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Ms Felice Gaer
Member of the Committee against Torture
United Nations Committee against Torture
Human Rights Treaties Division
Office of the High Commissioner for Human Rights
CH-1211 Geneva 10
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Dear Ms Gaer,

FOLLOW-UP TO THE CONCLUDING OBSERVATIONS OF SYRIA MADE AT THE 44TH SESSION OF THE COMMITTEE AGAINST TORTURE

I write to you in your capacity as Rapporteur on follow-up to the concluding observations of the Committee against Torture (the Committee) at the time the follow-up report from the Syrian Arab Republic is due. Amnesty International welcomed the concluding observations made in May 2010 on paragraphs 15, 24, 25 and 35 (CAT/C/SYR/CO/1).

The organization is submitting this letter for the Committee's consideration, to highlight ongoing areas of concern and also to update the Committee on certain individual cases as outlined. The update of the individual cases is largely derived from the information gathered by Amnesty International during its research mission to Syria in June 2010. We are focusing our attention in particular on paragraphs 25 and 35 of the concluding observations.

PARAGRAPH 25. LEGAL PROTECTION OF WOMEN AND CRIMES COMMITTED IN THE NAME OF "HONOUR"

At least 16 women, two men and four children under the age of 18 were reported by Syrian human rights organizations to have been victims of crimes committed in the name of "honour" in 2010.¹

The Committee was concerned about the lack of forthcoming information on the legal regime and practice affecting women. In recent years, a number of legislative reforms have been made in relation to women's rights – notably with regard to maternity leave and maternal custody of children.² However, despite these reforms, discrimination against women remains entrenched in national legislation. The Personal Status Law of 1953 (Law No. 59/1953, as amended by Law No. 34/1975) governing the majority Muslim population

¹ For information please see the link to the Syrian Women Observatory website: <http://nesasy.org/content/category/6/40/73/>

² In 2002, Legislative Decree No. 35, amending the Labour Law of 1959, extended paid maternity leave and Law No. 32 extended mandatory and free education to grade nine. In 2003, amendments to the Personal Status Law governing the majority Muslim population of Syria (promulgated by Legislative Decree No. 59 of 1953) allowed the mother to keep custody of her children until the age of 13 for boys (previously until the age of nine) and until the age of 15 for girls (previously until the age of 11).

discriminates against women in relation to marriage and its dissolution, inheritance and other matters. Similar concerns relate to laws governing the family affairs of religious minorities, such as the Druze and a number of Christian denominations.

The Penal Code prescribes lower penalties for murder and other violent crimes against women when defence of "family honour" is considered a mitigating factor. In the past two years steps have been taken to address these discriminatory provisions but they fall well short of their supposed intention to reduce discrimination. Legislative Decree No. 37 of 2009, issued on 1 July 2009, amended Article 548 of the Penal Code, which had exempted perpetrators of "honour" crimes from any penalty, and instituted a penalty of at least two years' imprisonment. On 3 January 2011, Legislative Decree No. 1 of 2011 further increased the punishment set out in Article 548 to a maximum of seven years' imprisonment for such killings. Article 508 of the Penal Code, which had exempted men convicted of rape from punishment if they married the victim, was also amended by this decree to stipulate that the rapist should be sentenced to at least two years in prison.

In another welcome legislative change Legislative Decree No. 3 of 2010, introduced on 10 January 2010, prohibits trafficking in persons, criminalizes its perpetrators, and establishes a system of care for those subjected to trafficking. Main victims of trafficking include, according to Amnesty International's information, migrant domestic workers and Iraqi girls and women forced into sex work.

PARAGRAPH 35. MUHANNAD AL-HASSANI AND HAYTHAM AL-MALEH

MUHANNAD AL-HASSANI

On 23 June 2010, just one month after the publication of the Committee against Torture's concluding observations at the end of the 44th Session, the Damascus Criminal Court sentenced human rights lawyer Muhannad al-Hassani to a prison term of three years. He was convicted of "weakening national sentiment" and "conveying within Syria false news that could debilitate the morale of the nation" – vague charges that are regularly used by the Syrian authorities to jail peaceful critics and individuals who promote human rights in the country. There are serious concerns that his trial did not meet international standards for fair trial. Muhannad al-Hassani's lawyers told Amnesty International in June 2010 that the judge did not allow any defence witnesses to testify and did not take into account the evidence submitted by the defence. The judge did not ask the prosecution to present evidence or witnesses to support their accusations against Muhannad al-Hassani. The Bar Association refused to allow his lawyers to visit him in prison on several occasions. When one lawyer was allowed to visit on one occasion, a prison guard was present during their meeting. Muhannad al-Hassani's lawyers only managed to consult with him regarding his defence in the courtroom and for a very short period of time.

Muhannad al-Hassani is also permanently banned from practising law by the Syrian Bar Association. As far as Amnesty International is aware, Muhannad al-Hassani is the first Syrian lawyer to receive such a ban because of his human rights work. After his release he will not be able to work again in his profession and he will not be able to claim the pension and medical insurance usually provided to retired lawyers.

Amnesty International considers Muhannad al-Hassani a prisoner of conscience, detained for exercising his right to freedom of expression and association.

PRISON CONDITIONS SUFFERED BY MUHANNAD AL-HASSANI

Muhannad al-Hassani is currently serving a three-year prison term in Damascus Central Prison (also known as 'Adra prison as it is situated in 'Adra, a town just north of Damascus, the capital of Syria), where detention conditions are poor. He is held in an overcrowded cell with other prisoners held on non-political offences. When interviewed by Amnesty International in June 2010, the family and lawyer of Muhannad al-Hassani reported that Muhannad al-Hassani and the other political prisoners in 'Adra prison were not permitted access to the library or language classes provided by the prison administration. Muhannad al-Hassani was not permitted to read in his room or borrow books or magazines from others. Prisoners caught lending him books

were subjected to punishment by the prison administration. The family confirmed in May 2011 that the situation remains unchanged.

On 28 October 2010, Muhannad al-Hassani was assaulted by one of his cellmates, who beat him whilst wearing a heavy metal finger ring. Prisoners are not normally permitted to wear such jewellery. As a result of the assault, Muhannad al-Hassani sustained a cut to his forehead requiring 10 stitches, swelling to his eye and cheek and bruising to his body. According to Muhannad al-Hassani's lawyer and family he continued to be held in the same cell with his attacker for several days before being moved to a tiny underground isolation cell for two days. He and other political prisoners in 'Adra prison launched a hunger strike to protest against his solitary confinement, which they ended once he was moved back to his cell and the attacker transferred to another. The case was referred to a court in the town of Duma, near Damascus, and was later dropped when Muhannad al-Hassani refused to press charges against the man who assaulted him.

This was, it appears, the second time that Muhannad al-Hassani had been subjected to an attack by another prisoner. According to Muhannad al-Hassani's family when interviewed in June 2010, a group of prisoners attempted to attack Muhannad al-Hassani on an earlier occasion during his first few months of detention while he was chatting with Marwan al-'Ush, another prisoner of conscience, who was released in June 2010. Marwan al-'Ush intervened to protect Muhannad al-Hassani and sustained a broken finger as a result. Muhannad al-Hassani and Marwan al-'Ush filed a complaint with the prison administration, but no disciplinary procedure is known to have been taken.

Amnesty International is informed that Muhannad al-Hassani is allowed one family visit per week for 20 minutes. They meet separated by two sets of bars with the presence of a prison officer who takes notes during the conversation. Sometimes the officer records the conversation on his mobile. One of Muhannad al-Hassani's brothers told Amnesty International in June 2010: "Many times they used to bring Muhannad to the visitors' hall without allowing us to talk to him until the arrival of the prison officer. This waiting sometimes lasted for up to half an hour during which we just exchanged glances through the bars."

Only immediate family members are allowed to visit. They are not permitted to bring in food or clothing and their financial support is restricted to 5,000 Syrian pounds (about US\$100) per visit. It is still unclear if these restrictions apply only to Muhannad al-Hassani and other prisoners of conscience or if it is normal practice. During the mission of June 2010, it was reported by another prisoner of conscience to Amnesty International that the families of other prisoners held for non-political offences would bring meals with them when visiting their relatives and be able to have lengthy conversations without the supervision of prison guards.

Muhannad al-Hassani's health has deteriorated sharply since his imprisonment. He has undergone significant weight loss and contracted an infection in his lower back for which he needs an operation. His family reported to Amnesty International in May 2011 that Muhannad al-Hassani is determined to delay the operation for as long as possible since he does not trust the state-assigned doctors who may operate on him.

HAYTHAM AL-MALEH

In relation to the Committee's request for further information related to the "ongoing trial" of Haytham al-Maleh, we can report that Haytham al-Maleh, aged 79, was released on Tuesday 8 March 2011, a day after President Bashar al-Assad issued an amnesty for several categories of prisoners, including those aged over 70, those suffering from incurable diseases and others accused of minor offences.

Amnesty International considered Haytham al-Maleh to be a prisoner of conscience detained for exercising his right to freedom of expression.

Haytham al-Maleh received a three-year prison sentence on 4 July 2010 and was imprisoned in 'Adra prison, two months after the publication of the Committee against Torture's concluding observations at the end of the 44th Session.

Haytham al-Maleh's trial began on 8 April 2010 before the Damascus Second Military Court, where he chose to lead his own defence team. Amnesty International has serious concerns that Haytham al-Maleh's trial fell short of international fair trial standards. Despite the fact he is a civilian being prosecuted under civilian law,

he was tried before the Damascus Second Military Court, which comprises three judges, each of whom are serving military officers. The UN Human Rights Committee has expressed its concerns about numerous allegations that the procedures of military courts in Syria do not respect fair trial guarantees. In addition, his right to access his legal counsel of choice was seriously undermined. On 24 October 2009 he was given access to one of the lawyers who had signed up to be part of his defence team, in a meeting which took place in the presence of a prison guard. He was allowed only one further meeting with this lawyer in similar circumstances. Whilst in detention, he was not permitted to meet any of the members of his defence team who he considered key in preparing his defence, and was only able to speak to them briefly while in the courtroom during trial hearings. One of Haytham al-Maleh's lawyers told Amnesty International in June 2010 that he and a number of other members of his defence team had applied to the head of the Syrian Bar Association and the General Prosecutor for a visitation permit, but had been denied.

Haytham al-Maleh reports that he was denied access to his case file until 15 June 2010.

CURRENT SITUATION

Amnesty International learned from Haytham al-Maleh's son, Iyas al-Maleh, who lives abroad, that Haytham al-Maleh went into hiding in late April 2011. According to Iyas al-Maleh, he received a tip-off and phoned his father at his home in a Damascus suburb warning him to leave imminently. Iyas al-Maleh told Amnesty International that his father receives threats by email and on his Facebook account, such as "you deserve to be hanged", for his statements in the media in support of the current popular protests in Syria.

PRISON CONDITIONS SUFFERED BY HAYTHAM AL-MALEH

During Haytham al-Maleh's imprisonment, Amnesty International had serious concerns related to his health which were the result of ongoing medical problems and poor prison conditions.

Haytham al-Maleh suffers from diabetes and an overactive thyroid gland. His lawyer told Amnesty International in June 2010, that despite his advanced years and poor health, Haytham al-Maleh had to sleep on a mattress on the floor in an overcrowded cell with small windows with other non-political prisoners who smoked continuously. Although the prison administration had allowed Haytham al-Maleh to receive his medication from his family, his health had deteriorated and he was reported to have been suffering from rheumatism.

During his imprisonment, Haytham al-Maleh was allowed to telephone his family on a daily basis, but for only three minutes at a time. He also received regular family visits but they were restricted to 15 minutes, and took place behind bars and under the observation of a prison officer. According to Haytham al-Maleh's family in June 2010, the prison officer during one family visit demanded that Haytham al-Maleh's wife speak louder so he could hear her. He was regularly brought to the visitors' hall but forbidden from speaking to his family until the arrival of the prison officer, which sometimes happened half an hour later.

As with other political prisoners held in 'Adra prison, Haytham al-Maleh's family was not allowed to give him food or clothing, and their financial support was restricted to 5,000 Syrian pounds (about US\$100) per visit. When Haytham al-Maleh was first arrested he was wearing winter clothes, but as the temperatures increased his family was not permitted to give him summer clothing. He did not receive suitable clothing until a trial session in May 2010, when the judge allowed him to change in the courtroom.

OTHER AREAS OF CONCERN

TORTURE AND OTHER ILL-TREATMENT PRACTISED WITHIN THE CONTEXT OF THE CRACKDOWN ON POPULAR PROTESTS

Syria's long-standing poor human rights situation has deteriorated sharply since mid March 2011 with the rise of largely peaceful protests, which, in line with other demonstrations in the region, have called for more political freedoms, an end to corruption and increasingly for President Bashar al-Assad to stand down.

Small-scale demonstrations calling for political reform started as early as February 2011; they were generally forcibly dispersed and some demonstrators were arrested. Protests escalated across Syria after 18 March when Syrian authorities brutally suppressed a largely peaceful demonstration in the southern city of Dera'a which called for the release of around 30 children under the age of 18 detained for writing "the people want the downfall of the regime" on a wall. Syrian security forces have often repressed these protests using live ammunition and tear gas. In the last three weeks, the military have employed tanks to shell demonstrations.

Amnesty International has so far received from Syrian human rights organizations and contacts on the ground the names of around 580 protesters and others who have died as a result of the current unrest. Many of them appear to have been killed by live ammunition used by the Syrian security forces and army.

The authorities have also detained up to thousands of others. Hundreds – including protesters, lawyers, bloggers and journalists – reportedly remain held incommunicado at unknown locations. Some have alleged after their release that they were tortured, heightening concerns for the safety of those who remain in incommunicado detention.

According to Syrian human rights NGOs, detainees arrested in the cities and towns which have witnessed large-scale demonstrations, such as Dera'a, Baniyas and Duma, are the ones most likely to be exposed to torture or other ill-treatment. One human rights activist told Amnesty International that a hospital doctor working in Baniyas reported on 4 April 2011 that he had seen 30 men who had recently been released and that many of them had sustained broken bones and bruising and that in some cases they alleged that they had been tortured by having sticks forced into their anuses.

Amnesty International also obtained first-hand reports of torture from two men from the coastal city of Baniyas who were recently released. They said that members of the security forces beat them and many other detainees viciously on the neck and collarbone with rifle butts. One detainee said that after being stripped and beaten he was made to lick his blood off the floor. He said that he and others detained with him had been beaten with sticks and cables as well as kicked and punched. Held without food for three days in overcrowded conditions in one detention centre, he said they had to resort to drinking dirty water from a toilet.

Amnesty International has also received reports that, out of fear of arrest, a number of human rights activists have gone into hiding. They include Haytham al-Maleh (mentioned above), human rights lawyer Razan Zaitouneh and her husband Wa'el Hammada, Hind and 'Omar al-Labwani, human rights activists and children of prisoner of conscience Kamal al-Labwani, Suhair al-Atassi, President of the unauthorized Jamal Atassi Forum, Walid al-Bunni, a member of the Damascus Declaration for Democratic National Change opposition coalition and twice a prisoner of conscience, and Jwan Yousef Khorshid, a Syrian Kurd and member of the unauthorized Kurdish Committee for Human Rights in Syria (RASSED). In the case of Jwan Yousef Khorshid, it was reported that Military Security threatened to arrest his wife on 5 May if he did not hand himself over within 24 hours.

For additional information, please see the following documents:

SYRIA: SYRIAN BLOGGER HELD INCOMMUNICADO: AHMAD MOHAMMAD HUDAIFA (MDE 24/007/2011) 22 FEBRUARY 2011 [HTTP://WWW.AMNESTY.ORG/EN/LIBRARY/INFO/MDE24/007/2011/EN](http://www.amnesty.org/en/library/info/MDE24/007/2011/en)

SYRIA: SYRIAN BLOGGER RELEASED: AHMAD MOHAMMAD HUDAIFA: FURTHER INFORMATION (MDE 24/008/2011) 25 FEBRUARY 2011 [HTTP://WWW.AMNESTY.ORG/EN/LIBRARY/INFO/MDE24/008/2011/EN](http://www.amnesty.org/en/library/info/MDE24/008/2011/en)

SYRIA: FURTHER INFORMATION: PROTESTORS RELEASED BUT MANY STILL AT RISK (MDE 24/014/2011) 30 MARCH 2011 [HTTP://WWW.AMNESTY.ORG/EN/LIBRARY/INFO/MDE24/014/2011/EN](http://www.amnesty.org/en/library/info/MDE24/014/2011/en)

SYRIA: FURTHER INFORMATION: ARRESTED PROTESTORS REPORT TORTURE (MDE 24/016/2011) 21 APRIL 2011 [HTTP://WWW.AMNESTY.ORG/EN/LIBRARY/INFO/MDE24/016/2011/EN](http://www.amnesty.org/en/library/info/MDE24/016/2011/en)

SYRIANS TELL OF TORTURE AMID MASS ARRESTS (PRE01/233/2011) 3 MAY 2011 [HTTP://WWW.AMNESTY.ORG/EN/FOR-MEDIA/PRESS-RELEASES/SYRIANS-TELL-TORTURE-DETENTION-AMID-MASS-ARRESTS-2011-05-03](http://www.amnesty.org/en/for-media/press-releases/syrians-tell-torture-detention-amid-mass-arrests-2011-05-03)

SYRIA: FURTHER INFORMATION: ARRESTS SURGE AS PROTESTS CONTINUE (MDE 24/019/2011) 6 MAY 2011 [HTTP://WWW.AMNESTY.ORG/EN/LIBRARY/INFO/MDE24/019/2011/EN](http://www.amnesty.org/en/library/info/MDE24/019/2011/en)

THREATS FORCE SYRIAN ACTIVISTS UNDERGROUND AMID NATIONWIDE PROTESTS (PRE01/241/2011) 6 MAY 2011 [HTTP://WWW.AMNESTY.ORG/EN/FOR-MEDIA/PRESS-RELEASES/THREATS-FORCE-SYRIAN-ACTIVISTS-UNDERGROUND-AMID-NATIONWIDE-PROTESTS-2011-05](http://www.amnesty.org/en/for-media/press-releases/threats-force-syrian-activists-underground-amid-nationwide-protests-2011-05)

SYRIA DEATH TOLL RISES AS CITY IS PLACED UNDER SIEGE 9 MAY 2011
[HTTP://WWW.AMNESTY.ORG/EN/NEWS-AND-UPDATES/SYRIA-DEATH-TOLL-RISES-CITY-PLACED-UNDER-SIEGE-2011-05-09](http://www.amnesty.org/en/news-and-updates/syria-death-toll-rises-city-placed-under-siege-2011-05-09)

Further documents will be posted on our website as and when available. We hope this updated information will be of use to the Committee against Torture and we ask that you do not hesitate to contact us with any queries or requests for follow-up information.

Yours sincerely,

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