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Annual Report 2012

The state of the world's human rights

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Syria

Head of state **Bashar al-Assad**
 Head of government **Muhammad Naji al-'Otri**
 Death penalty **retentionist**
 Population **20.8 million**
 Life expectancy **75.9 years**
 Under-5 mortality **16.2 per 1,000**
 Adult literacy **84.2 per cent**

Background

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Government forces used lethal and other excessive force against peaceful protesters who took to the streets in unprecedented numbers to demand political reform and the fall of the regime. The pattern and scale of state abuses may have constituted crimes against humanity. More than 4,300 people reportedly died during or in connection with the protests and during funerals of demonstrators, most apparently shot by members of the security forces, including snipers. Tanks were used in military operations in civilian residential areas. Some members of the security forces were also killed, some allegedly for refusing to fire on protesters and others in attacks by defecting soldiers and other individuals who joined in opposition to the government. Some prisoners were released in amnesties but thousands of people were detained in connection with the protests, with many held incommunicado and tortured. At least 200 detainees reportedly died in custody in suspicious circumstances; many appeared to have been tortured. The authorities failed to conduct independent investigations into alleged unlawful killings, torture and other serious human rights violations, which the security forces committed with impunity. Thousands of Syrians were forcibly displaced by the repression; many fled to neighbouring countries. Death sentences continued to be imposed and executions reportedly carried out.

Background

Small pro-reform demonstrations in February developed into mass protests in mid-March after the security forces used grossly excessive force in Dera'a against people calling for the release of children who had been detained. The protests spread rapidly as government forces tried to quell the protests by brute force, including by using snipers to shoot into peaceful crowds while claiming that shadowy "armed gangs" opposed to the government were responsible for the violence.

President Bashar al-Assad announced various reforms in response to the protests. In April, he lifted the national state of emergency that had been in force continuously since 1963, abolished the notoriously unfair Supreme State Security Court that had jailed thousands of critics and opponents of the government, and decreed that some members of the Kurdish minority should receive Syrian citizenship, although excluding others who remained stateless. At the same time, however, he issued a decree allowing detention without charge or trial for up to two months. A new Peaceful Assembly Law was introduced under which only demonstrations "properly licensed" in advance by the authorities are considered lawful. In March, June and November, the President granted five separate amnesties for different categories of prisoners; among those freed were prisoners of conscience and people detained during the protests, although the vast majority of such detainees remained behind bars. Laws covering new Parties, elections and the media were passed in August. While representing a degree of liberalization, all three reforms failed to provide effective guarantees for freedom of expression and association. In March, the UN Human Rights Council established a fact-finding mission which in August concluded that crimes against humanity may have been committed in Syria. In August the Council established an Independent International Commission of Inquiry; on 23 November the Commission expressed grave concern that Syria's military and security forces had committed crimes against humanity, including rape and other forms of sexual violence, imprisonment, or other forms of severe deprivation of liberty and enforced disappearances." The Syrian authorities refused both the Council and the Commission entry to the country, as well as most international media and independent human rights organizations.

At the UN Security Council, the Russian Federation, China and other states blocked a proposed resolution condemning the crimes and other abuses in Syria but the USA, the EU and the League of Arab States (Arab League) all imposed sanctions; from April, the US government extended sanctions against Syria in place since 2004; in May, the EU imposed targeted sanctions on Syria's leaders and later expanded them; in November the Arab League first suspended Syria and then imposed economic sanctions when the government reneged on its

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pledge to the Arab League to withdraw its armed forces from Syria's cities, halt the violence and release people imprisoned in connection with the protests. In late December the Arab League sent observers to monitor the Syrian government's implementation of these pledges.

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Excessive use of force and extrajudicial executions

Government forces repeatedly used lethal and other excessive force against peaceful and other protesters. Many people were shot apparently by snipers while participating in mass protests or attending funerals of people killed on preceding days. Tanks and other armoured vehicles were sent into Dera'a, Homs and other places, firing into residential areas. A "scorched earth"-type policy was used in the north-western governorate of Idleb. The government sought to justify this brutal crackdown by claiming that it was under attack by armed gangs, but failed to produce any convincing evidence for this until late in the year when concerted armed resistance began in response to the continuing repression, some of it by soldiers who had defected from the army and turned against the government. By the end of the year, more than 4,300 people – the UN put the figure at over 5,000 – were reported to have been killed in connection with the protests and unrest, many of them unarmed demonstrators and bystanders who posed no threat to the security forces or others. Many more had been injured.

- In Dera'a city, security forces were reported to have shot dead at least four people on 18 March as they protested against the detention of some children accused of writing anti-government slogans on a wall. At least seven other people were reported killed on 23 March when security forces attacked the city's 'Omari mosque where protesters had taken shelter. One, Ashraf 'Abd al-'Aziz al-Masri, was wounded in the leg then reportedly shot in the head at point blank range by a member of the security forces to whom he had pleaded for help.
- In Jisr al-Shughur, security forces snipers were reported to have killed up to 25 mourners attending the 4 June funeral of Basel al-Masri and wounded many others, including a Red Crescent paramedic who was attending to an injured man.
- In Homs, some 15 people were reportedly shot dead on 19 July while attending the funerals of 10 protesters killed the previous day, including Rabee' Joorya. His mother and brother were among the slain mourners.
- In Hama, Khaled al-Hamedh died after soldiers reportedly shot him in the back on 31 July while he was walking to a hospital, and then an army tank reportedly drove over him.
- In Dayr al-Zor, 14-year-old Muhammad al-Mulaa 'Esa was reportedly shot dead by a member of the security forces on 13 November when he refused an order that he and his classmates participate in a pro-government march.

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Targeting the wounded and health workers

Wounded protesters seeking medical attention at health centres risked arrest and abuse, including denial of treatment. Hospital doctors and staff also faced arrest and persecution if they participated in or supported the protests or treated wounded protesters without reporting them to the authorities; several health workers were said to have been killed possibly for treating wounded protesters.

- Dr Sakher Hallak, who ran an eating disorders clinic, was arrested on 25 May and reportedly died two days later while held at the Criminal Security Department in Aleppo. His body was returned with broken ribs, arms and fingers, gouged eyes and mutilated genitals. He may have been targeted because he signed a petition calling for doctors to be able to treat all injured people, including protesters, and for having recently travelled to the USA.
- The body of Ma'az al-Fares, administrative director of the National Hospital of Taldo in Homs governorate, was returned to his family on 24 November after he died in custody as an apparent result of torture.

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Repression of dissent

Freedoms of expression, association and assembly remained severely restricted despite the lifting of the state of emergency and the enactment of laws purportedly to allow peaceful protests and the registration of political parties. The security forces arrested thousands of people in connection with the protests, some during demonstrations and others in raids on homes or house-to-house searches or other sweeps. Hundreds, possibly thousands, of people were victims of enforced disappearance and were held incommunicado at undisclosed official and makeshift detention centres such as sports grounds. In all these centres, torture and other abuses were rife.

Those detained included political activists and dissidents, journalists, bloggers, imams, soldiers who refused to fire on protesters, and human rights activists, some of whom went into hiding to escape arrest. Hundreds of those arrested were released following trials before military or criminal courts or under the amnesties issued by President al-Assad, but thousands of others were still held at the end of the year.

- Human rights activist Mohammed Najati Tayyara, aged 65, was arrested by Political Security officials in Homs on 12 May and accused of disseminating "false news that could debilitate the morale of the nation" after he gave media interviews about abuses against protesters by the security forces. A judge ordered his release on bail in August but Air Force Intelligence officials then detained him incommunicado for 11 days during which he was beaten. He was still held at the end of 2011 in cramped conditions at Homs Central Prison.
- Women's rights activist Hanadi Zahlout was detained incommunicado for two months after her arrest in Damascus on 4 August, then moved to 'Adra prison to face trial with six others on charges that included "incitement to protest". She was released on 4 December.

- Journalist 'Adel Walid Kharsa was arrested by State Security officials on 17 August for reporting anonymously on state repression of the protests. He was held incommunicado for five weeks then released uncharged, but was re-detained by Military Intelligence on 31 October. He was still being detained incommunicado at the end of 2011, a victim of enforced disappearance.
- Human rights activist Mohamed Iyyad Tayyara was taken from his home in Homs by soldiers on 28 August, apparently because he reported on human rights violations, and held in secret detention until early December when he was moved to Homs Central Prison.
- Kurdish writer Hussein 'Essou remained held at the end of the year following his arrest in al-Hasakah on 3 September having declared his support for pro-reform protests.

Many dissidents and former prisoners continued to be prevented from travelling abroad under administrative bans that they had no means to challenge. Syrians abroad who demonstrated in solidarity with the protesters were monitored and harassed by Syrian embassy officials and others; some of their relatives in Syria were also targeted for abuse apparently in reprisal for their activities.

- Mustafa Kheder Osso, President of the unauthorized Kurdish Organization for the Defence of Human Rights and Public Freedoms in Syria, was facing disciplinary measures from the Syrian Bar Association after he joined a protest calling for the release of political prisoners in July and spoke to the media. The disciplinary action threatened his ability to continue to work as a lawyer.
- Human rights lawyer Anwar al-Bunni was prevented from travelling abroad throughout 2011.
- The parents of US-based pianist and composer Malek Jandali were beaten in their home in Homs by armed men four days after their son demonstrated in the USA in solidarity with Syrian protesters in July. His father was told: "This is what happens when your son mocks the government."

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Prisoner releases

In face of the protests and international expression of concern, President al-Assad issued five separate amnesties in which those released included prisoners of conscience, people detained in connection with the protests and members of the banned Muslim Brotherhood. According to Syrian state media but otherwise unconfirmed, under the last two amnesties, both issued in November, more than 1,700 people detained during the protests were released.

- Veteran human rights lawyer Haytham al-Maleh, aged 80, was released in the first amnesty in March. He was serving a three-year prison term imposed after an unfair trial in 2010.
- Human rights lawyer Muhannad al-Hassani was released in the June amnesty. Arrested in July 2009, he was sentenced to three years' imprisonment after an unfair trial in June 2010.
- Political activist Kamal al-Labwani, founder of the Liberal Democratic Union, an unauthorized political party, was released on 15 November after completing six years of a 12-year prison term that was halved in the amnesty issued on 31 May.

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Torture and other ill-treatment

Torture and other ill-treatment of detainees were widespread and committed with impunity by the security forces with the aims of obtaining information, coercing "confessions" and punishing and terrorizing those suspected of opposing the government. Some victims feared that they would face reprisals if their identities were disclosed.

- A man detained in April in Baniyas said that he was held for three days without food or clean drinking water and that security forces beat him and others with rifle butts on the neck and shoulders, stripped and beat him with sticks and cables, and made him lick his own blood off the floor.
- A man said that he was beaten until he lost consciousness, tortured with electric shocks and threatened that his penis would be severed when he was detained by Military Intelligence in Homs in May. He then agreed to thumb print while blindfolded documents he had not read.
- A man from Damascus was whipped, suspended, deprived of sleep and had cold water repeatedly poured over him while naked following his arrest in May when he was held by State Security officials in Damascus. He became ill but was denied medical treatment.

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Deaths in custody

The rising incidence of torture was reflected by an upsurge in deaths in detention, with at least 200 people reported to have died in custody after being detained in connection with the protests. In many cases, the available evidence pointed to torture or other ill-treatment as the likely cause of death. No perpetrators were brought to justice. Some of the victims were children.

- The body of Tariq Ziad Abd al-Qadr, who was arrested on 29 April, was returned to his family in Homs in June bearing numerous injuries, according to video film taken at the time. There were apparent electricity burns on his neck and penis, other burns on his body, marks apparently caused by whipping, and stab wounds in his side. Some of his hair had been pulled out. A document apparently issued by the National Hospital attributed his death to a "shot in the chest" although no bullet wounds were evident.
- Thamer Mohamed al-Shar'i, aged 15, went missing on 29 April as the security forces were carrying out mass arrests and shooting at protesters near Dera'a. Subsequently, a released detainee reported seeing him being bludgeoned by interrogators at an Air Force Intelligence detention centre in Damascus even though he had sustained a bullet wound in the chest. His body was reportedly returned to his family on 6 June.

- In September, a couple identified a mutilated and disfigured body as their missing daughter, Zaynab al-Hosni, and held a funeral. On 4 October, Zaynab al-Hosni appeared on state television and the authorities sought to use the case to undermine the credibility of international reporting on human rights violations in Syria. However, the fate and whereabouts of Zaynab al-Hosni remained unknown, as did the identity of the woman whose mutilated body was buried and the circumstances of her death.

The authorities announced investigations into only two alleged deaths in custody, those of Hamza 'Ali al-Khateeb, aged 13, and Dr Sakher Hallak (see above) after well-publicized allegations that they had been tortured. In both cases, the investigations, which appeared to have been neither independent nor impartial, were said to have exonerated the security forces.

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Impunity

Apart from the flawed investigations into two alleged deaths in custody, the authorities failed to investigate the many unlawful killings, torture and other serious abuses committed by the security forces, and to hold those responsible to account. Nor did they take any steps to investigate and hold to account those responsible for gross violations committed in previous years, including thousands of enforced disappearances and killings of prisoners at Saydnaya Military Prison in July 2008.

- Tahsin Mammo's family learned by chance in 2011 that he was among the Saydnaya prison inmates killed in July 2008. A prisoner of conscience, he had been arrested with four other members of the Yezidi Kurdish minority in January 2007. His family had received no word of him since July 2008.

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Discrimination – Kurds

Members of the Kurdish minority, comprising an estimated 10 per cent of the population, continued to face identity-based discrimination, including legal restrictions on use of their language and culture. They were also effectively stateless until President al-Assad issued Legislative Decree No. 49 on 7 April granting Syrian nationality to Ajanib ("foreign") Kurds but not to those known as Maktoumeen ("concealed", effectively meaning unregistered) who live mostly in al-Hasakah governorate. Kurdish rights activists continued to face arrest and imprisonment.

- Kurdish language poets Omar 'Abdi Isma'il, 'Abdussamad Husayn Mahmud and Ahmad Fatah Isma'il were each sentenced to four-month prison terms in February after a judge convicted them of "inciting racial and sectarian strife" by organizing a Kurdish poetry festival in 2010.

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Women's rights

Women continued to be discriminated against in both law and practice, and to face gender-based violence, including murder and other serious crimes committed against them often by male relatives ostensibly to uphold family "honour". On 3 January, President al-Assad amended the Penal Code by decree to increase the minimum penalty for murder and other violent crimes committed against women in the name of family "honour" from at least two years to between five and seven years. The decree also imposed a penalty of at least two years' imprisonment for rape or other sexual assault; formerly, perpetrators were exempt from prosecution or punishment if they married their victim.

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Death penalty

Death sentences continued to be imposed. There were unconfirmed reports of executions, but no information on this was disclosed by the Syrian authorities.

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- The government did not permit Amnesty International access to Syria in 2011.

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