

Statement by 51 national and international NGOs

We, the civil society organizations and human rights activists from different part of the world, the undersigned condemn illegal practices of the Syrian regime against the detainees in its prisons, which a clear violations to the international laws and its treaties, one its victims is detainee Ragheed al-Tataridi, who has been detained for 39 years without a fair trial, has spent 15 years incommunicado none of his relative knew of whereabouts

In expressing our full solidarity, we reaffirm there can be no talk of fair trial unless the following conditions set forth in the international treaties and conventions ratified by Syria and do not conflict with its constitution.

Firstly the obligation to conduct the trial, from the beginning till the end, according to the standards of fair trial set forth in international human rights instruments

Secondly the judiciary must be an independent and impartial authority, with no authority other than the law. These are rights enshrined in article Tenth of the Universal Declaration of Human Rights and article 14 of the International Covenant on Civil and Political Rights.

Relevant international covenants affirm several criteria for a fair trial, which can be summarized as follows:

- *The right not to be subjected to arbitrary arrest or detention in any form and in any situation, no one shall be deprived of his liberty except on such grounds and in accordance with the conditions and in the manner prescribed by law.*
- *The right to report rights: in accordance with Article 13 of the UN Principles.*
- *The right to a lawyer; a detainee has the right to a lawyer at all stages of arrest, investigation and trial, as provided for in articles 10 and 17 of the UN Principles.*

- *The right to inform the family of the accused of his arrest; this is provided for in rule 92 of the Standard Rules for the Treatment of Prisoners.*

- *The right to investigate allegations of torture, in accordance with article 13 of the Convention against Torture.*

- *Un-enabling statements, statements and confessions extracted under torture to be invoked as evidence to prove and convict the accused as provided for in Article 12 of the Declaration against Torture.*

- *The right to be presumed innocent is enshrined in the UN Principles (Principle 36) and in the International Covenant on Civil and Political Rights (Article 14.)*

- *The right to a speedy and fair trial: Article 9 of the International Covenant on Civil and Political Rights.*

- *The right to equality before the law.*

- *The right to public trial, which is an inherent principle of fair trials, ensures that there is reasonable censorship by the press, the media and public opinion.*

- *The right to humane treatment and conditions of detention, as provided for in article 10 of the International Covenant on Civil and Political Rights.*

- *To provide sufficient time and facilities for defense, and to respect the freedom of the accused and his defense counsel as a sacred right which in no way may be exceeded, as provided for in article 14 of the above-mentioned International Covenant.*

- *The right to discuss witnesses and all other evidence based on article 14 itself, of the International Covenant on Civil and Political Rights.*

- *Prohibition of retroactive application of the law as provided for in Article 11 of the Universal Declaration of Human Rights.*

- *The right to appeal the preliminary conviction of the conviction, an appeal and cassation, as each defendant has the right to appeal to a higher court,*

to request a review of his conviction and the punishment sentenced to ensure the validity of the verdict and justice.

We note here that if any domestic law contradicts the provisions of an international treaty to which Syria is a party, the international treaty prevails. The decision of the Court of Cassation No. 23 of 1931 ruled that "no domestic law may establish rules contrary to the provisions of an earlier international treaty or change, even indirectly, the provisions of its enforcement." This understanding was reinforced by another decision of the Civil Chamber of the Court of Cassation of 366/1905, dated 21 December 1980, published in the Lawyers' Magazine, p. 305 of 1981, which states that national courts do not apply treaties on the basis that the State has internationally complied with their application. But as a part of the state's domestic laws.

If there is a conflict between the provisions of the treaty and the provisions of domestic law, the National Court should apply the provisions of the international treaty, and its judgment is likely to apply to domestic law.

The extraordinary courts have not been established by the Constitution, nor do they have the guarantees provided by ordinary and judicial power laws guaranteed by the Constitution. The continuation of its operation is totally incompatible with the provisions of the Syrian Constitution itself, in particular Article 51, which states that:

1. The penalty shall be personal, and there shall be no crime or punishment except by law.
2. Every accused person shall be presumed innocent until proved guilty by a judicial judgment in a fair trial.
3. The right of litigation and the conduct of recourse, review and defense before the judiciary are protected by law.
4. The law prohibits immunization of any administrative work or decision from judicial supervision

A trial cannot be fair and people will not consider it fair if the judges, judgment, and decide penalties lack independence, impartiality and impartiality. Thus, they are free from prejudice, whatever the circumstances, whatever the person concerned.

This means that the judiciary alone must have the power to adjudicate cases referred to it, and that the competent judicial body - as individuals or as a body - should not be subjected to any interference of any kind, from any party.

In this regard, we call for the adoption of recommendations on human rights violations against all detainees, including Ragheed al-Tateridi, including:

- End torture and other cruel, inhuman or degrading treatment or punishment, including incommunicado detention and prolonged incommunicado detention.
- Allow detainees to receive adequate medical care and not be denied their legal right to visit.
- Open investigations into allegations of torture and ill-treatment to ensure accountability.
- Allow international organizations access to prisons and places of detention, and open urgent investigations into all violations against detainees.

To communicate with the campaign and sign the statement on the following email :

info@freedomragheed.org

Campaign site:

<https://www.freedomragheed.org>

Organization joining this statement:

- 1- International Network of Initiative Ohhard International activists and human rights defenders – Netherlands
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- 2- " A.V.T.T" Association of Victims of Torture in Tunisia, Geneva
 - 3- L'observatoire international des associations et de developpement Durable
 - 4- Human Rights Solidarity - Switzerland
 - 5- Peace International for the Protection of Human Rights London, United Kingdom
 - 6- EI SHEHAB FOR HUMAN RIGHTS – UK
 - 7- Human rights without restrictions – LIBYA
 - 8- Women Defenders Network – LIBYA
 - 9- Human Rights Organization for Transparency&Reform – LIBYA
 - 10- Libya's youth generation and growth
 - 11- Al Forsan Foundation for Development – LIBYA
 - 12- Club dialogue and debate – LIBYA
 - 13- LIBYA our voice Organization
 - 14- Syrian Committee for Detainees and Detainees - Germany
 - 15- Habak for training on human rights and development- Jordan
 - 16- Law and Human Rights Center, Lebanon
 - 17- The Good Bard Initiative for Human Rights – Iraq
 - 18- Arab Organization for Human Rights Yemen
 - 19- Justice for the human rights of war victims in Libya
 - 20- Arab European Organization for Human Rights
 - 21- Southern Network for Reconciliation and Concord Libya
 - 22- Organization assisted to support vulnerable families Libya22-
 - 23- Al-Watan Organization for Women Empowerment Libya23-
 - 24- Stop organization against violence and torture Libya
 - 25- New Generation Association Oulmes Morocco
 - 26- Bridges of Yemen26-
 - 27- Tunisian Institute for Democracy and Development, Tunisia
 - 28- IMOHAG International, United Kingdom, London
 - 29- Nkder Group for Human Rights Iraq
 - 30- National Commission for Syrian Lawyers, Idlib, Syria, Turkey, Germany
 - 31- Human Rights Organization for Syrian Detainees Syria
 - 32- Syrian Organization for Human Rights Syria
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- 33- Syrian Survivors Association Syria
- 34- The Syrian Detainees' Body Goods Syria
- 35- Syrian Organization for Human Rights Sawasia Damascus
Washington

36- Arab Coalition of the Arab Court of Human Rights(ACACHR)

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40- Gulf European Centre for Human Rights(GECHR)

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42- Bahrain Human Rights Watch Society (BHRWS)

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45- World Message Organization for Human Rights (WMOHR)

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47- Group good company Libya

48- Atanab Elbait Foundation Libya

49- Fasanian Foundation for Human Rights Libya

50- Libyan Center for Crisis Management Libya

51- Tbwaa Association for Human Rights Libya

52- Messengers of Peace Yemen

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Biladi Organization for Human Rights Libya -54

Union Human Rights Organization Libya -55

Wafa Foundation for Relief and Development Libya -56

American International Center for Peace and Human
Rights Washington -57

Mauritanian Association for the Promotion of Rights
Mauritania -58

Free Syrian Council of Syria -59
