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SYRIA

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
ANNUAL REPORT 2011

In 2010-2011, the work of human rights defenders encountered once more considerable obstacles. While the Ministry for Social Affairs systematically continued to refuse to register NGOs, the national security intelligence services remained central to the system of repression against defenders, who were notably victims by those services of arrest and arbitrary detention. They were also prosecuted before emergency courts under vague and draconian provisions, and sentenced to several years in prison. Although several defenders were released in response to the peaceful protest movement that started in March 2011, others were arrested or prosecuted as part of the extremely violent repression of this movement.

Political context

In March 2011, a peaceful protest movement began in Syria, following a civil society call to protest launched via social networks such as *Facebook* and *Twitter*. Inspired by the Arab revolutions in Egypt and Tunisia, this movement has since rallied tens of thousands of people in several Syrian cities calling for the respect of fundamental freedoms, the release of political prisoners and the end of the state of emergency that has been in force since 1963. Immediately, the Syrian authorities' response to the protest movement was extremely violent. The security forces fired off live bullets at unarmed civilians, resulting in the death of nearly 1,200 demonstrators as of the end of May 2011¹. Furthermore, the authorities had arrested nearly 11,000 people including journalists, lawyers, political activists and human rights defenders, as of the end of May 2011 because of their participation or their presumed support to the demonstrations. A number of them were reportedly victims of torture².

In the face of the growing protest movement, on several occasions President Bashar al-Assad announced concessions that were, however, never accompanied by a reduction of the level of repression against the

1/ There are no official figures on the number of people killed. See Joint Statement by the Committee for the Defence of Democratic Freedoms and Human Rights (CDF), the Kurdish Organisation for Defending Human Rights and Public Freedoms in Syria (DAD), the Arab Organisation for Human Rights in Syria (AOHRS), the Kurdish Committee for Human Rights in Syria (al-Rased), the National Organisation for Human Rights in Syria (NOHR-S), the Syrian Observatory for Human Rights (SOHR) and the Human Rights Organisation in Syria (MAF), May 27, 2011. The authorities even resorted to heavy artillery and used tanks to repress the protest movement in cities such as Deraa and Baniyas.

560 2/ See Damascus Centre for Human Rights Studies (DCHRS).

protesters. On March 19, 2011, the official press agency *SANA* announced the release of political prisoners, greater freedom for the media and registration of political parties. After the protests increased, President al-Assad then decided to dissolve his Government. On April 21, *SANA* announced that the President had issued Decrees No. 161 on lifting the state of emergency, No. 53 on abolishing the Supreme State Security Court (SSSC) and No. 54 on the promulgation of a law to recognise the right to peaceful assembly. However, people considered that these declarations were insufficient and the repression of demonstrations continued to be increasingly bloody.

On April 29, 2011, following a special session on the crisis in Syria, the Human Rights Council of the United Nations adopted a resolution condemning the repression of the peaceful protest movement and mandating the High Commissioner for Human Rights to conduct an independent investigation into the serious violations committed at that time³. The Security Council also met to discuss the situation in Syria on several occasions but as of the end of April 2011, its members had still not agreed on a resolution.

Furthermore, in 2010-2011, the Syrian authorities continued to use the state of emergency law and the Criminal Code to repress and prevent the organisation of any form of opposition, targeting in particular political opponents, human rights defenders, bloggers and Kurd activists. Women and men who criticised the Government or called for reforms were regularly subjected to arbitrary arrest, imprisoned for long periods, and sentenced by the SSSC, the military or criminal courts during unfair trials. In addition, the Syrian regime still tolerated no political party other than the ruling Baath party.

While freedom of expression continued to be severely restricted in Syria, repression of journalists and censorship measures increased after the start of the protest movement in March 2011. The authorities tried to impose media silence regarding the demonstrations and police repression, by preventing journalists, including foreign ones, from gaining access to assembly locations, or by arresting them.

3/ See Human Rights Council Resolution on the Human Rights Situation in the Syrian Arab Republic, United Nations Document A/HRC/RES/S-16/1, April 29, 2011.

Finally, the security forces continued to make use of torture and ill-treatment. In its Concluding Observations on May 14, 2010⁴, the United Nations Committee Against Torture (CAT) condemned the regular use of such practices in detention centres by State agents. The Committee also expressed its concern regarding the Kurdish minority in Syria, who is deprived of Syrian nationality and who continues to be subjected to ethnic discrimination⁵.

Continued acts of harassment against lawyers who denounce human rights violations

In 2010-2011, lawyers who defend political prisoners and condemn human rights violations continued to be the target of harsh repression. Mr. **Muhannad al-Hassani**, lawyer, President of the human rights organisation “Sawasiyah” and winner of the 2010 Martin Ennals Award for Human Rights Defenders, was sentenced on June 23, 2010 by the Damascus Criminal Court to three years in prison for “weakening national sentiment” and “spreading false information likely to weaken the nation’s morale”, under Articles 285, 286 and 287 of the Criminal Code. His appeal was rejected on September 27, 2010. Mr. al-Hassani had been arrested in July 2009 for having monitored and condemned the unfair nature of the trial of political prisoners before the SSSC. On October 28, 2010, Mr. al-Hassani was attacked and beaten in his cell by another detainee, who insulted him and accused him of betraying the Nation. In spite of this incident, the prison authorities decided to keep Mr. al-Hassani in the same cell as his attacker⁶. Similarly, on July 4, 2010, the Damascus Military Criminal Court sentenced Mr. **Haitham al-Maleh**, a lawyer and former President of the Human Rights Association in Syria (HRAS), to three years in prison for “spreading false information likely to weaken the morale of the nation”. His appeal was rejected on October 19, 2010. Mr. al-Maleh, eighty years old, had been arrested in October 2009 after having publicly criticised the human rights situation and corruption within the State apparatus in Syria. On February 22, 2010, he appeared before a Damascus Military Judge on new charges for “offending the President” and “defamation of a government body”. These new charges, which were upheld by another prisoner, were abandoned the day after the hearing because of

4/ Concerned about poor conditions of detention and cases of forced disappearance, CAT invited the Syrian authorities to open an investigation into the riot that broke out in Sednaya military prison in July 2008 during which seventeen detainees were killed. The Syrian authorities had imposed total silence concerning the event, amongst other things refusing to draw up a list of the victims.

5/ See Committee Against Torture, *Concluding Observations of the Committee Against Torture on the Syrian Arab Republic*, United Nations Document CAT/C/SYR/CO/1, May 25, 2010.

6/ Mr. Muhannad al-Hassani was released on June 2, 2011 in application of Legislative Decree No. 61 dated May 30, 2011, which grants general amnesty for crimes committed before May 31, 2011.

a presidential amnesty for prisoners sentenced for minor offences. During his detention in Adra prison, Mr. al-Maleh was refused access to his own medication in spite of serious health problems. He was released on March 8, 2011 under a presidential pardon for prisoners over seventy years old.

Ongoing arbitrary detention of many human rights defenders

As of the end of April 2011, several defenders were still imprisoned because of their peaceful commitment in support to human rights. On March 11, 2010, the Damascus Appeal Court rejected the request of the human rights defenders who were responsible for the Damascus Declaration for the application of Article 172 of the Criminal Code, which provides for an amnesty to detainees who have served three quarters of their sentence. Messrs. **Akram al-Bunni**, **Fayez Sara**, **Jaber al-Shoufie**, **Mohammed Haj Darwish**, **Ahmad Tohma**, **Yasser Tayser Aleiti**, **Riad al-Seif**, **Marwan al-Esh**, **Ali Saleh al-Abdallah**, **Talal abu Dan** and Ms. **Fida al-Hurani** therefore remained in detention in Adra prison until their sentences were served⁷. They had been sentenced on October 29, 2008 to two and a half years in prison for “spreading false news likely to damage the morale of the nation”. They were all released between June and July 2010, with the exception of Mr. Ali Saleh al-Abdallah. The latter, who was due to be released on June 17, 2010, was brought before a military court on the same day and new charges were brought against him. The Syrian authorities accused him of having been in contact with the press from the prison to comment on the elections in Iran. On March 13, 2011, he was sentenced by the Damascus Military Criminal Court to three years in prison for “spreading false information likely to weaken the morale of the nation” and “disturbing relations between Syria and a foreign State” (Article 278 of the Criminal Code). As of April 2011, he was still held in Adra prison. Similarly, at the end of April 2011, Messrs. **Anwar al-Bunni**, a lawyer and founder member of HRAS, **Habib Saleh**, a writer, and **Kamal al-Labwani**, a member of the Committees for the Defence of Democratic Freedoms and Human Rights (CDF), were still being held in Adra prison⁸. Moreover, since June 2008, the family of Mr. **Nizar Ristnawi**, a founder member of the Arab Organisation for Human Rights in Syria (AOHRS) and a member of the CDF, held in Sednaya military prison and who was due to be released in April 2009, still had no news of him.

7/ They were involved in the National Council of the Damascus Declaration for National Democratic Change, a large activist opposition coalition for political reform and for the establishment of a democratic regime in Syria. On December 9, 2007, in response to a meeting organised at the initiative of the Damascus Declaration that ended with the creation of the National Council, the security forces arrested several activists.

8/ Mr. Anwar al-Bunni was released on May 23, 2011, other having served his sentence and Mr. Habib Saleh was released on May 10, 2011.

Continued harassment of defenders of the rights of the Kurdish minority

Human rights defenders who denounce the discrimination to which the Kurdish minority in Syria is subject, continued to be victims of arbitrary arrest and judicial harassment. As an example, on March 2, 2010, Mr. **Abdul Hafez Abdul Rahman** and Ms. **Nadira Abdu**, members of the Human Rights Organisation in Syria (MAF), which defends the rights of the Kurdish minority, were arrested at the home of Mr. Abdul Rahman in Aleppo. During their arrest, agents of the military intelligence services questioned them about MAF activities. Mr. Abdul Rahman's computer and reports produced by MAF were confiscated. Ms. Abdu was released without being charged on March 6. Placed under conditional release on September 1, Mr. Abdul Rahman was sentenced on September 29, 2010 by the Third Aleppo Military Court to one year in prison for belonging to a "secret organisation" (Article 288 of the Criminal Code)⁹. Mr. Abdul Rahman went into hiding and had to leave Syria at the end of 2010 to avoid being put in prison again. In addition, on November 7, 2010, the Aleppo Military Criminal Court sentenced in last resort Mr. **Mustapha Ismail**, a lawyer and Kurdish activist, to seven years in prison, a sentence which was subsequently reduced to two and a half years, for attempting to "partition part of Syrian territory in order to annex it to a foreign State" (Article 267 of the Criminal Code) and "disturb relations between Syria and a foreign State". Mr. Ismail had been arrested on December 12, 2009 after publishing several articles on the Internet denouncing the discrimination inflicted on Syrian Kurds. At the end of April 2011, he was still in detention in the prison of al-Musalmiya, near Aleppo¹⁰. Finally, in December 2010, the Order of Syrian Lawyers opened disciplinary proceedings against Mr. **Radif Mustafa**, a lawyer and President of the Kurdish Committee for Human Rights in Syria (al-Rased), accused of having flouted the profession's regulations by becoming the head of a "banned organisation", fomenting "acts against the Syrian Government" and publishing articles that "told lies" and "weakened national unity". Mr. Mustafa risked being permanently banned from practising his profession. On April 3, 2011, the Order of Lawyers acquitted Mr. Mustafa but issued a warning against him about his human rights activities.

9 / Indeed, the Syrian regime continues to refuse to register human rights NGOs and consequently, the members of organisations that are considered to be illegal are subject to criminal proceedings under Article 288 of the Criminal Code.

564 10 / Mr. Mustapha Ismail was released on June 2, 2011 under Legislative Decree No. 61 dated May 30, 2011.

Ongoing obstacles to freedom of movement

In 2010-2011, around one hundred human rights defenders were banned from leaving the country because of their human rights activities. As an example, in 2010 and 2011, Mr. **Danial Saoud**, President of the CDF, was again forbidden to leave the country, preventing him from taking part in numerous meetings on human rights to which he had been invited. In April 2010, he was stopped from travelling to Yerevan, in Armenia, to take part in the 37th FIDH Congress, of which his organisation is a member. In March 2011, he was also banned from leaving Syria to take part in a meeting of the Executive Committee of the Euro-Mediterranean Human Rights Network (EMHRN), of which he is a member. Similarly, the Syrian authorities prevented Mr. **Alla Aldin Byassi**, member of CDF Board of Directors, from travelling to various EMHRN meetings on immigration and the right of asylum that took place in Turkey in April 2010, in Morocco in September 2010 and in France in January 2011. Ms. **Malak Said Mahmoud**, a member of CDF Board of Directors, was stopped from going to Turkey in April and November 2010 to take part in conferences on women's rights. Meanwhile, Mr. **Hassan Ayo**, a CDF member, was prevented from leaving the country to attend a conference on women's rights, organised on April 8 and 9, 2011 in Madrid, Spain. Furthermore, on February 21, 2010, the Syrian authorities banned Mr. **Wadih al-Asmar**, Secretary General of the Lebanese Centre for Human Rights Centre (*Centre libanais des droits de l'Homme* - CLDH) and a member of EMHRN Executive Committee, from returning to Syria, on the grounds that his name was on the list of "undesirable persons". Mr. al-Asmar has worked for several years on the question of forced disappearances of Lebanese in Syrian prisons.

Repression of peaceful assemblies and reprisals against human rights defenders

The authorities violently repressed activists who were suspected of having denounced or documented human rights violations committed by the security forces during the repression of the peaceful protest movement that has taken place since March 2011. As an example, on March 23, 2011, Mr. **Mazen Darwish**, Director of the Syrian Centre for Media and Freedom of Expression (SCM), was summoned to the political police headquarters at Almayasat in Damascus, where he was held for over 24 hours, before being released without charge. On April 1, 2011, Mr. **Abdalkarim Da'oun**, a member of CDF Board of Directors, was attacked and arbitrarily arrested by members of the security services and police forces as he was monitoring peaceful demonstrations in the city of Salamyeh. He was released without charge on April 3. On April 24, 2011, Mr. Danial Saoud was also arrested by the security services in the city of Baniyas.

He was brought to Damascus where he was interrogated for 36 hours on its role in the peaceful demonstrations which took place in several cities, before being released without charge¹¹. Mr. **Rasim al-Atassi Suleyman**, former President and a member of the Board of Directors of AOHR-S, was arrested on April 27, 2011, accused of “inciting riots” and “vandalism” after a demonstrator accused him under torture of financing the protest movement and supplying weapons. As of the end of April 2011, he had still not been released. Several people, such as lawyers Haytham al-Maleh and **Razan Zaitouni**, had to go into hiding in order to avoid arbitrary arrest and the risk of ill-treatment and torture. In 2011, the Damascus Centre for Human Rights Studies (DCHRS) was also the target of a smear campaign by the private Syrian TV channel *al-Dunia*, owned by a businessman close to the President, in reprisal for its condemnations of the repression of the protest movement. In April 2011, *al-Dunia* broadcast a programme accusing organisations and members of the opposition in exile, particularly the DCHRS, of receiving funds from the Mossad, the Israeli intelligence agency. In addition, its Director, Mr. **Radwan Ziadeh**, who lives in the United States, received numerous death threats against him and his family during the same period, in particular by e-mail. Similarly, on April 19, 2011, the Kuwaiti magazine *al-Anbae*, published in Syria, accused several human rights defenders, including Mr. **Ammar Qurabi**, President of the National Organisation for Human Rights in Syria (NOHR-S), of working with Syrian armed groups responsible for the killing of civilians¹².

Furthermore, on March 16, 2011, around one hundred people, including several members of the families of prisoners of conscience, organised a peaceful assembly in front of the Interior Ministry to call for the release of all prisoners of conscience in Syria. The participants were brutally dispersed by the security forces, who arrested dozens of people, including Mr. **Kamal Cheikho**, a blogger, Ms. **Suhair al-Attassi**, President of the “al-Attassi Forum” pro-democracy discussion group, Ms. **Sereen Khouri**, Ms. **Fahima Saleh Awsi**, a member of the Kurdish Human Rights Committee, and Mr. **Mazen Darwish**. These protesters were all released without charge after having paid a bail, with the exception of Mr. **Kamal Cheikho** who was still being held in Adra prison at the end of April 2011¹³.

11/ See CDF

12/ *Idem*.

13/ Mr. Cheikho was released on bail without charge on May 10, 2011. In addition, accused of “spreading false information likely to weaken the morale of the nation”, Mr. Cheikho had been arrested at the Syrian-Lebanese border on June 23, 2010 before being granted temporary freedom on March 13, 2011.

Urgent Interventions issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Mr. Muhannad al-Hassani	Judicial harassment	Urgent Appeal SYR 001/0210/OBS 022	February 19, 2010
	Judicial harassment / Arbitrary detention	Urgent Appeal SYR 002/1009/OBS 149.1	February 24, 2010
		Joint Press Release	March 17, 2010
	Sentenced	Joint Press Release	June 23, 2010
		Joint Press Release	July 5, 2010
		Press Release / Brochure	October 14, 2010
	Attack	Press Release	November 2, 2010
Mr. Haitham al-Maleh	Judicial harassment / Arbitrary detention	Urgent Appeal SYR 001/0210/OBS 022	February 19, 2010
		Urgent Appeal SYR 002/1009/OBS 149.1	February 24, 2010
		Joint Press Release	July 5, 2010
		Press Release / Brochure	October 14, 2010
		Joint Press Release / Publication of a judicial observation mission report	March 4, 2011
	Pardon / Release	Joint Press Release	March 9, 2011
Mr. Wadih al-Asmar	Attack on freedom of movement	Joint Press Release	March 5, 2010
Mr. Abdul Hafiez Abdul Rahman and Ms Nadira Abdu	Arbitrary arrest	Urgent Appeal SYR 002/0310/OBS 033	March 10, 2010
Mr. Abdul Hafiez Abdul Rahman	Sentenced / Arbitrary detention	Urgent Appeal SYR 002/1010/OBS 033.1	October 11, 2010
		Press Release / Brochure	October 14, 2010
Messrs. Jaber al-Shoufie, Riad al-Seif, Haytham al-Maleh, Anwar al-Bunni, Kamal al-Labwani and Walid al-Bunni	Harassment	Joint Press Release	March 17, 2010
Mr. Mustafa Ismail	Judicial harassment	Urgent Appeal SYR 003/1010/OBS 125	October 11, 2010
		Press Release / Brochure	October 14, 2010
	Sentenced	Press Release	November 10, 2010

Name	Violations / Follow-up	Reference	Date of Issuance
Messrs. Ali Saleh al-Abdallah, Abdul Hafiez Abdul Rahman, Anwar Al-Bunni, Kamal al-Labwani, Mustafa Ismail, Habib Saleh and Nizar Ristnawi	Arbitrary detention	Press Release / Brochure	October 14, 2010
Mr. Radif Mustafa	Harassment	Urgent Appeal SYR 001/0111/OBS 001	January 3, 2011
Messrs. Anwar Al Bunni, Habib Saleh, Ali Saleh al-Abdallah, Kamal al-Labwani and Kamal Cheikho	Arbitrary detention / Hunger strike	Joint Press Release	March 9, 2011
Mr. Ali Saleh al-Abdallah	Sentenced / Arbitrary detention	Urgent Appeal SYR 002/0311/OBS 033	March 14, 2011
Members of the Committees for the Defence of Democratic Freedoms and Human Rights (CDF), including Messrs. Daniel Saoud, Alla Aldin Byassi, Hassan Ayo and Ms. Malak Said Mahmoud	Obstacles to freedom of movement	Closed Joint Letter to the authorities	March 14, 2011
Messrs. Kamal Cheikho and Mazen Darwish, Ms. Suhair al-Attassi, Ms. Sereen Khouri, Ms. Fahima Saleh Awsi	Obstacles to freedom of peaceful assembly/ Arrest / Judicial harassment	Urgent Appeal SYR 003/0311/OBS 037	March 16, 2011
	Judicial harassment / Provisional release / Arbitrary detention	Urgent Appeal SYR 003/0311/OBS 037.1	March 18, 2011
Mr. Mazen Darwish	Arbitrary arrest / Incommunicado detention	Urgent Appeal SYR 004/0311/OBS 043	March 24, 2011
	Release	Urgent Appeal SYR 004/0311/OBS 043.1	March 25, 2011
Mr. Radwan Ziadeh	Smear campaign	Joint Press Release	April 15, 2011
Mr. Rasim al-Atassi Suleyman	Arbitrary detention / Judicial harassment	Urgent Appeal SYR 005/0411/OBS 071	April 29, 2011