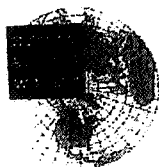




Human Rights Watch



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Human Rights Developments

President Bashar al-Asad's government launched a crackdown on peaceful but outspoken advocates of reform in August, sending a clear message that it would tolerate a political opening only on its own terms and according to its own timetable. Authorities arrested leading critics and others active in the freewheeling discussion groups, or civil society forums, that emerged as Syrians sought to claim freedoms that had been denied them during the thirty-year rule of former president Hafez al-Asad. The arrests reversed a trend toward greater openness in a country long dominated by the ruling Arab Ba'th Socialist Party and institutions it controls, and followed earlier positive developments. These included the release of some six hundred political prisoners under a presidential amnesty in November 2000, a January 2001 announcement that the emergency law in force since 1963 was "frozen" and "not applied," and the release in May 2001 of Nizar Nayouf, then the last remaining imprisoned human rights activist. In addition, the government initially relaxed some controls on the press, but in September introduced a tough new decree that regulated the press and other publications as part of a wider strategy to control critical expression.

The crackdown began with the arrest of Mamoun al-Homsi, an independent member of parliament, on August 9. Previously, the authorities did not acknowledge or give reasons for detentions, but in this case the Interior Ministry confirmed al-Homsi's arrest on August 10, charging that a list of political demands that he had issued publicly on August 7, when commencing a hunger strike at his office, constituted "an attempt to change the constitution by illegal means, trying to stop the authorities from carrying out their duties mentioned in the law, trying to harm national unity, defaming the state and insulting the legislative, executive and judicial authorities." The ministry also alleged that al-Homsi owed almost U.S. \$1 million in back taxes and had issued his call for political changes, ranging from the lifting of the emergency law to stronger anti-corruption measures, in order to portray himself "as a political victim whereas in fact he is someone accused of a crime." Al-Homsi's trial began in Damascus criminal court on October 30, and continued as of mid-November.

On September 1, the authorities arrested seventy-one-year-old Riad al-Turk, head of the unauthorized Communist Party Political Bureau and possibly Syria's best known former political prisoner. Official sources said he had been detained "in accordance with Syrian criminal and penal procedure law." The government's *al-Thawrah* newspaper reported on September 5 that he had "expressed views that encroach upon the constitution, violate the general law, and defame the state." By mid-

November, al-Turk was still being held, reportedly awaiting trial in the State Security Court, whose procedures do not satisfy international fair trial standards, including the right of appeal to a higher tribunal.

The authorities next detained Riad al-Seif, another member of parliament and a vocal champion of political reform, on September 6. He was later charged, according to his lawyer, with "seeking to change the constitution through illegal means," "inciting inter-religious division," "forming a secret society," and "organizing subversive meetings" and "gatherings aimed at causing disorder." The day before al-Seif's arrest, hundreds of people had attended the National Dialogue Forum, a weekly political gathering that he hosted at his home. Al-Seif suspended the forum in March and opened it in September only after he was unable to obtain an official permit. He had also planned to launch a new political party, the Movement for Social Peace, with a platform that included ending the Ba'th party's grip on political power. In February, a prosecutor had questioned al-Seif about the proposed party's aims, and reportedly accused him of threatening the constitution and "attempting to create a sectarian rift." Al-Seif's trial commenced in the Damascus criminal court on October 31 and continued as of mid-November.

Seven more activists were arrested and imprisoned between September 9-12. These included prominent economist Arif Dalila, founding member of the nongovernmental Committees for the Revival of Civil Society, and others involved in the civil forum movement: lawyer Habib Issa, engineer Fawaz Tello, Hassan Saadoun, and Habib Saleh. Two of those arrested, Issa and physician Walid al-Bunni, were at the July 2 founding meeting of the independent Human Rights Society in Syria, and physician Kamal Labwani was a member of the administrative council of the Committees for the Defense of Human Rights. Issa was also a member of the defense team for the detained parliamentarians and before his arrest had spoken about the cases on the pan-Arab al-Jazeera television station. As of mid-November, all seven were awaiting trial before the State Security Court.

In the months preceding the clampdown, senior officials signaled the government's increasing unease with the opening up of public debate. On January 29, Information Minister Adnan Omran warned publicly that discussions about reform "must be responsible," and disparaged the term "civil society," describing it as "an American expression." President Asad also took up this theme in an interview published on February 8 in the pan-Arabic daily *al-Sharq al-Awsat*, stating that civic organizations should complement and be "based on" state institutions, "not built on their ruins," and that in Syria "the development of civil society institutions must come at a later stage and they are not therefore among our priorities."

In mid-February, the government imposed controls on the independent civic forums, compromising the unprecedented freedom of assembly that Syrian activists and their supporters had been enjoying. Meetings reportedly could no longer be held without prior government approval, a list of participants, and a copy of the speakers' lectures. In March, President Asad warned further that there were "principles in Syria which nobody should break," citing "the Ba'th party, the armed forces, and the policies of president Hafez al-Asad." He added: "Challenging these fundamentals amounts to harming the national interest . . . and serving the nation's enemies." An internal Ba'th party memorandum, publicized in March, echoed the president's remarks. It charged ominously that groups which sought to "weaken the state and dwarf its role" were, "intentionally or not, serving the enemies of the homeland."

Another human rights setback occurred on September 22, when President Asad issued a restrictive decree governing newspapers and other periodical publications as well as anything else printed in Syria, from books to pamphlets and posters. Decree no. 50/2001 granted the executive, specifically, the prime minister and the minister of information, powers to regulate publishers, printers, distributors, and bookstores, and provided harsh criminal penalties for violations of the decree, including substantial fines and imprisonment for up to three years.

Article 29 of the decree listed banned topics, including "details of secret trials," "articles and reports about national security, national unity, details of the security and safety of the army, its movements, weapons, supplies, equipment and camps," and material "affecting the right to privacy." Article 51a criminalized the publication of "falsehoods" and "fabricated reports," with imprisonment of one to three years for violators and/or hefty fines. The article added, in sweepingly vague language, that the maximum penalties "shall be imposed if such acts have been committed by reason of ill-will, or caused public unrest, or harm to international relations, offense to state dignity, national unity, the morale of the army and the armed forces, or caused some damage to the national economy and the currency." Violators of articles 29 and 51a were further penalized with suspension of their publications for periods of one week to six months.

The decree also prohibited "propaganda publications" financed "directly or indirectly" by foreign countries, companies or foundations, raising concern that it could be used to target independent civil society groups that receive funding from abroad. Breaches of this provision brought fines and prison terms of six months to one year.

The decree also required that all periodicals, including those of "legally established political parties," obtain in advance a license to publish from the prime minister, who was empowered to deny licenses "for reasons he deems to be related to public interest." Nongovernmental organizations (NGOs), professional associations, and unions, however, were exempted from this licensing requirement, but it remained to be seen if NGOs without official legal status would be permitted to publish magazines or other periodicals.

Other provisions of the decree, set out in article 16, limited the ownership of periodical publications to Syrian Arabs, suggesting that members of the Kurdish minority and stateless Kurds born in Syria were excluded as well as foreigners. The same article also barred ownership to anyone convicted of a criminal offense, stripped of civil or political rights, or "dismissed from employment," penalties that had been imposed on many peaceful critics of the government who were previously imprisoned on criminal charges after State Security Court trials. The decree also required all periodical publications to obtain Information Ministry approval before they changed their owner, director, or chief editor, and distributors and sellers of foreign periodicals to submit advance copies to the same ministry, which can ban their entry or circulation if they "infringe upon national sovereignty and security or offend public morality."

The issue of Lebanese in secret Syrian custody, including those who were apprehended on Lebanese soil by Lebanese or Syrian security forces and then "disappeared," remained unresolved, despite official Syrian government acknowledgment that it had been holding scores of

prisoners. On December 11, 2000, Syrian authorities transferred fifty-four prisoners to Lebanon; forty-six of them were Lebanese and eight were Palestinians. One of the Lebanese, Khaled Tawfiq, said he had been held for thirteen years. Several days later, Lebanon's prosecutor general released a list of another ninety-five Lebanese who remained jailed in Syria for alleged criminal offenses committed on Syrian territory. Despite Syrian government assertions that the file was now closed, Lebanese human rights organizations insisted that there were additional Lebanese held in unacknowledged detention in Syria, including some whose relatives had managed to visit them over the years. Other "disappeared" included twenty-six Lebanese soldiers who were last seen alive on October 13, 1990, the day Syrian troops began fighting against forces loyal to Gen. Michel Aoun.

Defending Human Rights

Human rights organizations lacked official legal status and could be denied authorization in arbitrary fashion under the broadly worded 1958 private associations law, article 2, which states: "Any association which is established for an illicit reason or purpose, or which contravenes the law or the moral code, or the purpose of which is to prejudice the integrity or form of the republican government shall be null and void." The government also reported to the U.N. Human Rights Committee (HRC) that the law placed "restrictions" on the establishment of private associations "in order to protect public safety, national security, public order, public health and morals and rights of others."

One recently organized human rights group that elected its board of directors in July told Human Rights Watch that it would seek authorization from the government but planned to carry out activities during this process. One of the group's leaders said he was under surveillance by several security agencies, and that family members had been questioned about his activities as a form of intimidation and pressure. Another activist and former political prisoner reported that security forces monitored his telephone and mail and that he was "not feeling safe."

Despite such pressures and in contrast to earlier years, intellectuals and human rights activists in Syria openly issued regular communiqués and statements, proposing sweepings reforms and criticizing government actions. In January, over 1,000 intellectuals and others signed the Basic Document, a petition circulated by the Committees for the Revival of Civil Society. This called for political reform, including free elections, press freedom, the lifting of emergency law, and an end to the Ba'th party's political domination. The document noted "the consequences of undermining democracy in the name of socialism," and said that in Syria the rule of law had been "replaced by patronage, rights by favors, and the general interest by personal interest."

Following the arrest of member of parliament Mamoun al-Homsi in August, the Committees for the Defense of Human Rights issued a statement that called for his release and urged the government to "stop using the judiciary as an instrument of pressure or terror against political activists." In a separate document, thirty-five intellectuals and human rights activists also condemned the arrest and advocated al-Homsi's release.

Human rights activist Nizar Nayouf was released from prison in May after serving in solitary confinement most of the ten-year prison sentence that the State Security Court imposed in 1992. Following international

publicity, he was provided a passport and finally allowed to leave Syria in July to seek medical treatment in France. Following his release, Nayouf campaigned for accountability for past abuses, including torture, deaths in detention, and extrajudicial executions. He told Human Rights Watch that while still in Syria he had formed the National Council for Truth, Justice and Reconciliation to document abuses, press for the perpetrators to be brought to justice, and assist former political prisoners who were stripped of their civil and political rights and denied reemployment in their former jobs.

On September 3, Nayouf's lawyer Anwar al-Bunni reported that lawyers from the Ba'th party had filed a case against Nayouf, accusing him of seeking to change the constitution by illegal means, creating sectarian strife, and publishing abroad reports harmful to the state. Nayouf, who was still in France, was ordered to appear before an investigating judge for questioning.

Syria remained largely closed to international human rights organizations, although authorities permitted a representative of the New York-based Committee to Protect Journalists to visit the country in April and May; the mission took place without government interference.

The Role of the International Community

United Nations

In March, the U.N. Human Rights Committee considered Syria's second periodic report on compliance with the International Covenant on Civil and Political Rights (ICCPR), due since 1984. The committee criticized the long delay and the lack of factual information in the report, expressed concern about the "quasi-permanent state of emergency" in force since 1963, and called for lifting of the emergency law "as soon as possible." The committee also expressed concern about extrajudicial executions, torture, inhumane prison conditions, and "disappearances," including those of Lebanese nationals taken into custody in Lebanon and transferred to Syria.

The HRC also criticized restrictions on freedom of assembly and association, noting that "only political parties wishing to participate in the political activities of the National Progressive Front, led by the Ba'th party, are allowed," and the denial of passports to many Syrian exiles and their children, urging the government to "facilitate the return to the country of all Syrian citizens wishing to do so." The committee also urged the authorities to urgently "find a solution to the statelessness of numerous Kurds in Syria and to allow Kurdish children born in Syria to acquire Syrian nationality."

With regard to the death penalty, the HRC called for a reduction in the number of offenses punishable by death and asked the government to provide within one year the number of death sentences passed since 1990, the names of those condemned and the grounds on which they were sentenced, and the dates of executions.

European Union

Commercial ties between Syria and the European Union (E.U.) remained strong but these links did not yield any sustained advocacy on the long-overdue need for human rights improvements, including basic rights such as freedom of expression and association. The E.U. was Syria's main

trading partner, with the trade balance in favor of Damascus. Some 60 percent of Syrian exports, primarily petroleum products and cotton, were destined for E.U. states, with Italy, Germany, and France leading the importers. Thirty-one percent of Syria's imports were from the E.U., with Italy, Germany, and France also the major suppliers.

The government made clear that it sought substantial European financial aid to upgrade the manufacturing sector and increase its competitiveness. On April 4, Dr. Muhamed Tawfiq Simaq, who heads Syria's Industry Committee, said the country required some \$5.6 billion for a ten-year industrial development plan and "we expect the E.U. to provide generous assistance."

Syria and the European Union continued to negotiate a Euro-Mediterranean Association Agreement, an economic pact designed to result in a free trade zone. Five rounds of talks took place between May 1998 and December 2000, and the negotiations continued in 2001. Prior to the launch of two days of negotiations in Damascus in April, a senior government official voiced dissatisfaction at what was apparently perceived as E.U. pressure over political and economic issues. "We believe that the development of democracy should be based on the national development [of the country] and not result from foreign diktats, and that is where one of the problems in the negotiations lies," Issam Zaim, Syria's state planning minister of state, was quoted as saying. The head of the E.U. delegation in Syria, Marc Pierini, responded that "there was nothing in the substance of the project for an [association] accord, nor in the character or style of the negotiations which could lead one to think of a diktat." Association agreements included standard language specifying that the agreements were premised on "respect for human rights and democratic values."

Apparent tensions with respect to the pace of economic reform led the E.U. to publish a statement noting that "Syria has decided itself that it needed to reform its economy," and that the E.U. was "not trying to impose any kind of formula on it." The E.U. position, the statement said, was that "a sustained rhythm of reforms" was "an essential signal to the outside world" needed to attract investment.

United States

The U.S. offered little in the way of public criticism of Syria's human rights practices, which the State Department once again assessed as "poor." The Bush administration seemed more concerned to use any leverage it did have to press the government to adhere to U.N. supervision of the Iraq sanctions regime as bilateral relations warmed considerably between Syria and Iraq, and to keep a close watch on the volatile Lebanon-Israel border, where Hizballah guerrillas continued to attack Israeli military forces in support of Syrian and Lebanese government claims that the disputed Shebaa Farms area, in the foothills of the Israeli-annexed Golan Heights, was Lebanese, not Syrian, territory occupied by Israel.

On January 23, State Department spokesman Richard Boucher said that U.S. officials had discussions with the Syrian government about the reopening in November 2000 of the oil pipeline from Iraq to the Syrian Mediterranean port of Banias. Boucher said that the U.S. would support a Syrian request to have the pipeline named as an official route for Iraq's oil exports, under the supervision of the U.N.'s oil for food program.

Edward Walker, assistant secretary of state in the State Department's

Bureau of Near Eastern Affairs, discussed Syria in testimony on March 29 before the subcommittee on the Middle East and South Asia of the House of Representatives Committee on International Relations. He cited as positive developments the government's pledge to the U.S. to submit to U.N. supervision of its oil trade with Iraq, and said that economic reform initiatives, particularly in the banking sector, represented "the beginning of movement in the right direction." Secretary Walker made no comments about political reform or human rights, although he criticized President Asad as being "intractable on the question of Israel," called his statement at the March 27 Arab League summit meeting in Amman "unacceptable," and said that the "jury is still out on Mr. Bashar." In his speech, President Asad termed Israel "a racist society and more racist than Nazism."

Syria remained one of the seven countries on the U.S. list of state sponsors of international terrorism. The State Department's patterns of global terrorism report, released in April 2000, said that Syria "appeared to maintain its longstanding ban on attacks launched from Syrian territory or against Western targets," and "generally upheld its agreement with [Turkey] not to support the Kurdish PKK." But the report also charged that Syria "continued to provide safe haven and support to several terrorist groups, some of which maintained training camps or other facilities on Syrian territory." The report noted that the Popular Front for the Liberation of Palestine-General Command (PFLP-GC), the Palestine Islamic Jihad (PIJ), Fatah-the-Intifada, and the Popular Front for the Liberation of Palestine (PFLP) "maintained their headquarters in Damascus," and that Hamas was permitted "to open a new main office in Damascus in March, although the arrangement may be temporary while Hamas continues to seek permission to reestablish its headquarters in Jordan." The State Department said that Syria "granted a variety of terrorist groups – including Hamas, the PFLP-GC, and the PIJ – basing privileges or refuge in areas of Lebanon's Bekaa Valley under Syrian control." It also said that Syria "did not act to stop Hizballah and Palestinian rejectionist groups from carrying out anti-Israeli attacks," and that "Damascus also served as the primary transit point for terrorist operatives traveling to Lebanon and for the resupply of weapons to Hizballah."

In the wake of the September 11 attacks in New York and Washington, which Syria condemned, newly appointed U.S. Ambassador to Syria Theodore Kattouf met in Damascus with Foreign Minister Farouq al-Shara'. According to a Syrian official quoted by Reuters, the topics of discussion at the September 15 meeting included "bilateral cooperation," among other issues. The Syrian government publicly insisted on a distinction between terrorism, which it said it opposed, and resistance to foreign occupation, presumably by the Palestinian and Lebanese groups that it supported. On October 11, U.S. Deputy Secretary of State Richard Armitage was asked about the consequences for countries such as Syria that did not satisfy U.S. requests for cooperation in the global anti-terrorism effort. "The consequences might be whatever the coalition finds worthy and it runs the gamut from isolation to financial investigation, all the way up through possibly military action." At a press conference later that day, President Bush appeared to soften Armitage's remarks: "The Syrians have talked to us about how they can help in the war against terrorism . . . [W]e take that seriously and we'll give them an opportunity to do so." The next day, Syria's Foreign Ministry reportedly summoned Ambassador Kattouf and protested Armitage's statement.

