

Joint submission by a coalition of regional and national human rights Non-Governmental Organizations (NGOs) towards the Universal Periodic Review (UPR) of Syria

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I. Introduction

This report offers a collective analysis by human rights NGOs from the Arab region on the human rights situation in the Syrian Arab Republic (hereinafter: Syria). The report outlines the rising arsenal of repressive laws and their use by the Syrian government to commit human rights violations against its citizens. It sheds light on the crime of torture, which is commonly and systematically used by various security agencies in Syria, not only against political prisoners or security detainees, but against criminal prisoners as well. Additionally, this report presents emblematic cases of enforced disappearance and arbitrary arrest which people - and even families of victims - are prohibited from discussing or demanding compensation for. Restrictions on the freedoms of association, assembly, opinion and expression, are heavily imposed in Syria, with thousands of human rights defenders and activists in detention, or at the very least, face constant harassment. Finally, this report also addresses the situation of the Syrian Kurdish minority, which constitutes the largest ethnic minority with nearly 1.5 million Kurds, and whose rights continue to be severely violated. In short, this report describes how the legal system is used in tandem with security and executive measures to systematically violate basic liberties. This is confirmed by numerous international reports in which Syria consistently ranks near the bottom of countries in the Arab world and globally.

II. Systemic use of torture

Human rights NGOs in Syria have been monitoring and documenting the systematic use of torture, ill treatment, deaths in custody, and incommunicado detention, particularly of people belonging to the Kurdish minority, and the rising cases of enforced disappearances, as well as the disappearances of members of Muslim Brotherhood and those that occurred during the military presence of Syria in Lebanon since early 1970s. Moreover, several legal provisions allow men to escape prosecution for rape if they marry their victims. The lack of redress, compensation, and rehabilitation for torture victims, are vivid and continuing problems that are not being addressed within the national system.. Syria's cooperation with the international community in general, and the UN Committee Against Torture (CAT) during the first review of Syria in May 2010 in particular, does not meet expectations. During the review, there was a noticeable unwillingness by the Syrian delegation to cooperate with the committee by limiting its presentation to technical details, failing to provide the Committee with important information, and intentionally leaving out the mentioning of widespread and systematic human rights violations occurring throughout Syria, including the use of torture. Briefly after Syria's review and the Committee's recommendations, local human rights organizations documented at least 8 cases for persons killed under torture in Security apparatus branches in different cities in Syria. The cases of **Mr. Jalal Al-Kubaisi** and **Mr. Wadee' Sha'bouk** were amongst these cases, being killed by criminal security bureaus.

Laws that facilitate torture and other violations and protect offenders from criminal accountability

The systematic use of torture in Syria is due to the State of Emergency, which has been in place for 47 years, which accords security personnel vast powers to search and arrest individuals without judicial monitoring and in complete impunity. Syria's practices are contrary to its legal obligations under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereafter, the Convention Against Torture), which it ratified in 2004. As a result of the continued application of the state of emergency, the constitution, which prohibits torture under Article 28 Paragraphs 3, but leaves

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punishment to be defined by law, is suspended for all intents and purposes, and many unconstitutional laws are still on the books and in force today.

Generally, article 153 of the Syrian constitution allows the continued application of all exceptional laws and legislation that predated the constitution, stating, “Existing legislation issued prior to the declaration of this constitution shall remain in effect until it is amended to be consistent with the provisions herein.” This laid the foundation for the continued dominance of the executive branch over the legislature and judiciary and encroachments on the constitution itself. Indeed, this provision invalidates many articles in the constitution, particularly those in the section on public liberties, rights, and duties, and strengthening the executive and security apparatus, thus effectively rendering exceptional laws as a new constitution for the country.

Legislative decree creating the General Intelligence Department

On January 15, 1969, Legislative Decree 14 was issued establishing the General Intelligence Department. Article 16 of the decree states, “No legal action may be taken against any employee of the department for crimes committed while carrying out their designated duties or in the course of performing such duties except by an order issued by the director.” This principle was reiterated in Article 4 of Legislative Decree 549/1969 regulating the General Intelligence Department, which states, “No legal action may be taken against any General Intelligence Department employee, those assigned or detailed to the department, or those contracted with it for crimes incurred on the job or in the course of performing the job before referral to a department disciplinary board and before an order is obtained from the director.” This decree gave the security apparatus free rein in its treatment of detainees, as intelligence agents know that they are immune from legal prosecution even if they commit the crime of torture. In addition to its incompatibility with Syria's Constitution, the law -which remains in effect- protects members of the General Intelligence Department from accountability and violates citizens' right to take legal action, since no legal petition can be submitted against any member of the General Intelligence Department. The law is also incompatible with Legislative Decree 39/2004, in which Syria ratified the Convention Against Torture. Indeed, Article 4 of the convention enjoins signatory states to take all measures to make all acts of torture crimes in their criminal codes, whereas in Syria, the law protects torturers.

Legislative Decree 69, issued September 30, 2008

On September 30, 2008, the president issued Legislative Decree 69 amending the Military Penal Code in Syria. The law delegated the right to issue an arrest order for members of the police, political security, and customs, to the General Command of the Army and Armed Forces, although administratively these personnel are subordinate to the Ministry of Interior, not the armed forces. Under the new law, no lawsuit may be filed before the regular courts against members of the police, customs police, or Political Security, including, of course, suits related to the torture and assault of citizens, because such lawsuits require the prior permission of the army commander. In turn, all lawsuits filed against the aforementioned personnel that were pending before the regular judiciary were transferred to the military judiciary.

The use of confessions extracted under torture or duress

In principle, confessions extracted under torture or duress cannot be used as evidence in national court, in accordance with the will of the Syrian legislature in Article 180 of the Code of Criminal Procedure, which does not give immediate seizure any additional evidentiary weight beyond regular information. Additionally, the judge is required by law to open an investigation if there were torture allegations made by the defendant. Nonetheless, this is not the case in practice.

More than 95 percent of political prisoners in Syria have been tried before exceptional courts, either the Military Field Tribunal or the Supreme State Security Court, neither of which meets the standards of

fairness and due process. The Military Field Tribunal was established by Legislative Decree 109, issued on August 17, 1967. It hears crimes within the jurisdiction of the military judiciary, or those committed in wartime or wartime operations that the Minister of Defense refers to it. Although there is no real state of war at the current time, these courts continue to hear cases of a security nature and civilians are tried before them. The tribunal is not bound by the principles and procedures stipulated in existing legislation according to Article 5 of Legislative Decree 109 (“The court is not bound by the principles and procedures stipulated in existing legislation.”) Consequently, the court is not constrained by the imperative for a public trial, the right to an attorney, the right to see a forensic physician, the ban on incommunicado detention, or a suspect’s right to be questioned within the 24 hours after his arrest, in addition to other basic rights guaranteed to suspects and defendants by the Syrian Code of Criminal Procedure. The court conducts its session in total secrecy, and defendants are not allowed recourse to a lawyer or contact with their families.

As for the Supreme State Security Court (SSSC), it was established by Legislative Decree 47, issued on March 28, 1968. Paragraph A of Article 7 of the law states, “With the exception of the right to a defense as inscribed in existing laws, State Security courts are not bound by the procedures stipulated in existing legislation at any point of investigation, interrogation, and trial.” Thus, the court is exempt from procedures stipulated in the Code of Criminal Procedure from Article 273 to Article 308, such as the requirement that the defendant should be referred to a judicial body within 24 hours of his papers reaching the court and the defendant’s right to choose an attorney. A review of the trials in the State Security Court over the last two years reveals that 33 defendants alleged before the judge that they had been tortured and that the security services had extracted confessions from them by force and torture; in no case did the court take any measure to open an investigation into these claims.² Syrian lawyers and human rights activists estimate that the Syrian security forces have tortured more defendants who appear from the SSSC, but that many of them do not dare to mention the torture to the court because security representatives attend the trials. Based on testimonies, the most common forms of torture by security forces to extract confession include beating and kicking all over the body, particularly beatings on the soles of the feet.

Death under torture

There have been innumerable cases of torture perpetrated at arrest and detention centers, or various security services’ headquarters, but only very few of these cases have been exposed. Usually detainees do not expose their torture after their release in fear of retaliation from the security apparatus, especially since the courts before which they are tried do not protect them and, indeed, rely on confessions extracted by torture to convict them.

The number of people who have died in Syria under torture is unknown, first and foremost due to the difficulty of accessing such information, but also because the security apparatus threatens the detainees’ families, telling them they will meet the same fate if they speak of the torture. In most cases, families are not allowed to examine the body, which is buried in the presence of security personnel, if it is turned over to the family at all. The following is a list, in no way complete, compiled by various Syrian human rights organizations, of recent confirmed deaths under torture.

Muhammad Amin al-Shawa, 43 - husband and father

He was detained for nearly four months, on what is thought to be suspicion of being an Islamist. His body was turned over to his family on Saturday morning, January 10, 2009 after he was believed to have been

² See the Human Rights Watch report, *Far from Justice* at <http://www.hrw.org/en/reports/2009/02/23/far-justice-0>.

tortured to death.³ Security services attended the burial and did not allow the family to examine the body, but only see the face of the deceased.⁴ The family was also prohibited from holding a funeral ceremony.⁵

Abdullah Elias al-Beitar, 31 - husband and father

He was an employee of the BEMO Bank in Damascus and detained for 40 days on charges of embezzlement at the Criminal Security facility in Damascus, during which he was tortured. On October 27, 2008, he died of torture and his body was turned over to his family two days later on October 29.⁶ According to information published at the electronic news website, *Kulluna Shuraka*, Abdullah Elias al-Beitar was detained and questioned for 40 days, during which his brother heard that his health was poor due to torture. His brother went to Criminal Security to protest and asked to see Abdullah, at which point he was arrested as well. A few days after his brother's arrest, Abdullah died as the result of torture. An eyewitness stated that the head of the deceased was covered and he saw traces of blood around it as well as between his legs.⁷

Jamil Abdullah Ahmed Hanaysha

A Palestinian national who was born in Kuwait and resided in Jordan. In August 2007, he was visiting Syria on business when his family learnt of his detention. He died ten months after his arrest. There are conflicting reports of his death: some reports claim he died as a result of electrocution, while others say his death resulted from a hunger strike or torture.⁸

Ahmed Aref Omar, 21

A Syrian Kurd and a recruit performing compulsory service in the Syrian army in Brigade 116 stationed in Daraa in the Nawa area. His body was turned over to his family on September 1, 2009. Military officials informed the family that he had been electrocuted. When the family received his body, however, they found traces of beatings and torture, and a deep slash in his head, covered by a piece of gauze to camouflage it and staunch the bleeding.⁹

Mohammed Masto Rashid

A Syrian Kurd who was detained for nearly 14 months after which he was transferred to the Aleppo District Prison. As a result of severe torture in prison, he had to be transferred to the Fever Hospital in Aleppo, where he remained for four days and returned to prison. On January 19, 2010, he was announced dead. He was not known for any involvement in politics and the reasons for his arrest remain unknown.¹⁰

Jalal Al Kubaisi, 39

On 31 May 2010 he died following his torture in a criminal security locale - Damascus branch, which is under the command of Ministry of Interior. On 27 May 2010, he was arrested without a warrant, presumably for working as a "washish" (someone who attracts customers in a market) which is illegal under Syrian law. Despite attempts by the family, the whereabouts of Al-Kubaisi remained unknown until on Monday 31 May 2010, when agents from the criminal security visited the family and informed them that he was unwell. The

³ See the statement from the Syrian Human Rights Organization-Sawasiyah at <http://shro-syria.com/2008/content/view/95/1> .

⁴ See "Syria: Reveal Fate of 17 Held Incommunicado," at <http://www.hrw.org/ar/news/2009/04/15/syria-reveal-fate-17-held-incommunicado> .

⁵ See the statement from Sawasiyah at <http://shro-syria.com/2008/content/view/95/1> .

⁶ Ibid.

⁷ See Kulluna Shuraka, "Hal qutila 'Abdullah Ilyas al-Baytar taht al-ta'dhib fi Suriya?" Nov. 2, 2008, at <http://www.shril-sy.info/modules/news/article.php?storyid=2598> .

⁸ See "Wafat Filistini fi sijn bi-Suriya ba'd 'am 'ala ikhtifa'ih," *al-Jazira al-Sa'udiya*, Aug. 22, 2008, at <http://www.shrc.org/data.aspx/d8/3668.aspx> .

⁹ See the statement from the Syrian Human Rights Organization-MAF, "Wafat al-'askari al-thamin wa-l-'ishrin sa'aqan bi-l-kahraba' wa hadith 'an athar ta'dhib 'ala jasadihi," Sept. 3, 2009, at <http://www.shrc.org/data.aspx/d4/3984.aspx> .

¹⁰ See the statement from the MAD Committee for Human Rights in Syria at <http://www.shrc.org/data.aspx/d17/4067.aspx>

next day, they were informed by the same agents that their son had died. They said “he has fallen on the floor and transferred to Al-Mojathed hospital but it was too late.” The family found torture traces on the body of the diseased when they saw him in the hospital. Despite several complaints and the Prosecution's order to open an investigation, no criminal proceedings to date have been taken against those responsible.

Wadee' Sha'bouk, 53

On 13 July 2010, Sha'bouk died, under similar circumstances to that of Al-Kubaisi. He presented himself to the criminal security services, Aleppo branch, in the Al-Ashrafiya region to provide documents concerning his son's release following being accused of "evading the military." He was later beaten until he got a heart attack, but security prevented his transfer to a hospital sooner, which resulted in his death.

III. Cases of arbitrary arrests and enforced disappearances

Cases of enforced disappearances in Syria increased as the Baa'th Party took power in 1963 and with the declaration of the state of emergency. Since 1979, nearly 17,000 people went missing in prisons and interrogation centers. Some sources claim the number is 25,000. Many experts confirm that these numbers are merely estimates that may hide frightening numbers of missing persons. The arrests usually happen in homes, workplaces, or upon arrival at the airport after returning from abroad. In such cases, victims are not given the opportunity to object, to seek legal counsel, or to contact their families. The security agency conducting the arrest often does not identify itself and does not tell the arrested person or his/her family the reason for the arrest. At times, the victims are summoned to a security branch office and never return, with security forces giving inconclusive answers to families or sometimes completely denying the arrests.

Political arrests and enforced disappearances became systematic and continuous during the late 1970s and early 1980s, coinciding with the outbreak of violent conflict between the Muslim Brotherhood and the Syrian regime. The largest number of missing persons and the forcibly disappeared belonged to the Muslim Brotherhood. Members of communist and other leftist parties, different Palestinian groups, and Lebanese citizens from different political groups, were also targeted. Some detainees belonged to the Iraqi Ba'th Party, Nasserist parties, or the Islamic Liberation Party. Others were taken hostage instead of their wanted relatives.¹¹ Although decades have passed since the peak of enforced disappearances in Syria, the subject continues to be met with official indifference and silence. It is not permitted to speak in public about the details of this tragedy. The security services attempt to control the collective memory of Syrians and to prevent the public from learning of human rights violations. No official initiative has been taken towards a just resolution of the issue. Similarly, any civil society initiative addressing this issue is forbidden. The regime started to use unmitigated violence not only against the armed Islamist organizations, but also against the entire spectrum of opposition parties and their supporters in Syrian society. This culminated in a number of massacres that killed thousands of civilians, most notably the massacre of Hama in February 1982.¹² The massacre of Palmyra on June 27, 1980, followed an assassination attempt on President Hafez al-Asad. Hundreds of detainees were shot at the notorious military prison. Human rights groups estimate that about 1,000 victims were buried in unknown mass graves. Their families were not informed of their fate. There are no official statistics about the numbers of missing persons from that period,¹³ but testimonies of detainees could only be described as horrifying.¹⁴ Additionally, long-time Syrian Minister of Defense General Mustafa Tlas admitted to Germany's *Der Spiegel* that he approved 150 to 200 execution decisions issued by field military courts against political prisoners every week for two decades. Tlas later denied

¹¹Post- Jail Pathways: Conditions of released Political Prisoners and Prisoners of Conscience in Syria. (Damascus Center for Human Rights Studies, May 2006).

¹² For more details about the massacre see Report by the Syrian Committee for Human Rights, The Massacre of Hama in February 1982, February 2, 2006.

¹³ See Statement by the Syrian Committee for Human Rights, on March 4, 2006, which included the names of about 4,000 people allegedly disappeared in Syria.

¹⁴ Interview made on August 2009 by the authors of this report with a former political prisoner detained from 1980 to 1998.

making this statement. Nonetheless, there remains numerous testimonies that support the fact that hundreds of lives were taken illegally inside Syrian prisons at the time.

Hundreds, if not thousands, are subjected to similar horrors today due to the absence of laws deterring such practices and the lack of accountability measures. The whereabouts of detainees are sometimes undisclosed for months or years. They are often transferred to more than one security branch, which all deny the presence of the prisoner, making the location and fate completely unknown to the victims family. Now, the family is allowed to visit the detainee after several years of detention. However, this does not mitigate the impact on parents and children throughout the period of the disappearance.

One of the most recent incidents of enforced disappearance is the unknown fates of dozens of detainees of Sednaya Military Prison. Since July 2008, authorities have refused to provide any information. Reports circulate among the prison inmates that many were killed and injured.¹⁵ On July 5, 2008, security forces killed at least 25 prisoners during rioting in Sadnaya prison, according to various human rights organizations. After two days of silence from the government, the official Syrian news agency SANA confirmed that "prisoners convicted of terrorism and extremist acts" had rioted, that security forces had taken steps to "restore the peace," and that legal action had been brought against the rioters. The government imposed a total blackout on Sadnaya prison, and has not acknowledged that any prisoners have been killed, nor has it allowed the prisoners' families to visit the prison to find out what befell their relatives. In July 2009, the authorities finally allowed some families to visit relatives in the prison, but have maintained a ban on visits to others and on information about other detainees. Although Human Rights Watch was successful in obtaining 42 names of detainees who remain in Sadnaya prisons in complete isolation, there are reasons to believe that the actual number is much higher.¹⁶

Prolonged periods of enforced disappearances and the risk of torture

The security apparatus in Syria arrests activists, intellectuals, and political dissidents and detains them incommunicado without allowing them to see either their families or lawyers, which greatly heightens the risk of torture and makes it more difficult to prove. Nearly all political prisoners, and a large percentage of criminal offenders, spend periods in complete isolation from the outside world, which facilitates opportunities for torture and allows the physical signs of torture to fade unseen and hence render it impossible to prove if an investigation is indeed opened. Examples of this are numerous; on December 26, 2009, four Kurdish political leaders were arrested and kept in isolation exposing them to the risk of torture and other forms of mistreatment.¹⁷ In August-September 2008, 13 people were arrested in the province of Deir al-Zor. Three were released while the rest remained in arbitrary detention and in isolation from the outside world. It was later discovered, after his body was turned over to his family, that one of the detainees, ***Muhammad Amin al-Shawa***, died seven months following his detention.¹⁸ On July 31, 2008, the wives of detained Islamists were arrested after they launched a campaign for the release of their spouses. Three women were arrested and arbitrary detained from six months to one year before being released.¹⁹ One woman was released after being held incommunicado for six months, while another was released after one

¹⁵ For details about what happened in the prison and the fate of the prisoners, see Human Rights Watch, "[Syria: Disclose Fate of Detainees](#)," July 3, 2009. The report is available at:

<http://www.hrw.org/en/news/2009/07/03/syria-disclose-fate-detainees>.

¹⁶ Human Rights Watch, [Syria: Lift Blackout on Prisoners' Fate](#), December 10, 2009, see also: Amnesty International, 'Your son is not here' Disappearances from Syria's Saydnaya Military Prison, July 2010.

¹⁷ See efforts by Amnesty International to discover the fate of the four detainees (English):

<http://www.amnesty.org/en/library/asset/MDE24/001/2010/en/a978f9ad-8470-492f-9571-5e27864fff73/mde240012010en.html> .

¹⁸ For more information see Human Rights Watch (English), <http://www.hrw.org/ar/news/2009/04/15/syria-reveal-fate-17-held-incommunicado>.

¹⁹ For more information see Human Rights Watch (English), <http://www.hrw.org/ar/news/2008/08/17/syria-wives-islamist-suspects-detained-whereabouts-unknown> .

year.²⁰ For the entire time of their detention, their families were unable to obtain any information about their whereabouts.

Another example was during a security campaign starting on December 9, 2007, where 12 leaders of the Damascus Declaration were arrested. They were held incommunicado from 3 to 5 weeks in an undisclosed location that was later revealed to be State Security Intelligence. The incommunicado detention allowed the security apparatus to mistreat and beat them during questioning and torture some of them. Eight of the detainees told the investigating judge that they had been beaten during the investigation, and one of them, writer *Ali al-Abdullah*, was examined by a doctor after his eardrum burst during the beating. The judge launched no investigation into any allegation, and the forensic physician to whom al-Abdullah was referred refused to submit a medical report about the status of his ear.²¹ The foregoing cases are merely examples of a much broader phenomenon of torture, arbitrary arrests, and enforced disappearances that have become systematic abuses by the Syrian security apparatus.

IV. Freedom of Association and Assembly

The Syrian constitution permits private associations, but also grants the government the right to limit their activities. In practice, none of the local human rights organizations are licensed, while efforts by journalists to form an association are constantly blocked by the government. Today the following organizations operate without a legal permit, (one of them was shut down by the government, another fizzled out after the arrest of its heads): Syrian Human Rights Organization (SAWASIA); Arab Organization for Human Rights; Kurdish Committee for Human Rights in Syria (ALRASID); Human Rights Organization in Syria (MAF); Kurdish Organization for the Defense of Human Rights and Civil Liberties in Syria (DAD); Committees for the Defense of Democratic Freedoms and Human Rights in Syria; Human Rights Association in Syria; Damascus Center for Human Rights Studies; Syrian Center for Legal Studies; Syrian Center for Human Rights Training; National Organization for Human Rights; and Syrian Association for Human Rights. The last two on this list are run by individuals who are considered to be government operatives.

Although freedom of assembly is stipulated in the constitution, the Emergency Law impedes such constitutional rights. The permission of the Ministry of Interior is required for demonstrations or any gathering of more than three persons, and the government requires political forums and discussion groups to obtain prior approval to hold lectures and seminars and to submit lists of all attendees. Several domestic human rights and civil society groups held meetings without registering with the government or obtaining prior approval because they assumed permission would be denied, as has regularly been the case in the past. In many instances the government took steps to disrupt such gatherings or prevent them from occurring. Either the government, or the Ba'ath Party, authorizes and organizes most public demonstrations. The government does not permit the establishment of independent political parties, and even restricts the activities of professional associations and their members where the executive boards are not independent. Registration grants are usually only permitted to non-political groups, mostly organized by the first lady.

There are also additional legal constraints that are imposed by the Syrian government to impede any attempt for the creation of an independent association. Article 1 of Law 49, August 7, 1980 criminalizes membership in the Society of Muslim Brothers, and makes such membership a capital crime. Additionally, all trade-union laws in Syria contain an article stating that unions shall comply with the directives of the national leadership of the Ba'ath Party and operate in accordance with its decrees (Journalists Union,

²⁰ For more information see Amnesty International (English), <http://www.amnesty.org/en/library/asset/MDE24/020/2009/en/02c599a3-2cb6-4219-8ecd-17e6c2d8a914/mde240202009eng.html> .

²¹ For more information see Human Rights Watch (English), <http://www.hrw.org/ar/news/2008/02/04/syria-opposition-activists-tell-beatings-interrogation> .

Revolutionary Youth Union, Student Union, the Baath Vanguard Organization, labor unions, the Women's Union, the Union of Vocational Associations, and professional syndicates for lawyers, doctors, engineers, and teachers). Furthermore, the law on private association and institutions (Law 93/1958) and its amendments entrenches the dominance of the executive over public life in the country.

In recent days, during the wake of Arab revolutions in Tunisia, Egypt and Libya, a small group of Syrian activists decided to hold candlelight vigils in front of the Embassies of these three countries. They were left alone for the first couple of days but were then attacked by intelligence security affiliated thugs and were forced to leave the location of the protests. A few of them were taken into custody interrogated and then left alone either immediately or few days later. *Ghassan Najjar* was arrested following his writings in support of people's decision to demonstrate. He did not participate in the protests. He announced a hunger strike after he was arrested and was transported to the hospital ten days later. He is due to appear in court on April 11, 2011.

V. Systematic violations of freedom of opinion and expression

Syrian authorities continue to systematically suppress freedom of opinion and expression using a bevy of legal, administrative, and security measures and engaging in arbitrary detention and crackdowns. All political prisoners and prisoners of conscience in Syria are held because of political opinions or ideologies that the Syrian regime finds disagreeable. Hundreds of Syrian citizens have been arbitrarily detained or forcibly disappeared in recent years because of their opinions and beliefs, among them writers, journalists, political bloggers, and human rights defenders. Some have been sentenced to years in prison by exceptional courts, whilst journalists have been threatened and harassed and some repeatedly summoned for questioning by security bodies. Some journalists and media workers from neighboring countries have also been arrested in Syria. At the same time, the Syrian authorities have used unjustified, excessive force against peaceful assemblies in which individuals have died and hundreds have been detained. The Syrian Minister of Information issued verbal directives over the phone banning the distribution of several foreign, Arab, and local newspapers, and suspending some Syrian television talk shows. The office of al-Shurouq television in Damascus was shut down, and Syrian Kurds still face various forms of discrimination and persecution when attempting to express their national Kurdish identity.

The laws inhibiting freedom of opinion and expression that are regularly invoked by the Syrian authorities include, first and foremost, Military Order 2, March 8, 1963, which put into force legislative Decree 51 for December 22, 1962, which is known as "emergency law" and stands in clear violation of the constitution. Additionally, "Law to protect the revolution" also introduces a great threat to freedom of opinion and expression. Issued with Legislative Decree 6, January 7, 1965, Article 3 and 4 stipulate punishments that include life imprisonment and the death penalty for committing acts considered in violation of "the socialist order of the state," whether in deed, word, writing, or any form of expression or publication. Furthermore, the "law on the security of the Arab Socialist Baath Party" is another tool used to impede freedom of opinion in the country. Article 9 of Law 53, issued on April 8, 1979, mandates at least five years in prison and up to the death penalty if violence is involved for any person who commits an act intended to prohibit the party from performing its duties as stipulated in the constitution and laws. Paragraph (a) of Article 12 of the same law further prescribes at least six months in prison for conspiring to commit such an act.

Publications law (Law 50/2001) further grants the executive, represented by the Prime Minister, absolute authority to grant, refuse, or revoke publication licenses. It also specifies those areas that journalists are prohibited from addressing in their articles (Article 29) and restricts the circulation of foreign publications. To complete executive control over the media, the decree sets specific rules for journalists and media workers. For one, they must be registered members of the Journalists Union to be eligible to receive a press card from the Minister of Information, good for one year (Article 27 and 28). The Journalists Union itself imposes strict controls over journalists, punishing them through administrative orders; article 3 of the

Journalists Union law (Law 1/1990) states that the union believes in the national goals of unity, freedom, and socialism and is devoted to achieving them in accordance with the directives and decrees from the Arab Socialist Baath Party. As for article 54 of the same law, it states that the union may punish any member who deviates from these goals.

The Internet and the right to information

The Syrian authorities take measures that violate basic liberties, particularly the right to information. The Syrian Information Association and the Public Telecommunications Institution control the internet in the country and have included on their blacklists tens of thousands of websites, whether news outlets or advocacy sites, particularly those that have Syria as their focus. The government has permanently or temporarily blocked numerous websites, including those run by Syrian human rights groups. Recently, bans were lifted on some social media sites such as Facebook, YouTube, and Twitter, but the authorities continue to spy on visitors to these sites. Indeed, some people have been arrested for their activities on Facebook.

The Syrian government has further issued a rather perilous electronic media law that mandates penalties found in the Penal Code and the publications law, which include imprisonment. The law blocks and bans certain sites, and gives internet service providers the right to view content and save a copy of it. It also makes website operators legally responsible for comments posted on their sites.

V. Restrictions on human rights defenders, political activists, and Prisoners of Conscious (POCs)

In an interview on Orient TV with the recently released 80 year old lawyer and human rights defender ***Haitham Maleh***, he mentioned that in discussion with one of the security officers, he was called an optimist for thinking that there are only about 4000 prisoners of opinion in Syria. The number is much larger than this. Indeed, violations committed against human rights defenders, political dissidents, journalist, writers, and individuals who express different views from that of the state are quite frequent. They vary from detention and torture, to constant harassments to impede them from doing their work.

Travel bans are usually imposed on human rights defenders and political activists. It is quite difficult to get a comprehensive list of individuals banned from travelling for two reasons: first, the numbers have reached thousands; second, the government does not allow access to such information. A list of around 400 names can be accessed of those well known to have been banned from traveling, while the rest of activists are informed of the ban only when they attempt to travel outside the country.

After a year and a half of campaigning for the release of Haitham Maleh and statements from the US, Canada, UK, France, Germany, Norway, The Netherlands, EU, and UN working group on arbitrary detention calling for his immediate release, Maleh was finally set free on March 8, 2011. He recited the horrible treatment that the political prisoners and prisoner of conscience receive. He talked about the lack of medications, except for some painkillers, provided by the prison administration. Prisoners are not allowed to meet with each other, as they are separated in cells occupied by common criminals. Prisoners are isolated from the outside world and not allowed to receive any news. They have only one government run TV channel that they can watch and it broadcasts mainly songs and entertainment programs but no real world news. They are not allowed newspapers or books to read. Furthermore, they cannot visit the prison's public library, to which even common criminals have access.

The above is only a small sample of the ill treatment of prisoners in Syrian prisons. In an effort to put an end to the phenomenon of POCs, a group of POCs announced an open hunger strike beginning on the morning of March the 8, 2010, demanding the release of all POCs. Those who are on the hunger strike are: ***Habib Saleh, Mustafa Jouma'a, Ali Al-Abdallah, Mahmoud Barish, Kamal Al-Labwani, Mohammad Said Al-***

Omar, Mashal Tammo, Anwar Al-Bonni, Khalaf Al-Jarbou', Sa'doun Sheikho, Ismail Abdi (German citizen), Kamal Sheikho and Muhannad Al-Hasani.

VI. Minority Rights: Kurdish Rights

For decades, 300 thousand Syrian Kurds have been divested of their Syrian citizenship, prevented from expressing their Kurdish identity, particularly those related to the right to ownership, employment, travel, registering marriage contracts and birth certificates, as well as the right to participate in elections.²² The Kurds experienced a lack of political representation, poor economic development, and reduced social services in their districts. Important elements of Kurdish cultural identity, such as language, music, and publications were banned, and political parties forbidden. The Syrian government further replaced the names of Kurdish villages and sites with Arabic ones. In addition, the government mandated population transfers to weaken the concentrations of Kurds in sensitive areas.

Within a year of the U.S. invasion of Iraq in 2003, the Syrian government moved troops into the Kurdish regions of Syria, apparently anticipating security concerns within the Kurdish community. The Kurds responded with almost daily clashes with the Syrian regime, prompting the authorities to label the Kurd-dominated eastern region of the country a threat to national security. President Bashar al-Asad strengthened the military and security presence in the Shellac region after repeated protests there. Large-scale political clashes were not infrequent, especially in the aftermath of the 2004 riots in a crowded local soccer stadium in Qamishli, which led to fierce confrontations with security services and left dozens of Kurds dead and wounded.²³ Soon after, the prominent Kurdish cleric *Maashouk Alkhoznoi* was killed under “mysterious circumstances.”²⁴ Such violent targeting the Kurds, once relatively rare, have become more commonplace, raising the possibility of a further escalation of violent resistance from Syria’s Kurds.

Recent examples of violations against the Kurdish minority include the following: On March 20, 2008, three s citizens who gathered in Qamishli city to celebrate Kurdish New Year. Furthermore, on April 2008, security agents forcefully dispersed a peaceful assembly in front of the Supreme State Security Court organized in objection to the continued detention of five Kurdish activists since January 2007.²⁵ Security agents further violently suppressed a peaceful demonstration in Qamishli and Ein Al-Arab cities which was organized in objection to the Turkish military escalation on Iraqi borders. Live ammunition, tear-gas bombs and batons were used to disperse demonstrators, resulting in the death of one person and the injury of many others.

²² Radwan Ziadeh, *The Kurds in Syria: Fueling Separatists Movements in the Region?*, Special Report 220, United States Institute of Peace, Washington D.C, April 2009.

²³ Human Rights Watch, “Syria: Address Grievances Underlying Kurdish Unrest,” New York, March 19, 2004.

²⁴ See Robert Low, “The Syrian Kurds: A People Discovered,” briefing paper, Chatham House, January 2006.

²⁵ Statement by *Committees* for the defense of *Democratic Freedoms and Human Rights* in Syria on 7/4/2008.