

[...]

Decision No. In the name of the Arab people of Syria  
1514/2009

File No. We, Captain Ayman Wafiq Ismandar, single military judge in  
1960/2009 al-Qamishli, have considered:

1. The direct bill of indictment No. 25314/1451 from 2009, which calls for the criminal prosecution of defendants (1) Faysal Sabri Na'asu, (2) Fanar Jamil Sa'adun and (3) Nasr ud-Din Muhammad Barhik for the offense of membership of an illegal political association pursuant to the provisions of article 288 of the General Criminal Code.
2. All documents and investigations pertaining to this case. The public hearing in the presence of the defendants established the following:

First—The sequence of events

From the facts of the case and the investigations in these proceedings it has been established that on 3/9/2009 in al-Qamishli, the defendants Faysal Na'asu, member of the central committee of the Kurdish Democratic Party, and Nasr ud-Din Barhik, member of the politburo of the same party, organized and took part in the Kurdish Democratic Party event to mark International Women's Day without prior consent from the proper authorities. The defendant Fanar Sa'adun, a co-organizer and sympathizer of the above-named party, also attended the event. The police intervened, the event was prohibited and all of the above-named defendants were arrested, as was duly recorded. On the basis of membership of an illegal political association, an offense pursuant to and punishable by the provisions of article 288 of the General Criminal Code, charges were brought against the defendants. The facts of the case were corroborated by the following evidence:

Second—The body of evidence

The charges are supported by the following evidence:

1. The attached documents from the preliminary investigation—the transcript of the protocol by the criminal investigation department in al-Qamishli No. 260, dated

3/9/2009, and the transcript of the protocol by the Political Security Directorate in al-Hasakah, dated 3/9/2009 and 3/15/2009.

2. The following testimony of the defendant Nasr ud-Din Barhik before the court in the hearing on 4/29/2009: »In the past I belonged to the Kurdish Democratic Party in Syria, but in August 2004, I left the party for good. On the day in question I spontaneously and of my own free will attended the event commemorating the late Mulla Mustafa al-Barzani. Due to rain, however, the event had to be canceled. Five days later the Political Security summoned me and subsequently arrested me. I am not aware of making any statements to the contrary to the Political Security. I merely stated that Isma'il 'Ali had held a speech at the event recalling the life of Mulla Mustafa. In the previous year I had also attended the event on the same occasion. However, I had not planned on attending this year. I wasn't aware that the proper authorities had prohibited the event.«

3. The following testimony of the defendant Faysal Na'asu before the court in the hearing on 4/29/2009: »I am not a member of the central committee of the Kurdish Democratic Party in Syria and don't belong to any Kurdish party or movement. I certainly sympathize with the aforementioned party, but I neither pay dues nor attend party meetings or conventions, nor do I work for this party. I don't promote their ideas either. My arrival and attendance at the event on International Women's Day was of a completely coincidental nature. I had neither previously planned nor agreed to organize or attend this event, and didn't know that attendance at such an event was prohibited by the authorities. When I learned that it was unauthorized, we immediately canceled the event, without causing any unrest or disturbing public safety and order. I was arrested by police on the same day. I can add that during the event no loud cries or slogans were chanted, nor were Kurdish flags or pictures waved.«

4. The following testimony of the defendant Fanar Sa'adun before the court in the hearing on 4/29/2009: »I don't belong to any Kurdish party or movement, nor do I sympathize with any of them. I have been friends with Faysal Na'asu for a long time. He told me that an event was to take place to mark International Women's Day so that I could in turn inform my wife in case she might want to attend this event. As my wife was sick at the time in question, she could not attend and I went to the event in her place. I was there for a total of no more than ten minutes. During this time there were no incidents that could have led to unrest or disturbed public security and order. Furthermore no slogans were chanted nor were Kurdish flags or pictures waved. I was not aware that the event was prohibited. I was arrested on the same day. I merely went to the event to excuse my wife, not to participate.«

5. Document No. 1562 from the Department of the Political Security Directorate in al-Hasakah, dated 3/16/2009, regarding the arrest of the defendants Nasr Barhik,

Faysal Na'asu and Fanar Sa'adun for the attempt to organize an unauthorized cultural event to mark International Women's Day in al-Qamishli at the behest of 'Abd il-Hakim Bashar (secretary of the central committee of the Kurdish Democratic Party in Syria).

6. Document No. 1562 from the Department of the Political Security Directorate in al-Hasakah, dated 3/21/2009, according to which the defendant Nasr Barhik is a member of the politburo of the Kurdish Democratic Party in Syria, the defendant Faysal Na'asu is a member of the central committee of the Kurdish Democratic Party in Syria, and the defendant Fanar Sa'adun is a sympathizer of the Kurdish Democratic Party. Consequently, all three attended an event to mark International Women's Day in the city of al-Qamishli at the behest of 'Abd il-Hakim Bashar (secretary of the central committee of the Kurdish Democratic Party in Syria).

7. All other evidence and proof submitted during the proceedings.

### Third—The reasons for the verdict

The defendants (1) Faysal Sabri Na'asu, (2) Fanar Jamil Sa'adun and (3) Nasr ud-Din Muhammad Barhik are charged with the offense of membership of an illegal political association pursuant to article 288 of the General Criminal Code. On the basis of the evidence and proof submitted during the proceedings, the court has come to the conclusion that the above-named defendants belong to the illegal Kurdish Democratic Party. The defendant Faysal Na'asu is a member of the central committee of this party, the defendant Nasr ud-Din Barhik is a member of the politburo of this party, and the defendant Fanar Sa'adun is a sympathizer of this party. On 3/9/2009, without obtaining consent from the proper authorities, the above-named defendants organized an event hosted by the Kurdish Democratic Party to mark International Women's Day in al-Qamishli and attended this event, as the attached documents from the preliminary investigation and the defendants' confession during the preliminary investigation show. The defendant Nasr ud-Din Barhik stated that he is a member of the politburo of the Kurdish Democratic Party, the defendant Faysal Na'asu that he is a member of the central committee in the aforementioned party, and the defendant Fanar Sa'adun that he sympathizes with this party and that he also showed his sympathy by attending the event organized by the Kurdish Democratic Party. It can be assumed from this that he is also a member of the party. This is further confirmed by Document No. 1562 from the Political Security Directorate in al-Hasakah dated 3/21/2009, which confirms the defendants' membership of the illegal Kurdish Democratic Party. The defendants' attendance at the event organized by the Kurdish Democratic Party must be taken as further proof that they belong to the party and helped organize the event. This is additionally confirmed by all of the evidence and proof submitted during the proceedings, including the defendants'

confession and the documents from the Department of the Political Security Directorate. The defendants' later denial before the court of the facts they had previously admitted must be understood as an attempt to avoid responsibility for their conduct and is invalidated by the evidence and proof of the proceedings. As the said party is illegal in Syria and membership of such a party or association can harm national unity and the peaceful coexistence of all members of its people, the defendants must be held criminally accountable pursuant to article 288 of the General Criminal Code for the offense of membership of an illegal political association. In light of the type of offense and the circumstances of the case, the court has decided not to allow the defendants any mitigating circumstances the judge might consider at his own discretion. As the case is ready for decision according to article 197 of the Code of Criminal Procedure and article 288 of the General Criminal Code

I resolve:

1. The conviction of the defendants (1) Nasr ud-Din Muhammad Barhik, mother Halima, born 1960 in Dayr Hafir 16, resident of al-Jawadiyah, Salah ud-Din quarter, (2) Faysal Sabri Na'asu, mother Badawiyah, born 1955 in Jam'aiyah 31, resident of al-Qamishli, al-Masarif quarter, and (3) Fanar Jamil Sa'adun, mother Khanim, born 1963 in Kharrab Kurt 26/3, resident of al-Qamishli, al-Gharbi quarter, to three months imprisonment and a fine of one hundred Syrian liras on the basis of the offense of membership of an illegal political association pursuant to and punishable by article 288 of the General Criminal Code. If the fine is not paid, a prison sentence of one day for every ten Syrian liras is to be served.

2. A sentencing fee of 9.75 Syrian liras and war surcharges will be imposed upon the defendants. In the event of non-payment, a prison sentence of one day for every two Syrian liras or parts thereof is to be served.

3. The preliminary custody of each defendant will be credited as follows:  
(1) Nasr ud-Din Muhammad Barhik will receive credit for the period from 3/10/2009 until 4/20/2009 toward the rest of his prison sentence.  
(2) Faysal Sabri Na'asu and (3) Fanar Jamil Sa'adun will each receive credit for the period from 3/9/2009 until 4/20/2009 toward the rest of their prison sentences.

Resolved in the presence of the defendants. The verdict may be appealed. Publicly and duly decreed and announced on 8/9/2009.

Soldier  
Salih al-Hark  
[signature]

Judge  
[signature]