish, impart or disseminate views, information, and knowledge of all human rights and fundamental freedoms;"
- iv. abolish the exceptional and extra-constitutional procedures of the Supreme State Security Court (SSSC) and allow for fair and impartial judicial proceedings for all in accordance with Article 14 of the International Covenant on Civil and Political Rights, to which the Syria is a party;
- v. more generally, conform with the provisions of the Universal Declaration of Human Rights and comply with its obligations under other international human rights instruments.

In the framework of the negotiations of an Association Agreement between the European Union and Syria, which includes a human rights clause (article 2), the Observatory calls on the EU to put appropriate pressure on the Syrian authorities to guarantee the rights of all human rights defenders in Syria.

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