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Ten Years in Al-Assad's Grip

The Cairo Institute for Human Rights Studies (CIHRS)

Country Report on the human rights situation in Syria during the past decade

Country Report

"Always the eyes watching you and the voice enveloping you. Asleep or awake, working or eating, indoors or out of doors, in the bath or in bed —no escape. Nothing was your own except the few cubic centimeters inside your skull" —George Orwell, 1984.

Introduction

Ten years have passed since Bashar al-Assad succeeded his father, the late Hafez al-Assad, as president of Syria. In these ten years, he has further entrenched a system of policies and practices that ensure the continued monopolization of authority and control by the Ba'ath Party, which has held the reins of power for the past 47 years. In this decade, Bashar al-Assad has proven his ability to suppress every appeal for democratic reform coming from within Syria, and successfully deflecting the various international pressures for democratization that began to be felt seven years ago. When a tailor-made constitutional amendment allowed al-Assad to assume the presidency of Syria, he inherited, along with that office, a legal system constructed to repress and stifle all forms of political activity. He shored up this system by expanding the prerogatives of the security apparatus and insulating it from any accountability for crimes committed against Syrian citizens.

When al-Assad first assumed power, he inspired a small measure of hope that Syrians might experience greater freedom. This hope was fostered by the release of a few hundred political prisoners, the closure of the al-Mazza Prison, and the permit given to parties allied with the Ba'ath in the National Front to publish partisan papers. For a brief moment, the regime turned a blind eye to rights advocacy, appeals for reform issued by intellectuals and politicians, and online forums that began hosting cultural and political debates. However, these hopes were dashed only a few months later when the Damascus Spring faded into a dark winter and the police state again asserted itself by ratcheting up the repression against political activists, reform advocates, and human rights defenders. The state harnessed various means, legal and illegal, to tighten its grip on Syrian society, NGOs, and various forms of media, both traditional and non-traditional.

As Syria officially celebrates the ten-year anniversary of al-Assad's ascension to power, individuals who have exercised their right to freedom of expression, association, and peaceful assembly, or who have exposed human rights abuses in their country, or even those who aspire to the values of dignity and equality and fight the pervasive discrimination against the Kurdish population, are prosecuted in unfair trials before State Security courts, military tribunals, and even the regular judiciary (controlled by the executive) on a daily basis. The prisons are packed with detainees and prisoners from across the political spectrum, among them defenders of Kurdish rights and advocates for democracy and human rights. Under the exceptional state of emergency in force since 1963 and a system insulating the security apparatus from accountability, frequent complaints of "disappearances" are again being heard. Torture remains rampant in Syrian detention facilities, and the number of victims grows despite international condemnation.

Over the last decade of al-Assad's rule and against the background of 47 years of dominance by the Ba'ath Party, Syria has been transformed into a huge prison in which Syrians' very right to breathe has been confiscated, let alone their right to political participation or their right to choose their rulers. These are distant dreams when the constitution itself endows the Ba'ath Party with eternal supremacy, deeming it the leader of state and society and investing it with leadership of the National Progressive Front.

The Cairo Institute for Human Rights Studies (CIHRS) expresses its solidarity with the victims of the repressive regime in Syria and values the struggles of those forces seeking freedom, dignity, and rights for Syrians. It notes that a moral commitment to the universality of human rights dictates that the international community and UN human rights bodies take concerted action to strengthen solidarity with the Syrian people, join efforts to encourage the Syrian authorities to comply with its international human rights obligations, and take the necessary measures to facilitate the adoption of serious legislative and constitutional reforms, in order to create a clean break with the repressive order and revalorize rights, public liberties, and political participation.

This report examines the arsenal of autocratic laws inherited by Bashar al-Assad and strengthened by new repressive decrees and laws. In the ten years of al-Assad's rule, he has deployed them to silence every dissident voice and restrict individuals' basic rights and liberties. These laws are always at the ready to be used to harass activists and human rights defenders, repress all appeals for reform, and continue the persecution of the Kurdish minority. They further strengthen impunity and provide permanent immunity to those involved in these abuses, protecting them from accountability or justice.

Syrian laws: a repressive arsenal

I. Emergency law

The emergency law, in force for decades, is the most important weapon in this arsenal. Over the long years of its rule, the Ba'ath Party has used it to cement its absolute hegemony and control over political life in Syria, and al-Assad has retained the law as a weapon perpetually poised at the necks of the opposition, ignoring all appeals to abolish it. Over the last ten years, he has made wide use of the law to repress his internal enemies, harass activists and human rights defenders, and do violence against Syrian citizens, referring civilians to unfair trials lacking minimum due process guarantees.

A state of emergency has been declared more than once in Syria, the last time by Military Order 2, dated March 8, 1963, issued by the National Revolutionary Command Council. The decree proclaimed a state of emergency throughout the Syrian Arab Republic starting from that date until further notice. The state of emergency is still in force today,¹ as the regime quashes every initiative advocating for its repeal.²

The emergency law gives the customary ruler (the prime minister)³ or his deputy (the interior minister) absolute authority, allowing them to confiscate the basic rights and liberties of all Syrian citizens without exception. The customary ruler has the authority to deprive citizens of freedom and restrict all basic rights guaranteed by international conventions without any oversight whatsoever. Article 4 of the emergency law gives the customary ruler the right to take measures, without oversight, placing restrictions on the freedom of assembly, residence, movement, and passage at particular times. Under this article, he is also empowered to provisionally detain suspects or those who represent a danger to public order and security, search persons and places at any time, and authorize any person to carry out any duty in his stead. Although this article limits the power of arrest to the customary ruler or his deputy, in practice this is not observed. Every part of the Syrian security apparatus is authorized to issue arrest orders for any citizen without showing cause. All arms of the security apparatus possess pre-printed copies of these orders with a blank space left for the name of the person to be arrested and the date of arrest, signed by the minister of interior in his capacity as the deputy of the customary ruler.⁴

The same article, paragraphs c and f, gives the customary ruler or his deputy the authority to set the operating hours of public places, as well as the right to confiscate moveable property or real estate, impose temporary custodianship over companies and businesses, and defer debts and other financial obligations incurred by such confiscation. It also gives the authorities the right to monitor mail and communications of any type, which in effect gives the security apparatus the absolute authority to permanently eavesdrop and spy on Syrian activists. Any attempt to criticize the Syrian regime in any

¹ *Sanawat al-khawf: al-haqiqa wa-l-'adala fi qadiyat al-mukhtafiyyin qasriyan fi Suriya*," report issued by the Program for Transitional Justice in the Arab World, ed. By Radwan Ziyada, June 2010, <<http://www.shril-sy.info/modules/tinycontent/content/Arabic%20Version.pdf>>.

² The state of emergency has never been brought before the People's Assembly or the Legislative Council since 3/8/1963. Hence, constitutionally, it is neither operative nor legal.

³ Article 3 of the law states that when a state of emergency is declared, the prime minister is named customary ruler with all the powers of external and internal security placed under his authority.

⁴ Report to mark Political Prisoner Day in Syria, issued by the Committee for the Defense of Democratic Freedoms, June 24, 2007, <<http://www.anhri.net/syria/cdf/2007/pr0624.shtml>>.

publication or newspaper is countered by confiscation or suspension of that publication at the very least. The law empowers the customary ruler to censor in advance the press, publications, books, broadcasts, and all means of expression and advocacy, as well as to regulate, confiscate, or suspend the publications, revoke their privileges, or shut down their presses.

Under the state of emergency, those who violate orders issued by the customary ruler are referred to the military judiciary, regardless of their status. Several other crimes named in the Syrian Penal Code can also be referred to military courts, including those in the purview of the regular judiciary. These crimes include:

- Crimes against state security and public safety (Articles 260-293 of the Penal Code)
- Crimes against the public authorities (Articles 369-873)
- Crimes undermining public confidence (Articles 427-459)
- Crimes constituting a comprehensive threat (Articles 573-586)⁵

Over the last ten years, most political activists, reform advocates, and human rights defenders who have been charged, have been referred to military courts under the emergency law. In turn, the military judiciary, which is wholly subsidiary to the executive, has handed down harsh prison terms following unfair trials lacking all semblance of due process, as detailed below.

II. Laws for exceptional courts

Military judiciary:

The military judiciary has played a prominent role over the last decade in the abuse and harassment of activists and human rights defenders, who have been prosecuted in unfair trials lacking all guarantees for independence and justice. During these trials, they have been deprived of basic rights guaranteed by international conventions, such as the right to a defense, the right to meet with an attorney, the right to hear witnesses, and the right to appeal verdicts issued by these courts, which in most cases provide a merely procedural facade through which predetermined verdicts are issued. Under the emergency law, the military judiciary hears cases in which the parties may be military personnel or civilians. Its verdicts are final and cannot be appealed except with the approval of the minister of defense.

In addition, military field tribunals also hear political and regular crimes whether the defendants are civilians or military personnel. These courts were created by Legislative Decree 109, issued August 17, 1968, to adjudicate cases involving crimes within the purview of the military judiciary committed during wartime or during military operations. No legal provision requires these trials to be conducted publicly, and the courts are not required to comply with the relevant procedural codes established by legislation. Defendants are not entitled to a defense attorney in these courts, and their verdicts are also not subject to appeal.⁶

High State Security Court:

This court was established parallel to the regular judiciary to enable the regime to easily secure verdicts of a political nature, the authorities having realized the difficulty of consistently procuring such verdicts through regular judicial channels that may properly apply the Penal Code and the Criminal Code of Procedure. This court hears the following crimes:

- Crimes committed against state security elaborated in Article 263-311 of the Penal Code
- Acts considered in violation of the socialist order whether deed, word, writing, or any means of expression or publication

⁵ Emergency law, Legislative Decree 51, issued on December 22, 1962, <<http://www.cdf-sy.org/low/tawara.htm>>.

⁶ Report to mark Political Prisoner Day in Syria.

- Crimes in violation of the provisions of legislative decrees that have been issued or will be issued in regard to the socialist transformation -Violations of orders issued by the customary ruler
- Opposing or obstructing unity within the Arab region or any of the revolution's goals, whether by way of demonstrations, assemblies, riots or incitement to riot, or the dissemination of false news designed to shake the public's confidence in the goals of the revolution
- Receiving money, gifts, promises of such, or any benefit from a foreign state, agency, or Syrian individuals, or maintaining any contact with a foreign body, with the goal of engaging in any act, word, or deed inimical to the goals of the revolution
- Attacks or assaults on any house of worship, the exercise of religious rites, military institutions or leadership centers, government institutions and offices, public institutions, and private institutions (including laboratories, factories, businesses, and residences); inflaming religious, sectarian, or racial strife; or exploiting public unrest and demonstrations to loot and steal

The jurisdiction of the State Security Court was expanded with the issuance of the law on membership in the Society of Muslim Brothers, and Law 53, dated April 8, 1979, on the security of the Arab Socialist Ba'ath Party, although the latter did not specify which court had jurisdiction over cases involving crimes elaborated in it.

The State Security Court has absolute authority. It has the right to adjudicate any case referred to it by the customary ruler (Article 5), and it can try any person, civilian or military, regardless of their status or any immunity they might enjoy (Article 6). The court can also hear cases in which the defendant is a minor (under 18). The court is not bound by procedural codes at any point during the prosecution, from arrest and interrogation to the trial itself. The Public Prosecutor enjoys all the prerogatives of an investigating judge and a referral judge as elaborated in the relevant laws (Article 7b). The court's verdicts are not subject to appeal, but they only come into force with the ratification of the president, who has the right to overturn the verdict and order a retrial, overturn the verdict and close the case, or reduce or alter the sentence. The president's decision in this matter is not subject to review and is considered one of his sovereign powers; since his ruling is a matter of state security, it is not subject to appeal before any judicial or administrative body.⁷

III. NGO law

Law 93/1958 on NGOs and private institutions tightens the state's grip over any type of non-governmental association or organization. The law was passed during the short union between Egypt and Syria into the United Arab Republic (1958-1961), and it reflects the then prevalent notions of hegemony and autocracy that allowed the state to control and direct society and all forms of social organization. The law, its amendments, and its implementing regulations give the administrative body, represented by the Ministry of Social Affairs and Labor, broad authorities, allowing it to refuse to recognize or register associations without cause. The administrative body can also blatantly interfere in the activities of NGOs and has the right to dissolve or merge them at will, though in practice this power is exercised by the security apparatus.

The law has been used for decades to impose state custodianship and control over all types of associations and non-governmental institutions in Syria. It entirely subjugates NGOs to the state and gives the state the power to refuse to recognize or license any association that might pursue a line at odds with that of the Syrian regime, particularly in the realm of the protection and defense of human rights. Thus, it makes criminals of all those who refuse to heed and succumb to state control, making them liable to prosecution and punishment under Syrian law.

The law gives the administrative body the right to refuse to recognize NGOs on the grounds that "the goal of the institution is not a pressing one" or on the pretext that no additional NGO is needed to

⁷ Ibid.

engage in the same activity. These reasons have been cited repeatedly as cause for the denial of NGO licenses.

In practice, the Ministry of Social Affairs and Labor plays a very small role when compared to the security apparatus. In practice, applications for a license are sent to security bodies, where they are subject to a close examination and investigation of all members and founders. The security apparatus has played a prominent role in the refusal to license any human rights associations while the administrative body uses a particularly broad provision in the law to justify this refusal.

The law also gives the administrative body various ways to interpolate government officials into the internal administration and daily operation of NGOs. Association meetings are subject to strict oversight, and under the law, NGOs must apprise the Ministry of Social Affairs of any general meeting of NGO members 15 days in advance and submit the minutes of the meeting. The Ministry of Social Affairs can send a representative to attend meetings held by an NGO (Article 23), and the association must send the minutes of the meeting to the ministry within 15 days. In practice, a representative of the security apparatus attends meetings. The Ministry of Social Affairs also has the power to appoint one or more members to the board of any association at any time, as well as the right to determine the board's prerogatives (Article 26).

The Ministry of Social Affairs can merge associations on the grounds that they have similar objectives (Article 24), as well as prohibit funding for any NGO. No association may receive or obtain funds or money from any person or association outside Syria without a permit from the ministry. The same conditions govern funding from inside Syria; the NGO must inform the Ministry of Social Affairs before accepting any funding.

The ministry's prerogative to dissolve associations is defined in broad, flexible terms. The administrative body is authorized to dissolve an association on the grounds that it is engaged in sectarian, racial, or political activities that undermine the safety of the state or if the state deems the services provided by the NGO unnecessary. A dissolution order is final and not subject to appeal.⁸ As such, the administrative body effectively governs NGOs from the moment they are licensed; it exercises constant oversight of their activities and interferes in their operations, and it may dissolve or merge them into new entities at will.

IV. Restriction of basic rights and liberties through laws and decrees

As we have seen, the Syrian regime uses the exceptional emergency law to abrogate any contract between the state and the people, or any constitutional law that might regulate national relations, interests, and roles, uphold freedom of action, or institute oversight over the state, legal accountability for its officials, and a real separation of powers. Nevertheless, the emergency law was not deemed sufficient. Indeed, the police state has sought to shore up its control through additional laws and decrees that deny individuals the basic rights enshrined in international conventions and treaties, and exercising these rights has become a criminal act carrying stiff penalties, up to and including death.

Freedom of opinion and expression is totally restricted and any exercise of this right is a criminal act punishable by law. Under the law to protect the revolution, any act opposed to the socialist system, whether deed, word, or writing, is a criminal act punishable by prison or even death.⁹

In an attempt to track and criminalize political opponents of the regime, Law 49 was passed in 1980 specifically to target the Muslim Brothers. The law carries a penalty of death for any member of the Muslim Brothers, although the People's Assembly noted that the law is in violation of the constitution. Article 5 of the law states that "those implicated by this law who have already been detained or tried

⁸ *No Room to Breathe: State Repression of Human Rights Activism in Syria*, Human Rights Watch, October 2007, <<http://www.hrw.org/en/reports/2007/10/16/no-room-breathe>>.

⁹ *Sanawat al-khawf*.

have no recourse to clemency or amnesty,” whereas Article 30 of the constitution states that no penalties in any laws can be applied retroactively. The law was ratified by President Hafez al-Assad on July 8, 1980, with unprecedented speed. The presidential signature on laws often requires up to a month because they are usually not ratified until after they are brought before the constitutional court. This exceptional law, however, which is incompatible with provisions in the Syrian Penal Code, was never put before the court.¹⁰

Articles 285, 286, 287, and 307 of the Penal Code¹¹ are frequently used by the authorities to repress internal dissent. They mandate prison terms for anyone in Syria who during wartime or impending war makes claims that will weaken nationalist sentiment or inflame racial or sectarian tensions, or a person who disseminates news known to be false or exaggerated that may undermine national morale. These statutes also prescribe penalties for any Syrian who publishes false or exaggerated news abroad that may harm the standing of the state, or any action, writing, or speech that is intended to or causes the inflaming of sectarian or racial tensions, or that fosters conflict between sects or various national groups. These charges are very malleable, and they are often used by the Syrian authorities against political activists and human rights defenders.

Freedom of the press was circumscribed by a legislative decree (51/2001) "Publications Law" issued by Bashar al-Assad in September 2001. Over the last few years, it has been used to silence journalists and suppress all voices that might take a line opposed to the state. The law prohibits the publication of articles or news that undermine national security, social cohesion, and the proceedings of secret trials. It imposes harsh criminal penalties for disseminating what the authorities deem “false news.” The law grants the authorities broad prerogatives to temporarily suspend any publication, revoke publishing licenses under certain conditions, and revoke the license of any printing press that advocates changing the constitution by unconstitutional means. The law also empowers the authorities to criminally prosecute those liable for libel and slander and enables them to impose undue financial restrictions on the ownership of newspapers and other periodicals. A permit must be obtained from the Ministry of Information before any changes are made in the ownership of a periodical or its senior staff, such as directors or editors-in-chief.¹²

The law mandates that journalists must be members of the Journalists Union to work as professionals. This significance of this is clear when one takes a close look at Article 3 of the Journalists Union law (Law 1/1990), which states that the union believes in the goals of the nation, unity, freedom, and socialism and is committed to working for their achievement in accordance with the decrees of the Arab Socialist Ba’ath Party and its directives. Under Article 54 of that law, the union shall punish any member who departs from the union’s goals. In other words, journalists cannot work without being members of the Journalists’ Union, and the union structure itself closely regulates and controls journalism and journalists. Every journalist must comply with Ba’ath Party directives and goals, even if he or she believes otherwise, which draws a stark red line before any attempt to criticize public policies of the Ba’ath or its leaders.¹³

These same restrictions apply to freedom of assembly and demonstrations. According to the law to protect the revolution, anyone who demonstrates, assembles, riots or incites to rioting, spreads chaos, or shakes the public confidence in the goals of the revolution, faces life imprisonment and even the death penalty. Articles 335 and 338 of the Penal Code shore up this law and mandate prison time for anyone

¹⁰ Ibid.

¹¹ Syrian Penal Code, <<http://www.cdf-sy.org/low/akobat%202.htm>>.

¹² “Syria: Clampdown on Free Expression,” Human Rights Watch, Feb. 11, 2002, <<http://www.hrw.org/en/news/2002/02/11/syria-clampdown-free-expression>>.

¹³ Annual report of the Committees for the Defense of Democratic Freedoms, 2005, <<http://www.cdf-sy.org/reports/reports.htm>>.

who takes part in a meeting “that does not have the character of a private meeting,” publicly proclaims riotous slogans or anthems, or displays a sign that will upset public security.¹⁴

As for the right to partisan association, on March 12, 1958, a law was passed dissolving all political parties, and no law has since been issued regulating parties. The Progressive National Front was then established in 1972, preceding the March Revolution. Article 8 of the constitution also states that the “Arab Socialist Ba’ath Party is the leading party of the state and society. It leads a progressive national front working to unify the energies of the Syrian masses.”¹⁵ Article 306 of the Penal Code criminalizes any association established for the purpose of “changing the state’s economic or social nature or social conditions,” and mandates a prison term of no less than seven years for the founders and directors of such associations.¹⁶ Thus, all channels for political action are automatically closed and limited to the Ba’ath, the leader of state and society as the constitution puts it, thus investing it with eternal hegemony and absolute authority.

IV. Laws upholding impunity in cases of torture

The Syrian regime has maintained a set of laws and decrees that facilitate torture and intentionally carve out a space for legal immunity for those who commit these heinous crimes. Indeed, these laws have been strengthened under Bashar al-Assad to bolster regime hegemony and silence dissident voices that might oppose its policies.

Legislative Decree 14/1969 establishing the General Intelligence Department states in Article 16 that “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 point was reiterated by Article 4 of Decree 549/1969 which regulates the actions of the General Intelligence Department. Article 4 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.”

Similarly, Article 74 of Legislative Decree 549, dated May 25, 1969, states, “No legal action may be taken against any State Security 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.”

The Syrian regime has taken more recent measures to strengthen the immunity of police and political security personnel. On September 30, 2008, the president issued Legislative Decree 69 amending the Military Penal Code. Articles in the decree 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 this new decree, no case can be brought before the regular judiciary against police, customs officials, or political security personnel, including cases involving allegations of torture or maltreatment of citizens, since any prosecution requires the prior approval of the commander of the army. As a result, torture has become a routine, systematic practice in Syria, taking place daily in prisons and detention facilities run by the security and intelligence apparatus. These laws have also

¹⁴ Syrian Penal Code.

¹⁵ Hazim Nahar, *Masarat al-sulta wa-l-mu’arada fi Suriya: naqd al-ru’u wa-l-mumarasat* (Cairo Institute for Human Rights Studies, 2009), p. 29.

¹⁶ Syrian Penal Code.

facilitated forced disappearances. Many have died as a result of these policies,¹⁷ particularly over the last ten years, while the perpetrators of these grave abuses continue to enjoy freedom and the absolute protection to commit further crimes.

V. Provisions in the Penal Code habitually used against Kurdish activists

Since the 1950s, successive Syrian governments have routinely cracked down on Kurdish citizens, viewing them as a threat to Arab Syrian unity. Since the rise of the Ba'ath Party in 1963, governments have suppressed Kurdish identity through various means, including restrictions on the use of the Kurdish language in public places, schools, and workplaces, along with bans on Kurdish-language publications and the public celebration of Kurdish holidays such as Newroz, the Kurdish New Year. The authorities have also suppressed peaceful assemblies organized by Kurds demanding the end of discrimination. To do this, the authorities have relied on a set of articles in the Penal Code that appear to be tailor-made to keep the Kurdish minority in check.

For years, unfair sentences have been handed down to numerous members of the Kurdish community based on these penal provisions. The most notorious is Article 267, which punishes any person who attempts with deed, word, writing, or other means to excise a piece of Syrian territory for annexation to a foreign state. Article 288 criminalizes joining “a political or social association of an international nature or an organization of this type... without government permission.” This article is often used against members of Kurdish political parties, since no Syrian Kurdish party is officially licensed in view of the absence of any law regulating the establishment of political parties at all, as noted above.¹⁸ In addition, Articles 307 and 308 criminalize any act or speech that leads to, or is intended to lead to, the inflaming of sectarian or racial tensions, and they mandate penalties for anyone belonging to an association established for that purpose.¹⁹ The authorities also broadly deploy Articles 285, 335, and 336²⁰ to suppress communal celebrations by the Kurdish minority. These are the same articles generally used to charge other political activists and human rights defenders.

Recommendations:

The Cairo Institute for Human Rights Studies calls on the international community and the relevant international human rights agencies to take action to encourage the Syrian authorities to respect its international obligations to strengthen and respect human rights and rapidly institute reform measures, most importantly:

Constitutional reform:

Constitutional amendments should be introduced that observe the following principles:

- Uphold basic individual rights and liberties as elaborated in the Universal Declaration of Human Rights and the two major international conventions, the ICCPR and the ICESCR, and establish guarantees that protect and strengthen these rights
- Guarantee equality before the law for citizens in all public rights and liberties without regard for race, color, gender, language, or religion

¹⁷ *Alternative Report to the Syrian Government's Initial Report on Measures Taken to Fulfill Its Commitments under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, submitted to the CAT by the Damascus Center for Human Rights Studies with the participation of several Syrian human rights organizations, with the support of the CIHRS and the International Federation of Human Rights (FIDH), <http://www2.ohchr.org/english/bodies/cat/docs/ngos/DCHRS.pdf>

¹⁸ See the section on the right to association above.

¹⁹ *Group Denial: Repression of Kurdish Political and Cultural Rights in Syria*, Human Rights Watch, Nov. 26, 2009, <<http://www.hrw.org/en/reports/2009/11/26/group-denial>>.

²⁰ *Ibid.*

- Strengthen the separation of powers between the legislative, executive, and judicial branches of government and limit the broad authorities granted to the president
- Strengthen the independence of the judiciary; uphold the right of every person to litigation in a fair, just court; uphold the right of every person, whether charged with a criminal offense or litigating his rights or obligations in a civil suit, to have his case heard fairly and publicly by a normal, independent, unbiased court
- Establish the right to party pluralism and guarantee equal opportunity to all political parties to participate in representative elections

Legislative reforms:

- Abolish all exceptional laws, immediately suspend the emergency law and Law 84/1980, abolish all customary legal provisions, and stop all forms of exceptional trials
- Abolish all laws in the Syrian Penal Code that restrict liberties in accordance with the relevant international conventions
- Immediately abolish all laws that grant immunity to those involved in torture, open immediate investigations into allegations of involvement in such cases, and make public the findings of these investigations
- Remove all restrictions on freedom of the press and freedom of opinion and expression, end the state monopoly on media, and uphold the right to a pluralistic, independent media
- Establish specific guarantees for the right to form organizations, associations, trade unions, and political parties so as to uphold the right to association and peaceful assembly

Practical steps to be taken immediately:

- Release all political prisoners, activists, human rights defenders, journalists, and bloggers who have been detained, disappeared, or abducted by the Syrian authorities
- Allow the return of all those forcibly exiled from Syria and provide all the necessary legal guarantees for this
- Stop all forms of political harassment and persecution and lift the state's custodianship over all existing political organizations
- Refrain from referring civilians to exceptional courts, restrict criminal cases involving citizens to the regular court system, and uphold the right of civilians to appear before their natural judge in fair, just trials
- End all forms of discrimination and repression of the Kurds and permit them to exercise their rights and liberties, including cultural rights and the right to express their identity
- Sign the optional protocol of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, form an independent commission based on the principles of the Paris Declaration to visit Syrian prisons and detention facilities, open immediate investigations into allegations of widespread torture and death in Syrian prisons, and bring the perpetrators of these abuses to trial

Major arrests and sentences issued against human rights activists and defenders in Syria over the last ten years

Muhannad al-Hassani, chair of the Syrian Human Rights Organization-Sawasiyah	Detained March 28, 2009; sentenced to three years in prison on charges of harming the standing of the state, weakening national sentiment, and publishing false news that weakens national morale.
Haitham al-Maleh, human rights activist and lawyer	Detained October 14, 2009; tried in a military court and sentenced to three years in prison on charges of publishing false news that weakens national morale.
Nizar Rastanawi, rights activist	Detained April 18, 2005; sentenced to four years in prison on charges of publishing false news and showing contempt for the president. Has completed sentence but has not been released and his fate is unknown.
Ali al-Abdullah, member of the Damascus Declaration for National Democratic Change	Sentenced to 2.5 years in prison on October 29, 2008, on charges of weakening national sentiment and publishing false or exaggerated news likely to weaken national morale; upon completing his sentence in June 2010, detained in prison for prosecution on charges brought by the Military Public Prosecutor of publishing false news that weakens national morale and upsetting state relations with a foreign state. These charges came after he criticized the vilayet-i faqih system in Iran. Recently, he has been referred to a Military Court.
Faeq al-Mir, leading member of the Democratic People's Party	Sentenced to three years in prison in December 2007 (later reduced to 1.5 years) on charges of publishing false news, attacking the ruling regime, showing public hostility to state policy, and repeated contact with enemy bodies.
Karim Antoine Arbaji, blogger ²¹	Detained on June 7, 2007, and sentenced to three years in prison on September 13, 2009, on charges of publishing false news that weakens national morale; released in January 2010 in a presidential amnesty.
Aref Dalila	Sentenced to ten years in prison in July 2002 for his criticism of government policies; released in August 2008.
Mamoun al-Homsi, independent MP	Sentenced to five years in prison in March 2002.
Riad al-Seif, independent MP	Sentenced to five years in prison in April 2002.
Habib Issa, founding member of the Syrian Human Rights Association and spokesman for the Jamal al-Atasi Forum for Democratic Dialogue	Sentenced to five years in prison in August 2002.
Mohammed Badi'i, member of the National Organization for Human Rights	Sentenced to six months in prison in 2008 on charges of publishing false news abroad that harms the standing of the state.
Walid al-Bunni, participated in the founding of the Syrian Human Rights Association	Sentenced to five years in prison in July 2002.
Fawwaz Tello, civil society activist Kamal al-Labwani	Sentenced to five years in prison in August 2002. Sentenced to three years in prison in August 2002; sentenced to 12 years in prison on May 10, 2007, on charges of conspiring with a foreign state and contacting it with the purpose of encouraging it to directly attack Syria. On April 23, 2009, he was sentenced to an additional three years in prison on the charge of conveying information known to be false or exaggerated that weakens national morale.
Habib Saleh	Sentenced to three years in prison in June 2002; sentenced to three years in prison in August 2009 on charges of weakening national sentiment in wartime and inflaming racial and sectarian tensions.
Riad al-Turk, secretary-general of the Communist Party political bureau	Sentenced to 2.5 years in prison in June 2002.

²¹ <<http://www.shril-sy.info/modules/news/article.php?storyid=5085/%C7%E1%E3%D1%D5%CF%20%C7%E1%D3%E6%D1%ED:%20%C7%E1%C5%DD%D1%C7%CC%20%DA%E4%20%C7%E1%E3%CF%E6%E4%20%C7%E1%D3%E6%D1%ED%20%DF%D1%ED%E3%20%DA%D1%C8%CC%ED%20%C8%E3%E6%CC%20%DA%DD%E6%20%D1%C6%C7%D3%ED%20%CE%C7%D5>>.

Hassan al-Saadun	Sentenced to two years in prison in August 2002.
Feda al-Hurani, president of the national council of the Damascus Declaration	In December 2007 and January 2008, the Syrian authorities carried out a wide-ranging arrest campaign netting dozens of political activists who had participated in meetings of the national council of the coalition of political forces that adopted the Damascus Declaration for National Democratic Change. Twelve (including Ali al-Abdullah who was previously mentioned in the report) of them were referred to trial before the first circuit Damascus Criminal Court on charges of publishing false news that weakens national morale, weakening national sentiment, membership in a secret association with the goal of changing the economic and social nature of the state, inflaming racial and sectarian tensions, and harming the standing of the state. On October 29, 2008, all 12 defendants were sentenced to 2.5 years in prison by the court.
Ahmed Tuma, officer of the national council of the Damascus Declaration	
Akram al-Bunni, officer of the national council of the Damascus Declaration	
Riad al-Seif, chair of the general secretariat of the national council of the Damascus Declaration	
Walid al-Bunni, member	
Mohammed Hajji Darwish, member	
Fayez Sara, member	
Yasser al-Eiti, member	
Marwan al-Esh, member	
Jabr al-Shufi, member	
Talal Abu Dan, member	
Michel Kilo, President of "Hurayat" (The National Center for the development of Press and Journalists) , writer and activist in the Committees for the Revival of Civil Society	Arrested in May 2006 following his signature to the Beirut-Damascus Declaration, and was kept under custody for the rest of the year. Sentenced to three years in prison on charges of weakening national sentiment and inflaming sectarian and communal tensions.
Mahmoud Eissa, leader in the Communist Labor Party	Arrested in May 2006 following his signature to the Beirut-Damascus Declaration, and was kept under custody for the rest of the year. Sentenced to three years in prison in May 2007 on charges of weakening national sentiment.
Suliman al-Shummar	Arrested in May 2006 following his signature to the Beirut-Damascus Declaration. Sentenced in absentia to ten years in prison in May 2007 on charges of weakening national sentiment, inflaming sectarian and communal tensions, and exposing Syria to hostile acts.
Khalil Hussein	Sentenced in absentia to ten years in prison in May 2007 on charges of weakening national sentiment, inflaming sectarian and communal tensions, and exposing Syria to hostile acts.
Abd al-Hafiz Abd al-Rahman, member of the board of trustees of the Syrian Human Rights Organization	Detained in December 2007 and sentenced to 2.5 years in prison on charges of publishing false news that weakens national morale, weakening national sentiment, membership in a secret association with the goal of changing the economic and social nature of the state, inflaming racial and sectarian tensions, and harming the standing of the state. Completed his sentence, but the authorities leveled new charges and referred him to trial again on August 26, 2010, on charges of membership in a political or social association of an international nature or organization of this kind and inflaming sectarian or racial tensions or inciting conflict among national groups or communities.
Tal Bint Dawsar al-Mallouhi	Detained by State Security on December 27, 2009, for her blogging activities and publication of material on the internet. News about her whereabouts and well are unknown until today. There were reports of her alleged death published of Arab blogs, claiming that it was a result of torture in detention.
Ayyat Essam Ahmed	Detained by security on October 18, 2009, following security reports that she had adopted Salafist thought; her fate is unknown.
Nedal Darwish, board member of the Committees for the Defense of Democracy, Freedom and Human	Arrested in May 2006 following their signature to the Beirut-Damascus Declaration.

Rights in Syria	
Anwar al-Bunni, human rights defender and spokesman of "Hurriyat" (The National Center for the development of Press and Journalists)	
Ghalib Amer, leader in the Arab Democratic Union Party	
Khalil Hussein, leader in the Kurdish Future Current	
Safwan Tayfour, member of the temporary committee for Damascus Declaration, Homs	
Mahmoud Mare'i, Secretary of the Arab Organization for Human Rights in Syria	

Major trials involving to Kurdish rights, July 2009 to July 2010

Rabi Doba	All sentenced to 12 years in prison on June 20, 2010, on charges of membership in a secret organization with the goal of changing the social and economic nature of the state, exposing Syrians to hostile acts, and upsetting Syrian relations with a foreign state.
Abd al-Malak Hammouda	
Omar Othman	
Mahmoud Azizi	
Yehya Hendawi	
Rabi al-Eissi	Sentenced to ten years in prison on June 20, 2010, on charges of membership in a secret association with the goal of changing the economic and social nature of the state.
Nazmi Abd al-Hanan Mohammed, dissident	All detained on January 1, 2007; in April 2010 all sentenced to five years in prison on charges of membership in a banned political association.
Ahmed Khalil Darwish, dissident	
Dalkash Shammo Mammo, dissident	
Yasha Khaled Qader, dissident	
Hafez Majoul Shendi	Sentenced to four years in prison in May 2010 on charges of violating measures taken by the state to preserve its neutrality in war and engaging in acts, writing, or speech unauthorized by the government that exposes Syria to hostile acts, disturbs its relations with a foreign state, or exposes Syrians to retribution against themselves or their property.
Mahmoud Saffo, member of the politburo of the Kurdish Left Party in Syria ²²	Sentenced to a year in prison on June 20, 2010, on charges of inflaming racial or sectarian tensions and membership in an unlicensed secret association and assumption of a leadership position in it.
Hassan Saleh, member of politburo of the Kurdish Yekiti Party ²³	Sentenced to one year in prison on February 16, 2010, later reduced to eight months, on charges of membership in a banned secret association and inflaming sectarian and racial tensions.
Samir Sheikh Zein ²⁴	Sentenced to two years in prison on June 20, 2010, on charges of inflaming sectarian and racial tensions.
Walid Mohammed Ali Hussein ²⁵	Sentenced to a year in prison and fined and March 23, 2010, on charges of inflaming sectarian tensions.

²² <<http://www.shrc.org/data.aspx/d19/4169.aspx>>.

²³ <<http://www.shril-sy.info/modules/news/article.php?storyid=5160>>.

²⁴ <<http://www.shrc.org/data.aspx/d15/4175.aspx>>.

Mohammed Saadun, member of the political bureau of the Kurdish Azadi Party	Detained on May 20, 2010, and referred in July to a military investigating judge on charges of violating measures taken by the state to preserve its neutrality in wartime, engaging in acts, writing, or speech unauthorized by the government, and membership in a political or social association of an international nature.
Ali Mohammed Maasum Mammo	All sentenced to six months in prison and fined on February 17, 2010, on charges of inflaming sectarian tensions and membership in a banned secret association.
Salar Hussein Ahmed	
Banki Sheikh Moussa Sheikhmus	
Mohammed Nawaf al-Mohammed	
Mohammed Sheikhu Eissa	Both sentenced to six months in prison on January 17, 2010, later reduced to three months, on charges of inflaming sectarian tensions.
Khalil Ibrahim	
Abd al-Salam Sheikhou Mahmoud	Both sentenced to six months in prison, later reduced to 3.5 months, on January 17, 2010, on charges of inflaming sectarian tensions and inciting rioting.
Ammi Sheikhus al-Hassan	
Sawar Abd al-Rahman Darwish	Both detained on December 20, 2008, and sentenced to four months in prison on February 16, 2010 on charges of membership in a banned secret association.
Shahbaz Nazir Ismail	
Khaled Mammo Kanju ²⁶	Sentenced to four months in prison and fined on February 8, 2010, on charges of publishing false news that harms the standing of the state.
Zubeir Hassan Mahmoud	Both sentenced to six months in prison, later reduced to five months, and fined on March 9, 2010, on charges of inflaming sectarian and racial tensions
Hammoud Zubeir Mahmoud	
Suleiman Oso Bin Abd al-Majid	All sentenced to six months in prison, later reduced to four months, on July 11, 2010, on charges of inflaming racial tensions after they participated in Nowroz celebrations of 2010.
Abd al-Karim Abdu Bin Mohammed	
Salar Abd al-Rahman Bin Barzan	
Dal Khawaz Mohammed Bin Zein al-Abidin	
Daham Sheikhi Bin Hassan	
Riad Ahmed Bin Mohammed	
Ayman al-Mahmoud Bin Saleh	
Rashid Othman Bin Ramadan	
Riad Huban Bin Kamal	

²⁵ <<http://www.shril-sy.info/modules/news/article.php?storyid=5258/%CA%D5%D1%ED%CD%20%E3%D4%CA%D1%DF:%20%DE%C7%D6%ED%20%C7%E1%DD%D1%CF%20%C7%E1%DA%D3%DF%D1%ED%20%C8%C7%E1%DE%C7%E3%D4%E1%ED%20%ED%D5%CF%D1%20%CD%DF%E3%C7%F0%20%CC%C7%C6%D1%C7%F0%20%DA%E1%EC%20%C7%E1%D8%C7%E1%C8%20%C7%E1%CC%C7%E3%DA%ED%20%E6%E1%ED%CF%20%E3%CD%E3%CF%20%DA%E1%ED%20%CD%D3%ED%E4>>.

²⁶ <<http://www.shril-sy.info/modules/news/article.php?storyid=5140/DAD:%20%DE%C7%D6%ED%20%C7%E1%DD%D1%CF%20%C7%E1%DA%D3%DF%D1%ED%20%C8%C7%E1%DE%C7%E3%D4%E1%ED%20%ED%D5%CF%D1%20%CD%DF%E3%C7%F0%20%CC%C7%C6%D1%C7%F0%20%C8%C7%E1%D3%CC%E4%20%E1%E3%CF%C9%20%C3%D1%C8%DA%A%C9%20%C3%D4%E5%D1...%DA%E1%EC%20%C7%E1%D3%ED%CF%20%CE%C7%E1%CF%20%E3%DA%E3%E6%20%DF%E4%CC%E6%20%C7%E1%E3%D1%CD%E1%20%E3%E4%20%C3%E1%E3%C7%E4%ED%C7%20%C5%E1%EC%20%D3%E6%D1%ED%C7>>.