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Summary

Syria's state of emergency, enacted in 1963, remains in place and multiple security agencies continue to detain people without arrest warrants, frequently refuse to disclose their whereabouts for weeks and sometimes months, and regularly engage in torture. Authorities severely curtail freedom of expression and security services detain bloggers and censor many popular websites. Special courts set up under emergency laws, such as the Supreme State Security Court (SSSC), sentence people following unfair trials. Syria's Ministry of Social Affairs regularly denies registration requests for independent non-governmental organizations and none of Syria's human rights groups are licensed. The Kurdish minority, estimated to be 10 percent of the population, is denied basic group rights, including the right to learn Kurdish in schools or celebrate Kurdish festivals, such as Nowruz (Kurdish New Year). Promises by President Bashar al-Asad for new laws that would broaden political and civil society participation have not materialized.

Repression of Political and Human Rights Activism

Syrian authorities regularly detain political and human rights activists. Human Rights Watch has documented the arrest of 102 political and human rights activists since Bashar al-Asad came to power in 2000. The actual number is much higher, given the difficulty of obtaining information about the detention of less prominent activists, especially Kurds and Islamists.

In detaining and prosecuting activists, authorities rely on the emergency law, which gives the security services broad powers of arrest, as well as broadly worded "security" provisions in Syria's Penal Code, such as "issuing calls that weaken national sentiment" (Article 285), "spreading false or exaggerated information that weakens national sentiment while Syria is at war or is expecting a war" (Article 286), or undertaking "acts, writings or speech that incite sectarian, racial, or religious strife" (Article 307).

Arrests and trials are only the tip of the iceberg when it comes to Syria's harassment of dissidents. Syrian security services routinely prohibit or interrupt meetings by activists. The Syrian Bar Association also harasses human rights lawyers by initiating disciplinary measures to disbar those who criticize the government or security services, such as Muhanad al-Hasani, president of the Syrian Human Rights Organization (Swasiah), on November 10, 2009, and ongoing proceedings against Radeef Mustapha, head of the Kurdish Human Rights Committee.

Authorities since 2006 have expanded the use of travel bans to punish activists and dissidents. The Syrian Center for Media and Freedom of Expression, an unlicensed non-governmental organization (NGO), enumerated, in February 2009, 417 political and human rights activists banned from traveling.

Syrian authorities deny all requests by human rights groups to register, and accordingly none are officially authorized to function. The main impediment to their registration is the 1958 Law on Associations and Private Societies (Law No. 93), which governs the establishment of any type of association in Syria and authorizes the security services to reject registration requests. In 2005 the Ministry of Social Affairs and Labor, the ministry officially responsible for administering Law No. 93, said that it would review the law with an eye toward liberalizing its provisions. However, the drive to reform the existing law came to a complete stop shortly thereafter, without any explanation.

Political activists in Syria also still await a new law allowing the establishment of political parties, following a recommendation in June 2005 by the Ba`ath Party Congress for such a law. To date, there is no draft law.

The member states of the Human Rights Council should urge the government of Syria to:

- Lift the state of emergency and repeal Legislative Decree No. 51 of December 22, 1962 (known as the Emergency Law).
- Release all individuals currently deprived of their liberty for peacefully exercising their right to freedom of expression, association, or assembly.
- Order the security services to cease detaining activists and banning them from traveling abroad merely for exercising their legitimate right to freedom of expression and association.
- Enact a political parties law that complies with international human rights norms, and establish an independent electoral commission to register new political parties.
- Amend Law No. 93 to ensure that groups formed for any lawful purpose are allowed to acquire legal personality by making registration of associations automatic once these associations fulfill the formal registration requirements.

Restrictions on Freedom of Expression

Syria's press law provides the government with sweeping control over publications. The Arab Establishment for Distribution of Printed Products, affiliated with the Ministry of Information, vets all newspapers prior to distribution. Bashar al-Asad indicated in his second inaugural speech in July 2007 that the Ministry of Information would consider new amendments to the press law but no such draft had been issued as of March 1, 2011.

In February 2011, the government lifted its ban on popular websites such as Facebook and Youtube but internet censorship of political websites remains pervasive. The authorities regularly prosecute journalists, bloggers, and citizens who dare criticize the authorities or

the president. The majority of detained journalists and bloggers have been tried before the State Security Court (SSSC), an exceptional court with almost no procedural guarantees. In 2009, the Committee to Protect Journalists named Syria number three on a list of the ten worst countries in the world in which to be a blogger, based on restrictions that online writers face. Human Rights Watch found that between January 2007 and June 2008, the SSSC sentenced at least 10 writers and bloggers solely because they had criticized authorities, and that in the same period the court convicted 153 defendants on the basis of overbroad security provisions (described above) that violate basic rights to freedom of expression. In one case, the SSSC sentenced Muhammad Walid al-Husseini, 67, to three years in prison because a member of the security services overheard him insult President al-Asad and criticize corruption in Syria while sitting at a popular café.

The member states of the Human Rights Council should urge the government of Syria to:

- Immediately and unconditionally release all those imprisoned or detained solely for exercising their right to free expression, online or otherwise.
- Stop blocking websites for their content.
- Introduce a new media law that would remove all prison penalties for defamation and libel; stop government censorship of local and foreign publications; and remove government control over newspapers and other publications.
- Amend or abolish the vague provisions of the Syrian Penal Code that permit the authorities to arbitrarily suppress and punish individuals for peaceful expression, in breach of its international legal obligations, on grounds that “national security” is being endangered.

Torture, Ill-Treatment, and Enforced Disappearances

Syria's multiple security services continue to detain people without arrest warrants and frequently refuse to disclose their whereabouts for weeks and sometimes months—in effect forcibly disappearing them. For example, the fate of Nabil Khlioui, detained in 2008 from the region of Deir al-Zawr because of suspected ties to Islamists, remains unknown.

Human Rights Watch and other human rights groups have also documented a frequent pattern of torture and other ill-treatment by Syria's security services of political and human rights detainees as well as criminal suspects. Out of 30 Kurdish former detainees held after 2004, whom Human Rights Watch interviewed, 12 said that security forces tortured them. Human Rights Watch has also documented the torture of bloggers and beatings of prominent political activists by government security agents. For example, eight of the twelve detainees from the Damascus Declaration for Democratic Change, an umbrella group of opposition groups, detained in December 2007, told their investigative judge that state security agents had beaten them during detention. The UN Committee against Torture said in May 2010 that it was “deeply concerned about numerous, ongoing and consistent allegations concerning the routine use of torture by law enforcement and investigative officials...”

Syria ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on July 1, 2004. However, it has not followed the ratification with concrete measures to end the practice of torture, such as investigations of allegations of torture or permission for independent observers to visit Syria's detention facilities. Legislative Decree No. 14, of January 15, 1969, which established the General Intelligence Division, provides that "no legal action may be taken against any employee of General Intelligence for crimes committed while carrying out their designated duties ... except by an order issued by the Director." On September 30, 2008, President al-Asad issued Legislative Decree 69, which extended the requirement to obtain a decree from a senior security official prior to prosecuting any members of security services to other security agencies. To Human Rights Watch's knowledge, no decrees permitting the prosecution of a member of security forces for torture have been issued to date.

Syria's courts continue to convict on the basis of confessions obtained under torture. For example, Human Rights Watch's review of trials in the SSSC in 2007 and 2008 noted that 33 defendants alleged before the judge that security services had tortured them and extracted confessions from them by force, but in no case did the SSSC take any measure to open an investigation into these claims. When human rights lawyers allege that their clients have been tortured, they risk being prosecuted for "spreading false information," a criminal charge.

Syria's prison facilities are still off-limits to independent observers, and Syrian authorities continue to impose a blackout on information concerning the deadly shooting of at least 25 inmates by military police in Sednaya prison during a prison uprising that started on July 5, 2008.

The member states of the Human Rights Council should urge the government of Syria to:

- Order independent investigations into torture allegations and make public the results of the investigations. Discipline or prosecute, as appropriate, officials responsible for the mistreatment of detainees.
- Adopt effective measures to ensure that all detainees have prompt access to lawyers and independent medical examinations.
- Allow independent outside observers access to prisons and detention facilities.
- Order an independent investigation into the deadly shooting of inmates by military police at Sednaya prison in July 2008 and make the findings public.
- Ratify the Optional Protocol to the Convention against Torture (OPCAT), and invite the UN Subcommittee on Prevention of Torture to visit and inspect Syria's places of detention.

Repression of Kurds

Kurds, Syria's largest non-Arab ethnic minority, remain subject to systematic discrimination. Authorities regularly suppress expressions of Kurdish identity (disrupting celebrations of

Kurdish festivals such as Nowruz – the Kurdish New Year – and ban the teaching of Kurdish in schools.

Official harassment of Syrian Kurds increased after they held large-scale demonstrations, some of them violent, throughout northern Syria in March 2004 to voice long-simmering grievances. Syrian authorities reacted to the protests with lethal force, killing at least 36 people, injuring over 160, and detaining more than 2,000, amidst widespread reports of torture and ill-treatment of detainees. Most detainees were eventually released. However, since then, the government has maintained a policy of banning Kurdish political and cultural gatherings. Human Rights Watch has documented the repression of at least 14 Kurdish political and cultural gatherings since 2005. Security forces also detained a number of leading Kurdish political activists and referred them to military courts or the SSSC for prosecution on charges of “inciting strife” or “weakening national sentiment.”

Large numbers of Kurds are stateless and consequently face a range of difficulties that range from getting jobs and registering marriages to obtaining basic state services. In 1962, an exceptional census stripped some 120,000 Syrian Kurds—20 percent of the Syrian Kurdish population—of their Syrian citizenship. By many accounts, the special census was carried out in an arbitrary manner. Brothers from the same family, born in the same Syrian village, were classified differently. The number of stateless Kurds grew as descendants of those who lost citizenship in 1962 multiplied; as a result, their number is now estimated at 300,000. President al-Asad has repeatedly promised Kurdish leaders a solution to the plight of the stateless Kurds, but to date no steps have been taken.

The member states of the Human Rights Council should urge the government of Syria to:

- Set up a commission tasked with addressing the underlying grievances of the Kurdish minority in Syria and make public the results of its findings and recommendations.
- Redress the status of all Kurds who were born in Syria but are stateless by offering citizenship to any person with strong ties to Syria by reason of birth, marriage, or long residence in the country and who is not otherwise entitled to citizenship in another country.
- Identify and remove discriminatory laws and policies on Kurds, including reviewing all government decrees and directives that apply uniquely to the Kurdish minority in Syria or have a disproportionate impact on them.
- Ensure that Syria's Kurds can exercise the right to enjoy their own culture and use their own language, including the right to celebrate cultural holidays and learn Kurdish in schools.

Legacy of Enforced Disappearances

Syria's security forces were involved in gross human rights violations in the late 1970s and 1980s in an effort to quell opposition to former President Hafez al-Asad's government, including armed opposition by segments of the Muslim Brotherhood. The security forces detained and tortured thousands of opposition members, many of whom subsequently

disappeared. Various researchers estimate the number of the disappeared to be 17,000 persons. Syria's armed forces and security services also abducted Lebanese, Palestinians, and other Arab nationals during Syria's military presence in Lebanon, hundreds of whom are still unaccounted for. While many political detainees from the 1980s were released pursuant to various amnesties, the fate of thousands of disappeared remains unknown, and it is still dangerous to raise these issues inside Syria.

The member states of the Human Rights Council should urge the government of Syria to:

- Set up an independent national commission for truth and justice that includes representatives of victims' families, independent civil society activists, and international organizations with experience working on the issue of disappearances, such as the ICRC. The commission's mandate should be to resolve the issue of the missing and disappeared in Syria, and those abducted from Lebanon and suspected of being detained in Syria.
- Ratify the United Nations Convention for the Protection of All Persons from Enforced Disappearances.