



Syria

10 November 2010

Sentencing of Mr. Mustafa Ismail

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), requests your urgent intervention in the following situation in Syria.

New information: The Observatory has been informed by reliable sources about the sentencing of **Mr. Mustafa Ismail**, lawyer and defender of the Kurdish minority's rights.

According to the information received, on November 7, 2010 the Military Criminal Court of Aleppo sentenced Mr. Mustafa Ismail to seven years in prison (case No. 790, 2010). The sentence then was reduced to two and a half years, on the basis of Articles 267 and 278 of the Syrian Penal Code.

The Observatory denounces this arbitrary sentence against Mr. Ismail, in a context where the judiciary is used as a means to silence human rights activists and lawyers. This sentencing illustrates once more the situation of general repression faced by human rights defenders in the country.

The Observatory therefore calls for the immediate and unconditional release of Mr. Ismail, as this sentencing seems to only aim at sanctioning his human rights activities

Background information: On September 26, 2010, his trial opened before the Criminal Military Court in Aleppo. Mr. Mustafa Ismail is charged with making plans and actions aimed at offending Syrian relationships with foreign countries and being member of an illegal organisation aiming to divide Syria and join this annex to a new country under under Articles 267 and 288 of the Criminal Code. During the trial, Mr. Ismail denied the charges held against him. The case was then adjourned to October 17 for the defence to present their case.

On December 12, 2009, Mr. Mustafa Ismail was arrested after having been summoned by the local security office in Aleppo and detained at the Air Force Security Branch. Shortly before his arrest, Mr. Ismail had been questioned by officials of different security services about his media work, especially phone interviews he had given to a European-based Kurdish satellite TV station and several articles he had posted on the Internet denouncing the discrimination faced by the Syrian Kurd minority. On December 17, 2009, his family went to the Air Force Security Branch in Aleppo for information but was ordered to leave. For a long time, his family did not know where he was being detained nor the reasons for his arrest. Today, he is held incommunicado in Central Aleppo prison pending his trial. On May 13, 2010, the Second Military Prosecutor in the Military Court in Aleppo charged Mustafa Ismail under Articles 267 and 288 of the Criminal Code.

The Observatory calls upon the Syrian authorities to take prompt action in order to immediately and unconditionally release him, as well as all human rights defenders presently detained in the country.

Actions requested:

Please write to the Syrian authorities authorities, urging them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Mr. Mustafa Ismail;
- ii. Ensure the immediate and unconditional release of Mr. Mustafa Ismail since his detention is arbitrary as it only aims at sanctioning his human rights activities;
- iii. Put an end to any acts of harassment, including at the judicial level, against Mr. Mustafa Ismail and more generally against all human rights defenders in Syria;
- iv. Conform with the provisions of the UN Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially its Article 1, which states 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 12.2, which provides that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration";
- v. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by the Syrian Arab Republic.

Addresses :

President, His Excellency Bashar al-Assad, Presidential Palace, al Rashid Street, Damascus, Syria Arab Republic, Fax: +963 11 332 3410

Minister of Defence, His Excellency General, Ali Habib Mahmud, Ministry of Defence, O mayyad Square, Damascus, Syrian Arab Republic, Fax: +963 11 223 7842

Minister of Justice, His Excellency Mr. Ahmad Hamod Younes, Mazeh "Otstrad", Damascus, Syrian Arab Republic, Fax: +963 11 666 2460

Minister of Foreign Affairs, His Excellency Wallid Mu'allim, Ministry of Foreign Affairs, al-Rashid Street, Damascus, Syrian Arab Republic, Fax: +963 11 332 7620

Ambassador Faysal Khabbaz Hamoui, Permanent Mission of the Syrian Arab Republic to UN in Geneva, 72 rue de Lausanne, 1202 Geneva, Switzerland, Fax: +41 22 738 42 75, Email: mission.syria@ties.itu.in

Embassy the Syrian Arab Republic in Brussels, 1 avenue F.D. Roosevelt, 1050 Brussels, Belgium, Tel: +32 2 554 19

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Please also write to the diplomatic mission or embassy of the Syrian Arabic Republic in your respective country.

<http://www.fidh.org/Sentencing-of-Mr-Mustafa-Ismail>