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SYRIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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Political context

Despite the improvement in diplomatic relations between Syria and several European States, the year 2009 was marked once again by regular violations of basic freedoms. The provisions of the state of emergency in force since 1963 together with those of the Criminal Code continued to give the authorities broad powers that they use to repress all forms of opposition. In particular, Articles 285 and 286 of the Criminal Code were, due to their extremely vague wording, again used frequently for passing heavy sentences on human rights defenders¹. The Syrian regime moreover still tolerated no political party other than the ruling Baath party. All other political parties and movements are considered to be illegal organisations and their members are liable to prosecution under Article 288 of the Criminal Code². Furthermore, the provisions of the state of emergency included the creation of a Supreme State Security Court (SSSC), an exceptional court established by Decree No. 47 of 1968, and jurisdiction for military courts to try civilians. SSSC trials do not respect guarantees of the right to a fair trial: its decisions are final and cannot be appealed (Article 8) and the admission of “confessions” obtained as evidence under torture is regularly reported³. For example, on September 13, 2009 the SSSC sentenced Mr. Antoine Arabji, a blogger, to three years in prison for having published criticism of the Syrian authorities on the political discussion forum *Akhawiya* (Fraternity) in 2007. At the end of 2009, he was still being held at Sednaya prison, near Damascus⁴.

Furthermore, the practice of forced disappearances was still widespread in Syria. In 2009, more than fifty people were victims of forced disap-

1/ Under these articles, any person who voluntarily spreads “information known to be false or exaggerated” or “weakening national sentiment” is liable to a sentence of three to 15 years’ imprisonment. All the defenders referred to in this fact-sheet who have been given prison sentences were charged under Articles 285 and/or 286 of the Criminal Code.

2/ Article 288 provides for sentences of imprisonment or house arrest of from three months up to three years for anyone involved with a political or social association that is international in nature without government permission.

3/ See National Organisation for Human Rights in Syria (NOHR-S), *Annual Report 2009*, June 2009.

4/ See Committees for the Defence of Democratic Freedoms and Human Rights (CDF) Press Releases, August 29 and September 13, 2009.

pearance in Syria⁵. Human rights defenders were also arbitrarily arrested and secretly detained with no way of communicating with their family or their lawyer. In addition, the fate of detainees in Sednaya prison, where 17 people were killed on July 5, 2008 during clashes between prisoners and prison staff, was still unknown at the end of 2009. The Syrian authorities never revealed the names of the victims and visits have been banned since this incident.

In 2009, Kurdish activists were once more victims of a harsh repression and were frequently given heavy sentences. As an example, Mr. Meshal al-Tammo, Spokesman for the “Kurdish Future Movement” (*Sepela Kurdi*), an unauthorised political party, was sentenced on May 11, 2009 to three and a half years in prison under Articles 285 and 286 of the Criminal Code⁶. Furthermore, on April 14, 2009, the SSSC sentenced seven Kurdish activists⁷ to between five and seven years in prison for “attempting to partition a portion of Syrian territory in order to annex it to a foreign State” (Article 267 of the Criminal Code), and for belonging to the unauthorised party “Democratic Union”. Their lawyers did not obtain the right to visit them in prison during the proceedings, nor to meet them in private⁸. In 2009 the Syrian security forces also suppressed several peaceful assemblies, in particular those organised in protest against Presidential Decree No. 49 of 2008 forbidding the purchase or sale of property without government authorisation in certain regions where the majority of the population is Kurdish⁹.

Finally, in its resolution of September 17, 2009, the European Parliament condemned “the significant repression human rights defenders in Syria still have to face”. Concerned by “the absence of progress in respect for human rights by Syrian authorities”, this body called on the Syrian authorities to “put an end to this policy of persecution and harassment against human rights defenders and their families”¹⁰.

5/ See NOHR-S Report, *Forced Disappearances*, September 8, 2009.

6/ He was arrested in August 2008 while he was driving his car towards Aleppo. See Observatory Annual Report 2009 and CDF Report, *Report released on the occasion of Political Prisoner Day*, June 22, 2009.

7/ Messrs. Mohammed Habchi Rachou, Ibrahim Sheikhou Alouch, Salih Mastou Ibn Mohammed, Nouri Mostafa Hussein, Rachad Ibrahim Binaf, Ms Latefa Mohammed Mannan and Ms. Zaynab Mohammed Horo.

8/ See NOHR-S Press Release, April 15, 2009.

9/ See Human Rights Watch Report, *Group Denial: Repression of Kurdish Political and Cultural Rights in Syria*, November 2009.

10/ See European Parliament Resolution on Syria P7_TA(2009)0024, September 17, 2009.

Ongoing obstacles to the exercise of freedom of association

In Syria, the legal restrictions that require government authorisation for the creation of an association (Law No. 93 of 1958) are reinforced by the courts' lack of diligence in examining the legality of refusals to register human rights organisations. In 2009, many Syrian organisations continued to operate without confirmation of their registration by the authorities. At the end of 2009, the appeal lodged on December 27, 2006 by the National Organisation for Human Rights in Syria (NOHR-S) for annulment of Decree No. 617 of 2006 relating to the refusal to register the association, still remained pending. The Damascus Administrative Court indeed postponed the hearing on several occasions. Furthermore, on April 14, 2009 the Ministry of Social Affairs presented a written request to the Administrative Court with a view to prosecute the association's members under Article 71 of the Law on Associations, according to which any activity carried out for an unregistered association is liable to a fine and a three months' prison sentence. As of the end of 2009, the members of NOHR-S had not been informed of any progress in the new proceedings.

At the end of 2009, the Syrian authorities also blocked access to the Internet websites of three human rights organisations: the Arab Organisation for Human Rights, the Kurdish Committee for Human Rights in Syria and NOHR-S¹¹. Furthermore, on September 13, 2009, the security services, the police and the Mayor of the district of Maza, west of Damascus, with no explanation and without presenting a legal warrant, closed the office of Mr. **Mazen Darwich**, Director of the Syrian Centre for Media and Freedom of Expression (SCM). The authorities terminated the lease contract for the premises on the pretext that they were used for commercial purposes. Members of the security services had summoned Mr. Darwich on three occasions during the previous week and ordered him to end his activities. In May 2009, Mr. Mazen Darwich had published a joint report with Front Line on the travelling ban for human rights defenders. At the end of 2009, the SCM remained closed.

Acts of intimidation and harassment against lawyers who condemn human rights violations

In 2009, the authorities targeted lawyers who denounce human rights violations in Syria. As an example, Mr. **Muhannad al-Hassani**, a lawyer and President of the human rights organisation "Sawasiyah", was arrested on July 28, 2009. Held secretly for 12 days, proceedings against him were

11/ See Syrian Centre for Media and Freedom of Expression (SCM) Press Release, December 6, 2009. The Centre counted 244 sites censored by the Syrian authorities, but it believes the real number of blocked sites is greater.

ongoing as of the end of 2009 for “weakening national sentiment” and “spreading false information likely to weaken national sentiment” (Articles 285 and 286 of the Criminal Code), for having attended and denounced the trials of persons brought before the SSSC. In addition, on November 10, the Damascus Bar Disciplinary Committee issued a life ban on him practising as a lawyer. He was accused of infringing the code governing the legal professions by directing Sawasiyah, “created without official authorisation, to carry out its activities in a manner that is harmful to Syria” and for having “attended and documented the proceedings of the SSSC without being the lawyer of those involved in these proceedings”. Mr. al-Hassani appealed against this decision on December 10, 2009¹². As of the end of 2009, he remained in provisional detention in wing seven of Adra prison¹³, where he was waiting to be tried before the Criminal Court. He is liable to a sentence of up to fifteen years’ imprisonment. Furthermore, Mr. **Haitham al-Maleh**, Mr. al-Hassani’s lawyer and the former President of the Human Rights Association in Syria (HRAS), was himself arrested on October 14, 2009 by State security agents and held in incommunicado detention for five days. On November 3, he was informed by the Investigating Judge of the Damascus Military Tribunal that he was being prosecuted for “spreading false information likely to weaken national sentiment” and “insulting the judiciary” (Articles 286 and 376 of the Criminal Code). These accusations followed an interview he had given in September to *Baradda TV*, a satellite television channel based in Europe, and articles in which he condemned corruption within the Government and attacks on human rights in Syria. Mr. al-Maleh risks from three to fifteen years’ imprisonment and, as of the end of 2009, he was still held at Adra prison¹⁴.

Ongoing arbitrary detention of numerous human rights defenders

Although some defenders were released after serving their sentences, most were still held in arbitrary detention at the end of 2009. For example, although Messrs. **Michel Kilo** and **Mahmoud Issa** were released in May and June 2009 after serving the full sentence pronounced against them¹⁵, Mr. **Anwar al-Bunni**, a lawyer and founder member of HRAS, who was

12 / As of the end of 2009, examination of the appeal against disbarment was still ongoing.

13 / Wing seven is allocated to detainees sentenced for sexual offences. He is subjected to numerous acts of reprisal in prison: he does not have a bed, he is refused access to the library, he is forbidden to write, he has fewer visiting hours than are normally granted, etc.

14 / See SCM Press Release, November 4, 2009. On January 31, 2009, the Damascus Appeal Court confirmed referral of the case before the military courts but, as of the end of 2009, no date had been set for his trial.

15 / Arrested in May 2006, the two men had been sentenced on May 13, 2007 to three years in prison for having signed the Beirut-Damascus Declaration, which called for diplomatic relations to be re-established between the two countries.

sentenced to five years in prison on the same charges, was still being held at Adra prison at the end of 2009. Mr. **Walid al-Bunni**, also a member of HRAS who has been held at Adra prison since December 2007¹⁶, was again prosecuted for “spreading false information likely to weaken national sentiment” after a co-detainee accused him of having openly made insulting remarks about the Special Tribunal for Lebanon, the Syrian President, the Head of the Military Intelligence Division, and about Lebanese-Syrian relations. The Damascus Criminal Military Court finally acquitted him on June 17, 2009 for “lack of evidence”. The defenders responsible for the Damascus Declaration, Messrs. **Akram al-Bunni**, **Ali Abdallah**, **Fayez Sara**, **Jaber al-Shouf**, **Mohammed Haj Darwish**, **Ahmad Tohma**, **Yasser Tayser Aleiti**, **Riad Seif**, **Talal abu Dan**, **Marwan al-Esh** and Ms. **Fida al-Hurani** also remained in detention in Adra prison at the end of 2009. In December 2009, they asked to benefit from an amnesty provided for in the Criminal Code (Article 172) after serving three quarters of their sentence but the judge had still issued no ruling on their request as of the end of 2009. Similarly, the Appeal Court had still not considered the appeal filed in 2008 after they had been sentenced. Mr. **Kamal al-Labwani**, who is serving a twelve years’ prison sentence for having defended the idea of peaceful reform in Syria, and who was sentenced to a further three years in prison on April 23, 2008 for having criticised the Syrian authorities in the presence of other detainees, was also still being held at Adra prison. In addition, the family of Mr. **Nizar Ristnawi**, founder of the Arab Organisation for Human Rights in Syria (AOHRS) and a member of the Committees for the Defence of Democratic Freedoms and Human Rights (CDF), who should have been released in April 2009, still had no news of him by the end of 2009, in spite of their approaches to the authorities¹⁷. Finally, on March 15, 2009, the Damascus Criminal Court sentenced Mr. **Habib Saleh**, a writer, to three years in prison under Articles 285 and 286 of the Criminal Code. He had been arrested on May 7, 2008 for having published articles on the Internet, particularly on the website *Elaph.com*, which is censored in Syria, calling for the introduction of democracy. As of the end of 2009, he was still held at the Damascus central prison.

16 / On October 29, 2008, he was sentenced to two and a half years in prison for his involvement in the National Council of the Damascus Declaration for National Democratic Change, a huge activist opposition coalition for political reform and the establishment of a democratic regime in Syria. On December 9, 2007, in response to a meeting organised on the initiative of the Damascus Declaration, which ended with the creation of the National Council of the Damascus Declaration, the police arrested around forty activists in several cities in Syria.

17 / Arrested in April 2005, the SSSC sentenced Mr. Ristnawi on November 19, 2006 to four years in prison for having spoken about human rights in Syria and having been overheard by a member of the security services.

Harassment of defenders of the rights of the Kurdish minority

In 2009, civil society activists who claim respect for the rights of the Kurdish minority were again subjected to reprisals. For instance, on December 12, 2009, Mr. **Mustafa Ismail**, a lawyer and Kurdish activist, was arrested after having been summoned by the local security office in Aleppo. As of the end of 2009, his family still knew neither where he was being detained nor the reasons for his arrest. Shortly before his arrest, Mr. Mustafa Ismail has published several articles on the Internet to denounce the discrimination inflicted on Syrian Kurds¹⁸.

Obstacles to freedom of movement

Bans on leaving the country continued to affect many human rights defenders in 2009. At least 101 people were victims of a ban on leaving the country in 2009 after taking part in human rights activities¹⁹. NOHR-S members were particular targets of bans on leaving the country in 2009. For example, on January 4, 2009, Ms. **Jameela Sadeq**, NOHR-S Secretary, was prevented from going to Egypt to take part in a training on fair trials after a ban was issued on November 10, 2008 by the security services in Aleppo province. Similarly, by order of Al-Hassaqa province political security services dated December 3, 2008, Mr. **Ibraheem Issa** was prevented on January 31, 2009 from travelling to Jordan to take part in a seminar on minority rights. Furthermore, at the end of June 2009, the Syrian authorities prevented Mr. **Danial Saoud**, President of CDF, from going to Switzerland to take part in a seminar organised by OMCT from June 29 to July 3, 2009 which related to ways of “addressing the economic, social and cultural root causes of violence through the UN special procedures system”. The authorities provided no reason for these bans on leaving the country.

18 / See NOHR-S Press Release, December 16, 2009.

19 / See SCM. The authorities do not acknowledge their regular recourse to this practice.

Urgent Interventions issued by The Observatory in 2009

Names	Violations / Follow-up	Reference	Date of Issuance
Ms. Jameela Sadeq and Messrs. Ibraheem Issa and Muhammad Badee Dakelbab	Obstacles to freedom of movement / Harassment	Urgent Appeal SYR 001/0209/OBS 027	February 17, 2009
Mr. Khalil Maatuq	Judicial harassment	Urgent Appeal SYR 002/0409/OBS 065	April 24, 2009
Mr. Kamal Labwani	Arbitrary detention	Joint Press Release	April 29, 2009
Mr. Walid al-Bunni	Arbitrary detention / Judicial harassment	Urgent Appeal SYR 003/0509/OBS 081	May 29, 2009
	Acquittal / Arbitrary detention	Urgent Appeal SYR 003/0509/OBS 081.1	June 23, 2009
Mr. Danial Saoud	Obstacles to freedom of movement	Urgent Appeal SYR 004/0709/OBS 097	July 3, 2009
National Organisation for Human Rights in Syria (NOHR-S) / Mr. Ammar Qurabi	Obstacles to freedom of association / Judicial harassment	Joint Press Release	July 24, 2009
Mr. Muhannad al-Hassani	Arbitrary detention / Judicial harassment	Joint Press Release	July 31, 2009
		Joint Open Letter to the authorities	November 6, 2009
		Joint Press Release	November 19, 2009
Syrian Centre for Media and Freedom of Expression (SCM)	Obstacles to freedom of association	Joint Press Release	September 15, 2009
Mr. Haitham al-Maleh	Forced disappearance	Urgent Appeal SYR 005/1009/OBS 149	October 15, 2009
Mr. Nizar Ristnawi	Forced disappearance	Press Release	December 22, 2009