

Amnesty International

SYRIAN ARAB REPUBLIC

MEMORANDUM FROM AMNESTY INTERNATIONAL TO THE HUMAN RIGHTS COMMITTEE CONCERNING THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS IN SYRIA.

February 2005

Introduction

Amnesty International submits this memorandum to the Human Rights Committee in advance of the Committee's pre-session meeting on the third periodic report of Syria to highlight some of the organization's concerns about Syria's implementation of the International Covenant on Civil and Political Rights (ICCPR)¹.

The organization notes with appreciation some positive steps introduced by the Syrian authorities during this period with regard to human rights protection and promotion. This includes Syria's accession in August 2004 to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the ratification in 2002 of the Convention on the Elimination of all Forms of Discrimination against Women (Women's Convention)².

This memorandum covers the period from 2001 to date, referred to in this document as "this period". In this document, Amnesty International describes laws and practices in Syria which lead to human rights violations and contravene Syria's obligations under the International Covenant on Civil and Political Rights (ICCPR). The issues discussed in this document are:

- Discrimination and violence against women (Article 3)
- The State of Emergency Legislation (Articles 4)
- The death penalty and the right to life (Article 6)
- Torture and ill-treatment (Article 7)
- Arbitrary arrest and detention (Articles 9)
- Unfair trials (Article 14)
- The right to freedom of expression (Article 19)
- Restrictions on freedom of assembly and association (Articles 21 and 22)
- Discrimination against Syrian Kurds (Articles 26 and 27).

Amnesty International has previously described in detail the legal and institutional context of human rights violations in Syria in a number of documents, including a briefing to the Human Rights Committee in 2001.³ The main concerns expressed in that briefing – a copy of which is attached for reference – still stand. A number of reports and other documents highlighting Amnesty International's concerns in this period are also attached.

¹ See third periodic report of Syrian Arab Republic, CCPR/C/SYR/2004/3.

² Amnesty International regrets the reservations entered by Syria to the Convention against Torture and to the Women's Convention; it urges the Syrian authorities to withdraw them.

³ Syrian Arab Republic : Briefing to the Human Rights Committee, 71th Session, March 2001 (AI Index: MDE 24/001/2001).

Article 3

Discrimination and violence against women

Syrian law contains provisions which discriminate against women and facilitate violence against them. Under the law, some forms of violence against women can be carried out with near impunity.

Article 548 of the Penal Code, for example, provides that men can escape punishment or receive reduced sentences if they kill a female member of the family and/or the man with whom they are allegedly committing “adultery” or other “vicious sexual relations”. According to this Article a man who surprises his wife or close female relatives while committing such acts shall be exempt from liability. The same Article provides that a man who kills his wife or a close female relative shall benefit from reduced liability if he surprises his wife or a close female relative in “suspicious circumstances” in the company of another person.

While rape is normally punishable by up to 21 years’ imprisonment, the perpetrator can be exempt from punishment if he marries the victim (Article 508 of the Penal Code). In addition, those sentenced for rape may have their sentence cancelled if they marry the victim while serving the sentence. The law also has a narrow definition of rape and explicitly does not cover rape within marriage. According to Article 489 of the Penal Code:

1. He who coerces anyone, apart from his wife, to have sexual intercourse, through the use of violence or threat, shall be sentenced to at least 15 years’ imprisonment with hard labour;
2. The sentence shall not be less than 21 years’ imprisonment if the person subjected to assault is aged less than 15.

The scale of violence against women in Syria remains poorly documented for a number of reasons, including the restrictions imposed by the authorities on the registration and activities of independent women’s NGOs, and a culture of silence which generally prevents the reporting of abuses against women. It is also widely believed that in rural areas, with conservative social attitudes, women who are deemed to have liberal attitudes and those suspected of ‘prostitution’ are particularly at risk of violence or killing by members of their families.

Despite the restrictions, a number of independent women’s groups exist in Syria and are involved in campaigning against discrimination and violence against women, by promoting legal reform and raising awareness about the rights of women. These groups have not been granted registration by the authorities and are not recognized by the General Union of Syrian Women which is affiliated to the ruling Ba’th party. They therefore face serious restrictions in their activities and are often unable to provide assistance to women who face violence in the community or in prisons and other institutions where women and girls are detained.

In rehabilitation centres for female juvenile offenders, all offenders ranging between the age of nine and 18 are held together, without separation between those convicted of serious offences such as murder and those held for minor offences. Conditions of detention in such institutions are reportedly very harsh, often leading girls to attempt suicide or inflict self-harm. According to a Syrian women’s group, a recent case involved a girl who, while attempting suicide, sustained serious injuries leading to deformities. Reportedly, children released from these rehabilitation centres often suffer serious psychological and physical problems as a result of detention conditions.

In addition, female juvenile offenders may continue to suffer from gender-based discrimination at the end of their rehabilitation period, when they reach the age of 18. In particular, if their male guardians refuse to take them back after finishing their sentences, they are reportedly often transferred directly to women's prisons, rather than being released and provided with care and support in the community.

Article 4

The State of Emergency legislation

Provisions of the state of emergency, which has been in force without interruption since 1963, continue to be used to suppress peaceful political dissent and human rights activism. According to Article 4 of the State of Emergency Law (SEL) of 1962, the Martial Law Governor (the Prime Minister) or his deputy the (the Minister of Interior) "are empowered to [among other things] issue written orders for the adoption of measures, restriction of the liberty of persons, censorship of correspondence, communications and the information media...". The SEL allows the arrest of people, monitoring of their mail, surveillance, censorship, closure and confiscation of all forms of mass media and expression. It gives the authorities the power to place restrictions on people's freedom to move, travel and assemble.

The SEL is part of a range of legislative decrees entitled the "Protection of Independence and Revolution laws", including those governing the Supreme State Security Court Law and the Field Military Court Law. According to the SEL, Syrian citizens are denied fundamental rights enshrined in the Syrian Constitution and international human rights treaties to which Syria is a state party. Furthermore, any manifestation by peaceful means of acts or expressions that are deemed critical of the authorities is suppressed under the provisions of exceptional laws including Legislative Decree Number 6 of 1965. This decree authorizes the establishment of exceptional military courts to try people involved in acts deemed to be oppositional to the aims of the Ba'th party-led revolution of 1963, and all offences against internal and external state security contained in the Penal Code.

Amnesty International is concerned that the SEL is used mainly to curtail the legitimate right to freedom of expression and association, rather than to deter genuine threats against the life of the nation or public health and safety, in what appears to be a flagrant contravention of Article 4 of the ICCPR. In addition there are no provisions to challenge the constitutionality of the state of emergency by lawyers or victims.

In 2001 the Human Rights Committee recommended, in its concluding observations following consideration of Syria's second periodic report, that the State of Emergency should be "formally lifted as soon as possible." The Committee stated that "[t]he State party should take appropriate steps to bring its state of emergency legislation fully into line with the requirements of article 4 of the Covenant".⁴ These recommendations, however, have not been implemented so far.

Article 6

The death penalty

The death penalty has continued to be applied widely in the country, and there was an increase in the number of executions carried out during this period. The figures provided by the authorities in the third periodic report indicate that 27 executions took place during this period. However, the authorities did not provide information about the type of

⁴ See paragraphs 6 and 7 of the concluding observations of the Human Rights Committee, CCPR/CO/71/SYR.

offences for which the death penalty was applied. It is not clear, for example, whether those executed or awaiting execution had been convicted of common criminal offences or of belonging to banned political organizations such as the Muslim Brotherhood (MB). In Syria members of the MB face the death penalty according to Article 10 of Law No. 49 of 8 July 1980. Executions resulting from trials held in pursuance of this law are carried out in secret, although in recent years there has been a pattern of immediately reducing death penalties passed under this law to terms of imprisonment ranging from 10 to 12 years.

Right to Life

Amnesty International is also concerned about reports that dozens of civilians were killed, apparently as a result of the use of lethal force by security forces, during a series of incidents in Qamishli in March 2004. Those killed were mostly Syrian Kurds; dozens of others were injured, some of them seriously⁵. No official investigation is known to have been carried out into the use of lethal force by the security forces or the events leading to these deaths and other violations. Amnesty International fears that those who were killed may have been extra-judicially executed.

During this period, there was an apparent increase in deaths in custody reportedly as a result of torture. Amnesty International raised several of these cases with the authorities, but have not received an answer yet, and is not aware of any independent investigations held into these deaths.

- **Feras Mahmud ‘Abdalla** died on the night of 7 January 2004 in the custody of the criminal security department while held in connection with his alleged involvement in a criminal offence. The victim was reportedly repeatedly tortured while held incommunicado in a detention centre run by the criminal security department in Damascus. It was reported that the security officers were seeking to obtain a ‘confession’ following his arrest for the alleged stealing a passport.

Article 7

Torture and ill-treatment

Since the submission of the last periodic report by Syria in 2001, Amnesty International has documented numerous allegations of torture of detainees held incommunicado by the security forces or other law enforcement agencies in the country. Amnesty International’s concerns regarding reported cases of torture, ill-treatment and other cruel and degrading punishments have been communicated regularly to the Syrian authorities or made public by the organization. Among the cases brought to the attention of Amnesty International during this period is that of **Amna al-‘Allush**⁶.

- **Amna al-‘Allush**, born in 1961, was allegedly tortured in March 2002 in the presence of two local police officials and a judge. At least two policemen and one court clerk told the Criminal Court of Raqqa they had seen her being tortured and forced to “confess” when she was interrogated at the Ma’dan Court building on the night of 16-17 March 2002 on charges of murder.

Despite some initial investigations into some of the allegations of torture and ill-treatment, most allegations documented by Amnesty International have not been independently and

⁵ For more information on human rights violations against Syrian Kurds, including torture and unfair trials, see *Syria: Kurds in the Syrian Arab Republic one year after the March 2004 events* (AI Index: MDE 24/002/2005).

⁶ See *Syria: Amna al-‘Allush, allegedly tortured in the presence of a judge and senior local officials* (AI Index: MDE 24/006/2005).

promptly investigated and no one has been brought to justice and sentenced for having committed acts of torture or ill-treatment.

Most of the torture allegations received by Amnesty International involve political detainees held incommunicado in detention centres run by different security departments, or suspects held by the police on criminal offences. In addition, children are also reported to have been tortured⁷ either by members of the security forces or the police. Most of the children reportedly tortured during this period were Syrian Kurds detained following the events of March 2004 in Qamishli. Amnesty International has the names of more than 20 Kurdish children, aged between 14 and 17, who were reportedly subjected to various forms of torture and ill-treatment while detained for over three months in the wake of the March 2004 events in the largely Kurdish populated areas of north-east Syria.

The Syrian Constitution and national legislation prohibit torture and ill-treatment. Article 28, paragraph 3, of the Syrian Constitution states “[N]o one may be subjected to physical or mental torture or degrading treatment, the perpetrators of which shall be liable to the legally prescribed penalties.” Article 391 of the Penal Code stipulates:

1. Anyone who subjects a person to illegal acts of violence with a view to obtaining from him a confession to an offence or information pertaining thereto shall be liable to a penalty of detention for a term of three months to three years.
2. If such acts of violence cause sickness or wounds, the minimum penalty shall be one year’s detention.

Despite these legal provisions, members of the security forces continue to use torture and ill-treatment with impunity. Under Legislative Decree No. 14 of 1969, some security and intelligence officers who commit violations while carrying out their duties can be exempted from prosecution. According to Article 16 of the decree, employees of the State Security Administration “shall not be judicially pursued for offences they commit while carrying out their duties or specific tasks assigned to them without a warrant issued by the director authorizing legal action against them”. Apparently this decree covers all officers involved with state security matters. It does not cover police officers.

When, occasionally, certain cases are referred to the judiciary regarding serious allegations of torture, complaints are often discontinued and those allegedly involved in the practise of torture are not pursued.

Article 9

Arbitrary arrest and detention

The Syrian Constitution and laws include some safeguards in relation to arrest and detention. For example Article 115 of the Code of Criminal Procedure states that “[a]nyone arrested under the terms of a warrant must be taken, without delay, to the public prosecutor in the district of the examining magistrate who issued the warrant and the public prosecutor must provide the arresting officer with a receipt of delivery of the suspect, after which the latter is remanded in custody and the examining magistrate is duly notified.” In addition, Article 104 of the Code of Criminal Procedure stipulates that the examining magistrate must question the suspect within 24 hours of arrest. If the examining magistrate fails to do so, and there are no other examining magistrates or any

⁷ See, for example, *Syria: Unfair trial of Kurdish prisoners of conscience and torture of children is totally unacceptable* (AI Index: MDE 24/0048/2004).

other competent judicial authority to question the suspect, then the person involved must be released by the public prosecutor.

In practice, however, these safeguards are often ignored. Over this period, thousands of people, mostly Syrian Kurds and people suspected of affiliation to banned political parties or human rights groups, were arbitrarily detained after being arrested without warrants by various security forces. They were held incommunicado for prolonged periods in secret locations without being referred to a judicial authority, or having access to their lawyers or families. Most of those arrested were released after periods in detention without charge, but hundreds remain in detention either without charge or after grossly unfair trials. The majority of those currently held without trial are Syrian Kurds who were arrested in the wake of the 12 March 2004 events in Qamishli in north-east Syria⁸.

- Some children have also been detained, during this period for suspected affiliation to political groups or the affiliation of members of their families to political or human right groups. **Mus'ab al-Hariri**, aged about 17, was arrested by the security forces on 24 July 2002 shortly after he returned, with his mother, to Syria from exile in Saudi Arabia. He is currently on trial on charges of belonging to the banned MB in Syria, under the provisions of Law no. 49 which provides for the death penalty for affiliation to the MB. The case of Mus'ab al-Hariri follows the same pattern of arbitrary detention and unfair trial as the case of his two brothers, '**Ubadah**, and **Yusuf**, who were arrested in 1998 following their return from Saudi Arabia to continue their school education in Syria. They were aged 18 and 15 respectively at the time of their arrest. Both were referred to a Field Military Court (FMC, see below, section on Article 14) before which 'Ubadah was sentenced to three years and Yusuf to one year in prison. 'Ubadah was charged with concealing information and belonging to a banned organization (the MB in Syria), and Yusuf was charged with concealing information and preparing to join a banned organization. They were released in 2004 and 2000 respectively, after serving sentences at Sednaya prison. Amnesty International considers the detention of the three children and their trials to be a gross violation of human rights and a contravention of Syria's juvenile law and its obligations under the ICCPR and the Convention on the Rights of the Child.

Over the last four years, scores of political activists and suspected Islamist activists were also arbitrarily arrested, held incommunicado and reportedly tortured and ill-treated.⁹ These violations were facilitated by the continued application of the state of emergency laws, and powers granted to various state security officials to arrest and detain people in a manner which violates provisions of the ICCPR.

There were also reports of human rights violations, such as arbitrary detention and torture, against Syrian nationals who either voluntarily returned to Syria after long periods of exile abroad or were forcibly returned by other countries. Most were Islamists suspected of membership of the banned MB or affiliation to al-Qa'ida.

- **Maher Arar** was detained for over year from October 2002 to October 2003, and tortured while held incommunicado after being forcibly deported to Syria by the

⁸ See *Syria: Kurds in the Syrian Arab Republic one year after the March 2004 events* (AI Index: MDE 24/002/2005).

⁹ See *Syria: Arbitrary detention and torture of Islamist activists must stop* (AI Index: MDE 24/050/2004).

US authorities. Maher Arar, who carries dual Syrian/Canadian nationality, was eventually released without charge.

- **'Abd al-Rahman Musa**, a Syrian national aged 41, was detained incommunicado after being forcibly returned from the US on 19 January 2005. It is feared that he may be at risk of torture and other serious human rights violations in Syria due to his alleged affiliation to the MB.¹⁰ His current legal status is not known.
- **Muhammad Fa'iq Mustafa**, a medical doctor born in Deir al-Zur in Syria in 1963, has been detained in Syria since 22 November 2002 when he was arrested by the Syrian security forces on arrival at Damascus airport, following his forcible return to Syria from Bulgaria. Muhammad Fa'iq Mustafa, who had been living in Bulgaria since 1981, reportedly had his Bulgarian passport taken away from him before he was deported to Syria. He was seen on arrival at Damascus airport by his brothers but has mostly remained since then in incommunicado detention without access to his family and lawyers. He was reportedly visited once by members of his family at Sednaya prison where he is currently held. He was reportedly tortured and ill-treated during the initial period of his detention. There are conflicting reports about his current status: according to some sources he is being held without charge; other sources claim that he has been sentenced to 10 years imprisonment, although it is not clear before which court he may have been tried, nor which charges were brought against him. If he was indeed sentenced, it may have been before an FMC (see below, section on Article 14) which passes summary sentences in secret, without allowing defendants access to lawyers. Muhammad Fa'iq Mustafa studied medicine in Bulgaria where he was practicing at the time of his deportation. Since 1981, he visited Syria only once, apparently during the first year of his arrival in Bulgaria. Following the accession to power of President Bashar al-Assad, he tried to regularize his status through the Syrian embassy in Bulgaria with a view to visiting the country but all his requests for Syrian passports for him and his children were apparently rejected.

Article 14

Unfair trials

Amnesty International has over the years documented serious flaws in the administration of justice in Syria, and the lack of legal and other safeguards to protect the rights of detainees during pre-trial detention and after they are referred to court.¹¹ People held on charges relating to the peaceful expression of their opinion or affiliation to unauthorized political parties or human rights and civil society groups, are routinely referred for trial to the Supreme State Security Court (SSSC) or the Field Military Courts (FMC), whose procedures involve serious breaches of Article 14 of the ICCPR.

These two courts have been used over the years to try political detainees in accordance with the State of Emergency Legislation (SEL), the Penal Code and a range of legislative decrees, such as the Opposition of the Revolution Law (or Legislative Decree No. 6, 1965), for offences against state security which are loosely defined and subject to wide interpretation.

FMCs have jurisdiction, according to the SEL, to try any person charged with a number of vaguely defined state security and public peace offences; offences against public authority; and offences relating to undermining public confidence.

¹⁰ UA 22/05, 26 January 2005, Fear of torture/incommunicado detention, 'Abd al-Rahman al-Musa (m), aged 41, grocery store manager, (AI Index: MDE 24/005/2005).

¹¹ See for example *Syria: Smothering freedom of expression: the detention of peaceful critics* (AI Index: MDE 24/007/2002).

Since its establishment in 1968 the SSSC has been functioning in accordance with the State of Emergency rules and is designated for the trial of people charged with political and state security offences. The SSSC and FMCs are not subject to the rules of the Code of Criminal Procedure; they operate outside the normal justice system under the control of the executive branch of the government.

The SSSC and FMC's procedures fall seriously short of international standards for fair trial. Both courts lack independence and impartiality, and their decisions are not subject to appeal. Their powers are limited to the courtroom and do not extend to control or supervision of the conduct of the security forces or pre-trial procedures. The SSSC has systematically failed over the years to investigate numerous allegations of torture and extraction of "confessions" under duress brought to its attention by prisoners of conscience and political detainees. In addition to these flaws, the FMC, unlike the SSSC, does not allow legal representation for defendants. Trial sessions before FMCs, which are short and consist of one or two hearings, routinely take place inside a prison. The defendants are taken to the hearings only to plead guilty to the charges filed against them. In some cases political detainees have been sentenced without a hearing.

The SSSC has regularly tried and sentenced political detainees belonging to a variety of banned organizations including human rights groups and political parties, whereas the FMC deals with cases related mainly to Islamist activists. Among those who have been tried before the FMC over the years are suspected members of the banned MB, members of the pro-Iraq Ba'ath party. Recent cases include members of an *ad hoc* Islamist group who were summarily tried in secret in 2003, solely for involvement in activities promoting social development and combating corruption in the Darya area in the outskirts of Damascus¹².

Article 19

The right to freedom of expression

The right to freedom of expression continues to be severely restricted in Syria, despite the efforts of the emerging human rights and civil society groups who campaign to promote this right. Syria has, nevertheless, witnessed some positive developments since 2001, including the establishment in 2001 of several newspapers after changes in the regulations governing the media were introduced. The changes included allowing the junior members of the ruling Progressive National Front (PNF) to publish their own newspapers. As a result the Syrian Communist Party (SCP) and Nasserist Unionist Socialist Party, both junior member of the PNF, launched in 2001 their own newspapers. In addition, the new media policy led to the launching of private newspapers after almost four decades in which such publications were prohibited. Among those which started publication was *al-Dumari*, a satirical 16-page weekly newspaper.

Despite these positive developments, the authorities have continued to use repressive measures against individuals and groups who express opinions which do not meet official approval, especially on issues related to political affairs and human rights.

- In July 2002 two sisters, '**Aziza al-Sabini** and **Shireen al-Sabini**, were charged under the Penal Code with "obtaining information that must be kept confidential for the integrity of the state." 'Aziza Sabini was also charged with "promoting news that may weaken the morale of the nation". Their cases were referred to the SSSC. The sisters worked for *al-Muharir al-'Arabi* newspaper, published in

¹² See *Appeal case- Syria: Torture, ill-treatment and unfair trials of the Darya activists* (AI Index: MDE 24/056/2004).

Lebanon, 'Aziza as a correspondent and Shireen as a secretary. They were later sentenced to one year in prison and released in the summer of 2003.

The Internet has become widely used by civil society groups in Syria as a means of communication and dissemination of information. While the government has generally encouraged the use of new information technology, in practice the authorities have imposed restrictions by blocking access to some Internet sites used by human rights or political activists and prosecuting some individuals using such sites. Among the sites which have been blocked by the authorities are *Akhbar al-Sharq*, Hotmail, Yahoo, and *Maktoub*. A number of people were arbitrarily detained and imprisoned after unfair trials during this period for their peaceful and legitimate use of the internet.¹³

- **Muhannad Qutaysh, Haytham Qutaysh, Yahia al-Aws, and Mas'oud Hamid** were arbitrarily detained and sentenced after unfair trials for writing articles to an Internet-newspaper in the United Arab Emirates, and for taking photographs of a peaceful Kurdish demonstration and posting them on the Internet. A number of charges were brought against them, slightly different in each case. Muhannad Qutaysh and Yahia al-Aws were both charged with "obtaining information that must remain secret for the safety of the state and the interest of a foreign state". Haytham Qutaysh and Muhannad Qutaysh were both charged with "encouraging the transfer of secret information" that "must remain secret for the safety of the state and the interest of a foreign state". Haytham Qutaysh was additionally charged with "carrying out writings not approved by the government which expose Syria and the Syrians to the threat of hostile acts that harm Syria's relations with a foreign state". Yahia al-Aws and Muhannad Qutaysh were also charged with "disseminating false news abroad". Mas'oud Hamid was reportedly charged with "unlawful" use of the Internet. In July 2004 the SSSC sentenced **Muhannad Qutaysh, Haytham Qutaysh, and Yahia al-Aws** to four, three and two years' imprisonment respectively. Yahia al-Aws was released after serving his sentence. Muhannad Qutaysh, and Haytham Qutaysh, are now held in Sednaya Prison. Mas'oud Hamid remains in incommunicado detention at 'Adra Prison having been sentenced in October 2004 by the SSSC to five years' imprisonment. Amnesty International considers all three men to be prisoners of conscience who have been arbitrarily imprisoned solely for the peaceful exercising of their right to freedom of expression.

Article 21

Right to freedom of assembly

Article 39 of the Syrian Constitution states that "[c]itizens have the right to assemble and demonstrate peacefully within the principles of the Constitution. The law regulates the exercise of this right."

The provisions regulating and limiting the right to assembly are contained in a range of laws and decrees, including the SEL and, most importantly, provisions in the Penal Code.

Article 336 of the Penal Code considers "[a]ny rally or procession in public roads or in a place accessible to the public is considered a gathering for the purpose of creating a riot, and is punishable by one month to one year in prison". Assemblies falling into this category include those "composed of at least seven people to protest against a decision or

¹³ See for example *Syria: Amnesty International repeats its call for the immediate release of five prisoners of conscience and for the dropping of all charges against them* (AI Index: MDE 24/051/2004), and *Syria: Imprisonment of internet users is a gross violation of human rights* (AI Index: MDE 24/052/2004).

measure adopted by the authorities” or exceeding twenty people assembled “in a manner that may disturb public tranquillity”.

Furthermore, any manifestation by peaceful means of acts or expressions that are deemed critical of the authorities can be suppressed under provisions of Legislative Decree Number 6 of 1965. The decree penalizes opposition to the socialist system or state whether these offences are carried out by acts, writing or any other means of expression or publication. It also penalizes “opposition to the actualization of unity between Arab nations or to any of the revolution’s objectives or their obstruction through carrying out demonstrations, assemblies, riots, or incitement to these acts; or by dissemination of false news with the aim of creating uncertainty and shaking the confidence of the masses in the objectives of the revolution”. These offences can be punished by sentences ranging from imprisonment with hard labour to the death penalty.

These provisions continue to be used to arbitrarily detain and imprison people involved in peaceful assemblies and demonstrations, including human rights defenders, Syrian Kurdish activists, and students. In a number of cases, for example, attempts by human rights activists to demonstrate or organize sits-in to call for the protection and respect of human rights were suppressed by the security forces even before those involved were able to reach the venue. Those attempting to demonstrate were reportedly beaten by the security forces and a number were detained. Some were held for short periods before being released, while others were held incommunicado before being referred for trial to the SSSC.¹⁴

Article 22

Right to freedom of association:

a) Restrictions on political activities

Members of political groups that are not part of the ruling Progressive National Front - controlled by the Ba’th party – are at risk of human rights violations if they are considered a ‘threat to state security’. People affiliated to banned political parties who are engaged in the peaceful exercise of their right to freedom of association can be, and often are, accused of, among other things, “belonging to an association formed with the aim of changing the fundamental economic and social structure of the state by terrorist means” (Article 306 of the Penal Code); “carrying out activities opposed to the socialist system of the state” (Article 3,[a] and Article 4,[a] of Legislative Decree No. 6, 1965); and opposing the aims of the revolution (Article 3,[e] & article 4, [c] of Legislative Decree No. 6, 1965). Other legal provisions target specific groups such as members of the MB (see section on the death penalty) and Kurdish political groups (see section on discrimination against Kurds).

One illustrative example is the case of '**Abd al-'Aziz al-Khayyir**, a medical doctor, who was sentenced in 1992 to 22 years in prison solely for his membership of the banned Party for Communist Action and the peaceful use of his right to freedom of expression. Amnesty International considers him a prisoner of conscience and has called for his release. He remains imprisoned, serving the longest sentence passed by the SSSC.¹⁵

b) Human rights and civil society groups

¹⁴ See *Syria: Kurds in the Syrian Arab Republic one year after the March 2004 events* (AI Index: MDE 24/002/2005).

¹⁵ See *Syria: Smothering freedom of expression: the detention of peaceful critics* (AI Index: MDE 24/007/2002).

There are at present three main active human rights groups in Syria: the Committees for the Defence of Democratic Liberties and Human Rights in Syria (CDDLHR); the Human Rights Association in Syria (HRAS); and the Arab Organization for Human Rights in Syria (AOHR-S). These groups have been refused registration and their members have frequently been subjected to harassment and smear campaigns by the authorities and the official media, including by being depicted as “traitors” and “collaborators” with foreign entities.

Some human rights defenders have also been detained and charged with state security offences solely for their involvement in human rights work. One example is the case of **Aktham Nu’aysa**, the head of CDDLHR, who was detained in April 2004 and referred for trial to the SSSC for his peaceful human rights activities. His trial has not yet been concluded. Evidence brought against him during the trial showed that he has been under constant surveillance for several years and that his activities and the statements he had made on behalf of the CDDLHR had been monitored by the security agencies. He was charged with involvement in activities opposed to the aims of the revolution and affiliation to an association of an international nature, in accordance with provisions of Legislative Decree No. 6, 1965, and the Penal Code. He was initially held incommunicado for over a week, held in solitary confinement, then released on bail in August 2004 pending the outcome of his trial.

Another example is the case of the president of HRAS, **Haytham al-Maleh**, who was referred to the Military Court in July 2003, but then acquitted as a result of a Presidential amnesty. He is now reported to be under constant surveillance by the security forces and not permitted to travel abroad.

Other human rights defenders facing restrictions, including prohibition from travelling abroad, solely for their peaceful campaigns to promote human rights in Syria, include lawyers **Anwar al-Bunni** and **Razan Zaytunah**.¹⁶

Amnesty International is also concerned about the continued arbitrary detention of a group of human rights defenders and two members of parliament arrested in 2001, and sentenced after unfair trials before the SSSC and the Criminal Court for campaigning for the right to freedom of expression and association. They are serving sentences ranging from five to 10 years’ imprisonment. Among them is ‘**Aref Dalilah** who was sentenced to 10 years’ imprisonment. Amnesty International consider them to be prisoners of conscience and has called for their immediate and unconditional release¹⁷.

Article 27

Discrimination against Kurds

Syria’s third periodic report states in paragraph 411 that Syrian “law protects all persons residing in the territory of the State, without any discrimination on grounds of race, origin, religion or nationality”. The report asserts in paragraphs 412 and 413 that “Kurds are

¹⁶ See *Syria: End persecution of human rights defenders and human rights activists* (AI Index: MDE 24/076/2004).

¹⁷ See *Syria: Smothering freedom of expression: the detention of peaceful critics* (AI Index: MDE 24/007/2002).

considered to be fully assimilated into Syrian society” and that “there is no discrimination or discriminatory measures against them”.

The information available, however, indicates that Syrian Kurds are subjected to various forms of discrimination. At present an estimated 200,000 to 360,000 Kurds in Syria are stateless, having been denied the right to Syrian nationality under Law 93 of 1962. As such, they are denied the right to a passport, as well as some economic, social and cultural rights.

The stateless Kurds, as well as Kurds who have Syrian nationality, also suffer from restrictions on their cultural rights. The Kurdish language is not recognised as an official language in Syria and is not taught in schools. Since 1958 it has been forbidden to publish materials in Kurdish. In 1987 the Culture Minister reportedly extended the ban to the playing and circulation of Kurdish music cassettes and videos. According to some sources, the ban on Kurdish being taught in schools and universities was re-stated by a secret decree issued in 1989 which also banned the use of the language in all official establishments. There are unconfirmed reports that by the summer of 2002 the authorities had raised the maximum sentence for printing in Kurdish, as well as for the teaching of Kurdish, to five years imprisonment. Kurdish is also reportedly banned from use at private celebrations and in the workplace.¹⁸

¹⁸ See *Syria: Kurds in the Syrian Arab Republic one year after the March 2004 events* (AI Index: MDE 24/002/2005).