

'YOUR SON IS NOT HERE'

DISAPPEARANCES
FROM SYRIA'S SAYDNAYA
MILITARY PRISON

AMNESTY
INTERNATIONAL



At least 52 prisoners have been reported missing since 5 July 2008, when disturbances in Saydnaya Military Prison led to the deaths of at least 17 prisoners and five military police. The families of the missing men have spent two long and anguished years trying to find out what happened to their relatives. Amnesty International has established that 18 of the prisoners are victims of enforced disappearance, as defined by international law, and is marking the second anniversary of the disturbances by stepping up its campaign to uncover the truth about all of Saydnaya's missing prisoners.

"A father can never forget his son; I live on the hope of seeing him"

The father of a prisoner missing since July 2008

THE PRISON DISTURBANCES

Few details are known about the disturbances at Saydnaya Military Prison, 30km north of Damascus, on 5 July 2008 and afterwards. An information blackout by the authorities, including a year-long ban on all communication with inmates, has made it impossible to confirm the exact nature of the disturbances, how long they lasted or who was responsible for what violence.

The disturbances apparently started on the morning of 5 July when a contingent of Military Police officers threw copies of the Qur'an on the floor and stood on them during a routine search of cells. Nine unarmed Islamist prisoners who tried to pick up the Qur'ans were said to have been shot dead by the officers. Shortly afterwards, unarmed Islamist prisoners overpowered military police, took hostage several of them as well as the prison director, and seized the officers' guns and mobile phones. The prisoners then used the phones to call their families and local and international human rights organizations, and described the events as above. They said they were protesting to demand that their lives be spared and that measures be taken to improve

prison conditions. Communication between prisoners and the outside world then stopped.

Families of Saydnaya detainees rushed to the prison when news of the disturbances spread. They said they saw ambulances shuttling between the prison and Teshrin military hospital in Damascus, and assumed they were carrying injured and dead prisoners. They then staged sit-down protests for weeks near the prison and hospital in desperate attempts to obtain information.

Syrian human rights organizations say that the authorities reacted to the disturbances by sending security reinforcements into the prison, closing Teshrin military hospital to the public for several weeks, and banning family visits to the prison for over a year (until 20 July 2009). The authorities also suspended the Supreme State Security Court (SSSC) until March 2009.

The SSSC, whose procedures are so flawed that trials before this special court cannot be considered fair, had previously held sessions every Sunday to try Saydnaya detainees. These trials had been the only opportunity for detainees to meet lawyers,

albeit on a very limited basis. They had also offered families of Saydnaya detainees their only chance to glimpse their relatives as they got out of the prison truck and entered the court building. When the SSSC resumed hearings in March 2009, even these glimpses were not possible – prison trucks now drive directly into the new building in which the court has been housed since June 2008.

Some Syrian human rights activists believe that the suspension of the SSSC was linked to the information blackout as the authorities may have feared revelations by Saydnaya detainees appearing before the court. Other human rights activists attribute the suspension to attempts by the authorities to contain the disturbances, which some believe lasted until the end of 2008, and to give them time to rebuild parts of the prison damaged during the disturbances and deal with the dead and injured. The SSSC did not issue any explanation for the suspension.

As far as Amnesty International is aware, the authorities have issued only one statement about the disturbances. SANA, a state-owned news agency, published on 6 July 2008 an official statement that said:

"A number of prisoners convicted of extremism and terror crimes incited chaos and breached public order in Saydnaya prison and attacked their fellow prisoners at 7am on 5 July 2008, during an inspection by the prison administration." It added that the situation required "the intervention of the law enforcement unit to contain the situation and bring order to the prison", but did not refer to any casualties. It also said that: "proceedings were initiated to investigate those who committed attacks against the others and caused damage to property so as to take legal measures against whoever is found responsible."

To date, however, the Syrian authorities have not publicly disclosed details of these proceedings or disciplinary or other measures, despite repeated requests for information by Amnesty International.

In July 2008 Amnesty International made a public statement on the Saydnaya disturbances and in June 2009 issued an Urgent Action on behalf of Nizar Ristnawi, a prisoner of conscience and one of the 52 missing men. In September 2009 the organization wrote to the Minister of Defence about its concerns, copying in the Ministers of Justice and Foreign Affairs. To date, it has received no response.

On 14 May 2010, after examining Syria's record on combating torture, the UN Committee against Torture expressed concern about the lack of "official and independent investigation" into the disturbances or "public announcement of the identities of persons killed or injured". It urged the authorities to "carry out an independent investigation" and to "inform the families of those prisoners if their relatives are alive and still held in prison".

SAYDNAYA: SYRIA'S BLACK HOLE?

Saydnaya Military Prison is a complex run by Military Intelligence. It currently holds at least 1,500 prisoners, most of whom have been charged or convicted by the SSSC of terrorism-related offences or of links to banned Islamist groups. However, there are also members of Kurdish opposition parties and leftist organizations, bloggers, journalists, people accused of crimes during their military service, and people convicted of ordinary criminal offences held at the prison.

Prisoners held in Saydnaya have extremely limited access to the outside world. Their lawyers are never allowed to visit them, and their families are allowed at most one visit a month after obtaining a permit. To obtain a permit, relatives must go to the Military Police premises in the al-Qaboun neighbourhood of Damascus. There, they must queue for hours because of high demand and lack of co-operation by Military Police staff, and they are often insulted by the staff.

Families who do manage to obtain a permit are allowed to see their relatives from behind bars for 30 minutes and under strict supervision by prison guards. Detainees therefore cannot speak freely to their relatives out of fear of punishment.

Prison visits were banned after the disturbances. When they resumed on 20 July 2009, new restrictions were applied. These forbid families from bringing in food or clothing for their detained relatives, and restrict financial support to 5,000 Syrian pounds (about US\$100), which must be given to the prison administration not the prisoner.

A request by Amnesty International for access to Saydnaya prison during a 2006 research visit to Syria was not accepted.

THE MISSING MEN

"I am a human being and I have the right to demand the disclosure of my son's whereabouts."

Basel Madarati's father, speaking to Amnesty International in April 2010

Eighteen of the missing men are victims of enforced disappearance. Amnesty International has spoken to their families or lawyers. At the time of writing, the Syrian authorities, while acknowledging or implying that they were holding all of the men apart from Nizar Ristnawi, were still refusing to provide any other information about their fate or whereabouts.

Thirteen were convicted of "establishing an organization with the aim of changing the financial or social status of the state" and other offences after grossly unfair trials before the SSSC. The charges related to their alleged involvement in unauthorized Islamist groups. Six of these – Nizar Ristnawi, Basel Madarati, Mohammed Iben Ahmed 'Abed al-Ghani, Mohammad Usama 'Atieh, Mohammad Fadi Faisal Sha'ban and Shiyar Mammo – should have been released by now after completing their sentences but they remain missing.

One of the 18 – Nizar Ristnawi – was serving a sentence imposed after he was convicted of other offences, while the remaining four of the 18 – Tahsin Mammo, Mohammad Tayeb Dardar, Ziad al-Kilani and 'Omar Sa'id Hussein – were being detained pending the completion of their trial before the SSSC.

ENFORCED DISAPPEARANCES

International human rights law strictly and in all circumstances prohibits enforced disappearances. The International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the UN General Assembly in December 2006 but yet to enter into force, defines enforced disappearance as:

"... the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person,

which place such a person outside the protection of the law."

In addition to being a distinct human rights violation, enforced disappearances constitute violations of the right to liberty and security of the person, the right not to be tortured or otherwise ill-treated, and the right of detainees to be treated with humanity and dignity. They also constitute a grave threat to the right to life. Further, enforced disappearances can amount to ill-treatment of relatives and friends of people who have disappeared as the uncertainty about their fate and whereabouts, deliberately caused by the authorities' denial of information, can cause extreme distress and fear.

BASEL MADARATI

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Basel Madarati should have been released on 20 January 2010 at the end of a five-year prison term, but he was not. His father told Amnesty

International in March 2010 that he had gone to Saydnaya prison in July 2009, but was informed that he was not allowed to visit his son. In December 2009, staff at the Military Police premises in al-Qaboun told the family that Basel Madarati was no longer in Saydnaya but was being interrogated at the Military Intelligence-run Palestine Branch in Damascus, where detainees are regularly tortured. The staff said the family would be notified when the interrogation was concluded. When the family went to the Palestine Branch, they were asked to leave the building and the father was threatened with arrest if he visited the centre again.

Basel Madarati's father told Amnesty International that prisoners released from Saydnaya prison have told him that his son was killed in the disturbances and that his body has been stored in a freezer since 25 November 2008, but he has been unable to verify this.

NIZAR RISTNAWI

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Nizar Ristnawi, a human rights defender, was serving a four-year prison sentence in Saydnaya when the disturbances broke

out in July 2008. His family have had no contact with him since. His prison term should have been completed on 18 April 2009, but he was not released. Since the resumption of visits on 20 July 2009, his family has regularly gone to the Military Police premises in al-Qaboun and the Military Security branch in the town of Hama, north of Damascus, where he was originally detained, to seek information, but without success. Officials at both centres deny holding him but have given the family no further information.

On 2 November 2009, Nizar Ristnawi's family sent a letter publicly to Syria's President urging him to order those holding Nizar Ristnawi to release him or at least to inform his family of his fate. Amnesty International is not aware of any response to this letter.

Nizar Ristnawi was sentenced on 19 November 2006 by the SSSC after he was found guilty following a grossly unfair trial of "spreading false news" and "insulting the President of the Republic". These charges are commonly used in Syria against human rights defenders and political activists. Nizar Ristnawi had been arrested in April 2005 after a conversation he was having about human rights and other issues was overheard by a member of the security and intelligence services. Amnesty International considers him a prisoner of conscience.

In March 2009, the UN Working Group on Arbitrary Detention announced that it had found the imprisonment of Nizar Ristnawi to be arbitrary. The Working Group concluded that his imprisonment could not be justified on any legal basis and was the result of Nizar Ristnawi exercising his right to freedom of expression as well as the SSSC's non-observance of international standards for fair trial. It asked the Syrian government "to take the necessary steps to remedy his situation". More than a year later, there has been no response from the Syrian authorities.

EIGHTEEN VICTIMS OF ENFORCED DISAPPEARANCE

1. **Ahmed Mahmoud al-Sheikh**, aged 36, from Qatana, 21km west of Damascus, married with two children, arrested on 30 July 2004 and sentenced to 12 years' imprisonment by the SSSC on 11 March 2007.

2. **Amer 'Abed al-Hadi al-Sheikh**, aged 24, from Qatana, arrested on 3 July 2004 and sentenced to six years' imprisonment by the SSSC on 11 March 2007.

3. **Bara' Ma'nieh**, aged 27, arrested on 11 January 2004 and sentenced to 10 years' imprisonment by the SSSC on 10 June 2007.

4. **Basel Madarati**, aged 30, arrested on 20 January 2005 and sentenced to five years' imprisonment by the SSSC on 3 December 2006.

5. **Fadi 'Abed al-Ghani**, aged 37, from Qatana, arrested on 1 July 2004 and sentenced to 12 years' imprisonment by the SSSC on 11 March 2007.

6. **Khaled 'Ali Khaled**, aged 33, sentenced to five years' imprisonment by the SSSC.

7. **Mohammad Iben Ahmed 'Abed al-Ghani**, aged 35, arrested on 24 February 2004 and sentenced to eight years' imprisonment.

8. **Mohammad Usama 'Atieh**, aged 33, from Qatana, arrested on 1 July 2004 and sentenced to six years' imprisonment by the SSSC on 11 March 2007.

9. **Mohammad 'Ez al-Din Dhiab** from al-'Otaybeh on the outskirts of Damascus, arrested on 23 April 2004 and sentenced to six years' imprisonment by the SSSC on 14 November 2006.

10. **Mohammad Tayeb Dardaar**, aged 42, a civil engineer, arrested on 4 August 2003. His trial before the SSSC was ongoing when he disappeared.

11. **Mohammad Fadi Faisal Sha'ban**, aged 28, arrested on 29 November 2004 and sentenced to five years' imprisonment by the SSSC on 2 October 2007.

12. **Nizar Ristnawi**, aged 41, arrested on 18 April 2005 and sentenced to four years' imprisonment by the SSSC on 19 November 2006.

13. **'Omar Sa'id Hussein**, whose trial before the SSSC was ongoing when he disappeared.

14. **'Omar Jamal Nader**, aged 26, from Qatana, was arrested on 1 July 2004 and sentenced to six years' imprisonment by the SSSC on 11 March 2007.

15. **Shiyar Mammo**, aged 32, a Kurd, arrested on 4 February 2006 and sentenced to three years' imprisonment by the SSSC on 29 April 2007.



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16. **Tahsin Mammo**, aged 30, a Kurd and member of the Kurdish Yeketi Party in Syria, whose trial before the SSSC was ongoing when he disappeared.

17. **Yahya al-Bandaqji**, aged 39, from Qatana, arrested on 1 July 2004 and sentenced to 12 years' imprisonment by the SSSC on 11 March 2007.

18. **Ziad al-Kilani**, from al-'Otaybeh, whose trial before the SSSC was ongoing when he disappeared.

MOHAMMAD TAYEB DARDAAR AND ZIAD AL-KILANI

The last thing known about Mohammad Tayeb Dardaar and Ziad al-Kilani before the disturbances was that they were being tried before the SSSC. On 28 February 2010, other men arrested with them were found guilty by the SSSC of "establishing an organization with the aim of changing the financial or social status of the state", and sentenced to between seven and 11 years in prison. The files relating to Mohammad Tayeb Dardaar and Ziad al-Kilani had been removed from the case file without explanation.

'OMAR JAMAL NADER

'Omar Jamal Nader was arrested on 1 July 2004 and sentenced by the SSSC on 11 March 2007 to six years in prison for "spreading abroad false news" and "establishing an organization with the aim of changing the financial or social status of the state". His family has heard nothing about him since 5 July 2008. His mother told Amnesty International in April 2010 that since the resumption of family visits to Saydnaya prison in July 2009, her husband had been going regularly to the Military Police premises in al-Qaboun to seek a permit or any information about his son, but without success.

TAHSIN MAMMO

Tahsin Mammo, a member of the Yezidi Kurdish minority, was being held at Saydnaya in July 2008 along with four other men probably in connection with their peaceful activities as members of the unauthorized Kurdish Yekiti Party in Syria. The five men were arrested on 29 January 2007 at one of their homes in Aleppo, north Syria. All were facing trial before the SSSC prior to July 2008.

When prison visits resumed in July 2009, only the family of Tahsin Mammo was not allowed to visit. The trial before the SSSC of the four other men resumed on 27 February 2010, but Tahsin Mammo's name had been removed from the case file. When Tahsin Mammo's lawyer sought clarification about this, he was reportedly told by court staff "not to play with fire". The four men were sentenced on 18 April 2010 to five

years' imprisonment for belonging to a banned organization with the "aim of separating part of the Syrian lands", a charge commonly brought against political activists belonging to the Kurdish minority. Amnesty International believes that Tahsin Mammo and the four men with whom he was due to stand trial are probably prisoners of conscience held solely for peacefully expressing their views about issues relating to the Kurdish minority in Syria.

In March 2010 staff at the Military Police premises in al-Qaboun told a relative that Tahsin Mammo was not allowed family visits; no other information was provided. On 20 April 2010, the Palestine Branch in Damascus told Tahsin Mammo's family that he was not allowed visits but again did not provide any other information.

In addition to these 18 men, Amnesty International is concerned that 11 other men may also be victims of enforced disappearance. However, Amnesty International has been unable to verify information received from human rights activists and families of other Saydnaya detainees directly with the families or lawyers of the 11 men.

All 11 were convicted after grossly unfair trials before the SSSC on charges related to their alleged involvement in Islamist groups. Six of them should have been released on 23 April 2010, but their fate and whereabouts remain unknown.

'Abed al-Mu'ti Kilani, Ahmed 'Ali Hurraniyeh, Hussein Jum'ah 'Othman, Khaled Hamami, Khaled Jum'ah 'Abed al-'Al, Mohammad 'Abed al-Hafeez Kilani, Mohammad 'Ali Hurraniyeh and Samer Abu al-Kheir, all from al-'Otaybeh on the outskirts of Damascus, were arrested on 23 April 2004 and sentenced on 14 November 2006 to six or seven years in prison. Mohammad Naaser

from Qatana and Naaser Naaser from al-Qonaiterah were arrested on 16 December 2005 and sentenced on 12 May 2008 to 12 and 10 years in jail respectively. Details of the 11th prisoner, Sa'ad al-Din Fa'our, are not known.

Human rights organizations and activists have provided Amnesty International with the names of 23 other men believed to have disappeared. However, Amnesty International has not been able to verify this information independently. The 23 men are: 'Abed al-Fattah Mohammad, 'Abed al-Mu'ti 'Abed al-Haleem, Ahmed Mahmoud Fneish, Ahmed Mer'i, 'Ali Najib, Bassam Hossari, Bilal Salman, Fares Abu Seteh, Firas Anwar Shuqeir, Jamal Hasas, Khaled al-Zafan, Khodr Salman, Quossai Mohammad Sa'udi, Mohammad 'Awad Derbass, Mohammad 'Abed al-Jalil, Mohammad Anwar Shuqeir, Mohammad 'Ez al-Din al-Mukhtar, Mohammad Mahmoud Qar'ish, Mohammad Mer'i, Mohammad Salman, Mustafa al-Makhouri, Na'im Qassem Mrouwe and Nidal Khalil Qassem.

TORMENT OF FAMILIES

'Your son is not here and we don't know where he is!'

A response often given to families by state officials

A year after the disturbances, on 20 July 2009, some families were allowed to see their detained relatives in Saydnaya prison. Many others, however, were denied access to the prison or any information about their relatives, prompting a sickening realization that something was seriously wrong.

Some of these families went repeatedly to the Military Police premises in al-Qaboun to get a visitor's permit, but were told that their sons were not allowed visits or were no longer in Saydnaya. Military Police officials often advised them to seek information from the detention centres run by the various security forces in Syria that are responsible for arresting and interrogating people accused of political offences, but gave them no information about the fate or whereabouts of their relatives.

Many of the families followed this advice and went to the detention centres and the SSSC, where Saydnaya detainees are almost always tried, but without success. At no point could the families even get confirmation that their relatives were dead or alive.

The families sent petitions and letters to President Bashar al-Assad calling on him to help them find out what had happened to their relatives. Among four such letters seen by Amnesty International was one sent on 29 September 2008 by 17 mothers of Saydnaya detainees from Qatana, 21km west of Damascus. They appealed to the President to provide information about their sons and to allow the mothers to visit them. They said that they had "learned about the burial of bodies in Qatana at night" and

feared that these may have been the bodies of their children. Amnesty International is not aware of any response to these appeals.

For weeks, dozens of families held sit-down protests and other demonstrations in front of the prison and Teshrin hospital, where families had seen ambulances arriving from the prison during the disturbances. Some families travelled from other districts and remote rural areas to take part in these spontaneous protests.

According to Syrian human rights organizations, the protests were suppressed by members of the security forces. Protesters were insulted and intimidated. Several were beaten and injured; some were also reported to have been arrested and released after a few hours. Basel Madarati’s father told Amnesty International:

“I protested for several times in front of the prison, the Military Security branch and the SSSC. We were sprayed with water and kicked out by force.”

Even after prison visits resumed, information about the disturbances was hard to gather. Prisoners cannot discuss what happened or the fate of missing detainees because of the intimidating presence of prison guards. Detainees released from Saydnaya have refused to talk to families of missing detainees or human rights organizations apparently because they fear re-arrest if they do so.

The Syrian authorities have yet to issue a single statement naming the prisoners or, indeed, the military police officers who were killed or injured during or after the disturbances, nor have they informed any of the prisoners’ next of kin about the fate of their relatives or surrendered the bodies. A possible exception relates to the case of Khoshnaf Suleiman, a Syrian Kurd who Syrian human rights organizations believe may have died during the disturbances.

In 2009 the General Military Prosecution office in Damascus sent his family a death certificate which stated that Khoshnaf Suleiman had died some six years earlier, on 31 March 2003, but provided no information about the cause of death or where he was buried.

A human rights lawyer told Amnesty International in March 2010:

“As lawyers and activists we have not confronted a situation that is more difficult than the Saydnaya events. It is a collective case that affects hundreds of people and includes dead victims, which is different from the usual cases of arrest and detention. We can’t access information no matter how trivial it may be, neither from the authorities who are reticent on the events despite the passing of time, nor from the prisoners who were later released and refuse to tell us anything out of fear of re-arrest.”

The fears of relatives about the missing men are heightened by Syria’s history of enforced disappearances and killings of prisoners, and the climate of impunity for such abuses. To date, the authorities have still not revealed the fate of thousands of people, mostly Islamists, who disappeared in the late 1970s and early 1980s, and hundreds of Lebanese and Palestinians who were detained in Syria or abducted from Lebanon by Syrian forces or by pro-Syrian Lebanese and Palestinian militias, who then handed them over to Syrian forces. Nor have the authorities offered any explanation of the extrajudicial executions of hundreds of prisoners, mostly Islamists, in the Military Intelligence-run Tadmur prison, on 27 June 1980. The bodies were never handed over to their families, nor were the families ever told how their relatives had died.

Now, two years after the Saydnaya disturbances, relatives of the dead and

missing prisoners are still awaiting the outcome of any investigation that may have been held. Independent and thorough investigations into such incidents are required under Article 2(3) of the International Covenant on Civil and Political Rights, to which Syria is party.

This lack of adequate action by the authorities following allegations of serious human rights violations is the norm in Syria, where members of the Military Intelligence, State Security, Political Security and the Air Force Security are rarely if ever held to account for abuses. In fact, these and other state forces are largely exempted from prosecution for abuses under emergency legislation in force since 1963.

ACT NOW

Please write to the Syrian authorities in Arabic, English, French or your own language, including in your appeal the names of the 52 missing men. Please send copies to the diplomatic representatives of Syria in your country.

Call on the Syrian authorities to:

- Immediately tell the families of the 52 prisoners who disappeared in Saydnaya Military Prison in July 2008 or appear to have gone missing since then if their relatives are alive and, if so, where they are being held and their legal status.
- Inform families of prisoners who have died about the exact circumstances and cause of death, whether any investigation has taken place, whether legal proceedings or other action has been taken against anyone responsible for their death.
- Immediately free any of the 52 men still imprisoned unless they have been charged with internationally recognized criminal offences or convicted of such offences and sentenced to imprisonment after fair trials.
- Provide reparations for their suffering to those subjected to enforced disappearance and their families.

■ Publicize any steps taken to conduct a thorough, effective, impartial and independent investigation into the events at Saydnaya Military Prison following their 6 July 2008 statement, and the outcome of any such investigation.

■ Bring to justice those responsible for carrying out or ordering any enforced disappearance in proceedings that meet international standards of fairness and without imposition of the death penalty.

WRITE TO:

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AMNESTY
INTERNATIONAL



Amnesty International is a global movement of 2.8 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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