

**SYRIAN HUMAN RIGHTS COMMITTEE (SHRC)**

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## INTRODUCTION

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The status of human rights in Syria witnessed a considerable setback during the period from July 2001 till June 2002. Owing to the ongoing implementation of the emergency laws and martial laws, the citizens have not enjoyed their basic rights of which they have been deprived because of the emergency law that was imposed in 1963.

During the period covered by the report, the setback was comprehensive. After the short period of openness that characterized the regime of President Bashar al-Asad started to set back as of March 2001, the period following June 2001 witnessed serious deterioration in respect of violation of Syrian citizens' rights. The peak of escalation occurred in August and September 2001, when ten activists of the civil society were arrested. Among them were the two representatives: Muhammad Mamun al-Homsî and Riyad Saif, besides the communist dissident leader Riyad al-Turk, who had been detained for 18 years without any trial or legal charge.

The situation of old detainees was not better. While the authorities released a few hundreds of political detainees, most of whom were from the Muslim Brotherhood, the Islamic Hizb-ul-Tahrir Party and the Democratic Ba'th Party, the fate of thousands of those detained in the early 1980s is still unknown. The Syrian Government had claimed in the 1990s, after releasing some political detainees, that its prisons had no other such detainees. Later it appeared that the claim had been false, for more detainees were released thereafter, the latest group of them being set free in November 2001. The total number of those released during the year did not exceed 650 persons. The Syrian Human Rights Committee still has lists of about 4000 detainees that have disappeared. Other estimations indicate the existence of many more detainees whose names were not included and who are regarded as missing, possibly amounting to around 15000 missing persons.

What is worse in respect of abusing the freedom rights of the Syrian individual, is the persistence in practicing arbitrary detention without a judicial order and without specifying a charge against the detainees. The security authorities still have their complete freedom to detain whomever they wish. In this respect SHRC has received complaints that 12 Syrian citizens were arrested, some in public places, and that the fate of most of them is unknown. As for those whose fate has been known, it seemed that three of them at least, have died as a result of torture.

The Syrian ordinary judiciary is still controlled by the executive authority. This was obvious in the trial of the two representatives, Muhammad Mamun al-Homsî and Riyad Sayf, who were sentenced by the second criminal court in Damascus to five years in prison, with the charge of attempting to change the Constitution by force, after a trial void of the conditions of fair trial. The judgment was obviously ready-made.

Most of the opinion or political detainees were referred to the exceptional judiciary. The Supreme State Security Court sentenced two detainees to imprisonment, one of them being a Kurdish political activist, Husain Dawud, and the other being Madhat Tayfur for his being a relative of one of the leaders of the Muslim Brotherhood. In addition, some detainees from al-Tahrir Party were presented to the Supreme State Security Court. Since April 2002, there have been presented to it five of the eight opinion detainees who were arrested last year. They are Riyad al-Turk (sentenced to two years and a half on 26/6/02), 'Arif Dalila, Walid al-Bunni, Habib Salih (sentenced to three years on 24/6/02) and Habib 'Issa. The other three detainees: Kamal Labwani, Fawaz Tillu and Hasan Sa'dun are waiting their cases to be presented to the same court.

Torture is still practiced extensively in Syrian prisons and detention centers, whether the ordinary police stations or the security systems that amount to 13 systems, whose jurisdiction overlaps and conflicts. During this year the phenomenon of assassination, kidnapping or threatening has reappeared on the Syrian arena. This includes public assault, as happened to the lawyer Khalil Ma'tuq, who escaped an deliberate traffic accident that was about to kill him.

The detainees' families are still suffering, particularly those who lost their relatives during the events of the 1970s and 1980s. Suffering has afflicted the families of recently detained persons, such as the family of the released journalist Nizar Nayouf. In some cases the entire family was detained.

In addition to Syrian detainees the Syrian prisons hold Palestinian, Jordanian, Lebanese or Iraqi detainees, besides others from other nationalities, for political reasons. The charges of some or the causes of their continuous detention without a trial are unknown.

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## THE RIGHT OF EXPRESSION: HOLES IN THE WALL OF FEARS

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In May 2001 the authorities released the dissident journalist Nizar Nayouf, who had been in prison since 1992 because he had issued a leaflet defending democracy or human rights. Nayouf, till he was set free, represented a stark model of the Syrian authorities' aggression against the press. He was subject to torture for several years, as reported by human rights organizations. After leaving prison he seemed to complain of very weak eyesight and had to use a pair of crutches to move, because of his sickness caused by the torture. He was allowed to leave Syria for the purpose of treatment abroad. He settled in France, where he waged a media assault against the authority, which resulted in issuing an arrest warrant against him.

This was not the only positive change in this respect. On November 5, 2001 the Syrian authorities released the last detained journalist, 'Adil Isma'il, who had been imprisoned for five years because of sympathizing with the Democratic Ba'th Party.

The citizens' fear of handling political issues that characterized the regime of the President Hafiz al-Asad got abated, and there appeared political forums of dialogue attended by the educated or civil society advocacy groups. The authorities permitted the publication of some newspapers that were not directly related to the regime of the ruling party, for the first time since 1963, such as Al-Domari satirical newspaper (its first issue was in February 2001), and the specialized Al-Iqtisadiyyah, both of which are weeklies. Meanwhile the parties of the National Front were allowed to issue publications representing them. Today Al-Nur Newspaper is issued by the Syrian Communist Party (Yusuf Faisal's wing) regularly. The Syrian Human Rights Committee has recorded this year the exemption of foreign reporters and journalists from the previously valid obligation of obtaining permits from the Ministry of Information. The price of the privilege of facilitating the work of foreign reporters and journalists without the permits from the Ministry of Information was that they were exposed to threats, terror and coercion to conceal the facts through indirect means adopted by the authorities.

The family of Nizar Nayouf was also harassed after his departure from Syria to get treated for the effects of his long confinement, because of his declarations abroad. The authorities tried to pressurize Nayouf to stop his media assault against the regime through dismissing his two brothers from their jobs and through harassing a third brother of his who was a university student. His parents were also oppressed by them, and the family was threatened to be expelled from its village "Bisndyanah" if it did not repudiate its son and his declarations, but the entire family refused to do so. Nayouf's family had to start a hunger strike when pressure escalated against it.

The press and media freedoms were badly affected on the issue of the new publications law in September 2001 that, in its entirety, constricts press freedoms and entitles the authorities in charge extensive power to close independent press and punish journalists by charging them with heavy fines and impose severe imprisonment penalties on them.

Syrian journalists, whose work looks like walking in a field of mines, dare not criticize the "Revolution" (the Revolution of March 1963 performed by the Ba'th Party) and the ruling Socialist Arab Ba'th Party and the regime's institutions, besides the presidency of the president, whether that of the previous or the current president. The Ministry of Information, in this respect, oppresses journalists and threatens them of withdrawing their permits or virtually withdraws such permits from those who do not comply with the official instructions. At the end of last April, the Syrian authorities refused to renew the licence of head of France Press office Mr. Maher Shmeitli, however he was fully committed to the Syrian media policies, so that France Press was obliged to keep the post vacant.

The authorities imposed unfair restrictions and impracticable conditions on the dialogue forums that flourished in the first years of the rule of the President Bashshar al-Asad. None of such forums could obtain permits. These forums stopped their activity, with the exception of the forum of Jamal al-Atasi in Damascus, which the authorities treated tolerably, although they arrested its spokesman, the lawyer Habib 'Issa.

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**THE LOST FREEDOM: ARBITRARY ARREST IS NON-STOP**

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The Syrian citizens continue living under the mercy of arbitrary arrest without preliminaries. This applies to both the citizens residing in the country and those living abroad who come home or visit their country now and then.

This year, however, has been memorable for the arrest of ten very important personalities of the civil society (See the chapter concerning them) in a step that reminds of the vast arrests of the educated and professional elite that took place in Syria in 1980s, especially in the wake of the famous union strikes.

The arrests, however, were not confined to these persons, but tens of other Syrian citizens -although only ten odd detainees were reported- were the victims of arbitrary arrest not followed by presentation to the court or specifying any charges, which is an outright violation of the permanent Constitution of the Syrian Arab Republic of 1973, which states in items 1,2 and 4 of article 28 that "A defendant is innocent till he is convicted by a decisive judicial judgment" and that "it is impermissible to look for somebody or detain him save in accordance with the law," and that "the right of mutual suing, using the means to appeal and defense before the judge are secured by law".

Detention is still an opportunity for torture that seems not to come to an end in the Syrian prisons and custody stations. The background behind detention varies from political causes to detention for the purpose of investigation in a potential criminal issue. But the rights of the detainees are exposed to abominable violations. They are confined under conditions lacking the least requirements stated by international covenants.

The SHRC has been informed during this year of 12 cases of arresting individuals as follows:

1. Nuh Ahmad 'Uthman: a Kurd from Al-Hasaka city. He was arrested on March 21, 2000 during the Kurdish celebration of the Kurdish Nawruz festival.
2. Muhammad Shukri 'Alwash Qadir: a Kurd. He died in the custody police station in Jandris on May 25, 2001. His corpse was delivered to his family on July 19, 2001.
3. Muhammad Mustafa Sanoon: detained since the early eighties. His corpse was delivered to his family on July 22, 2001.
4. Muhammad Nasir Abdul-Jawad Abdul-Wahid from Aleppo; born in 1949. Arrested by the authorities on August 2001 on his way to Syria from Jordan.
5. Muhammad Hammo. A Kurdish writer from Aleppo. Arrested by the authorities on August 27, 2001, for selling books in Kurdish in his bookshop (Badrkhan) in al-Sharqiyyah neighborhood in Aleppo. He was released thereafter.
6. Faysal Rakbi: from Aleppo, born in 1955. He was arrested in November 2001 during an ordinary visit to his homeland, for he lived abroad.
7. Abdullah Yusaf Hosha, from Latakiyya, 61 years old. He was arrested by the authorities on October 17, 2001 after coming out of the hiding state he had lived since the eighties lest he should be arrested. He is a member in the Syrian Communist Party Political Bureau. He was set free later on the same day after 14 hours of detention.

8. Ibrahim Na'san bin 'Abdu: a Kurd from Afrin; born in 1962. He was arrested in January 2002 for his interest in Kurdish education and rights.
9. Nawras Husayn al-Ramadan: from Idlib city; born in 1944. He was arrested on February 13, 2002 when he arrived in Syria coming from the United Arab Emirates.
10. Muhammad Hasan Nassar: from Aleppo; born in 1947. He lived in exile after having been pursued in the eighties. Because he suffered from Alzheimer, his family decided that he come back home and obtained permission from the Syrian Embassy in Amman, but the security authorities arrested him on the Syrian-Jordanian borders on February 17, 2002. Neither the pleas of the SHRC nor those of his family managed to release him in spite of his bad health and his special human situation, till he died in jail and his corpse was delivered to his family on March 23, 2002. The traces of torture were evident on his body.
11. Muhammad Ghazi Hubayb: from Homs; born in 1952. He was arrested by the authorities on April 16, 2002 on his way from Saudi Arabia. He was released on May 11, 2002.
12. Musallam Sheikh Hasan: A Kurd from 'Ayn al-'Arab near Aleppo; born in 1967. He was arrested in May 2002 while in his working place.

#### **THE TEN DETAINEES**

The most prominent event of this year was the arrest of the so-called "the ten detainees". Their detention was regarded as a drawback frustrating the hopes of improving the political situations and consequently the status of human rights. But what distinguished the detention of these ten persons was that it was surrounded by considerable media concern and under highlights at home and abroad which forced the authorities to charge them with certain accusations according to criminal law, the most important of which was the attempt of changing the Constitution by force.

In spite of the authorities' reliance on criminal law and their attempt to fashion the accusations so as to conform with this law, the detention of the ten was a manifest violation of the Syrian Constitution, where article 26 states that "every citizen is entitled to participate in the political, economic, social and educational life, which matter is regulated by the law." Article 27 thereof states that "Citizens practice their rights and enjoy their freedoms according to the law."

The move of arrests started with the arrest of the non-affiliated Damascene representative, Muhammad Ma'mun al-Homsi (46 years old) in August 9, 2001 after starting an open hunger strike while retiring in his office, advocating democratic tolerance in the country. The authorities charged al-Homsi with contradictory accusations (apart from the political ones), such as avoiding tax payment and dealing with foreign entities.

Then the arrests continued with the arrest of the Secretary General of the Communist Party Political Bureau, Riyadh, al-Turk (who had been detained for 17 years and is now 72 years old) from the clinic of a cardiologist in coastal Tartus on August 31, 2001 in the wake of a lecture he delivered in the Forum of Jamal al-Atasi in Damascus in early August 2001 and the declaration he made in on the air dialogue with the Qatari Al-Jazeera Channel when he stigmatized the old regime in Syria as totalitarian. He was sentenced yesterday to two years and a half in prison.

On July 6, 2001 the authorities arrested the non-affiliated Riyadh Saif (57 years), whose forum invited the well-known Syrian academic, Burhan Ghalyun to deliver a speech that called for democratic reform in the country. Saif was accused of economic issues. That was followed by arresting five

activists in the forums of the civil society and human rights on July 9, 2001. They were the Syrian businessman Habib Salih (53 years) who was sentenced to three year imprisonment three days ago, the two doctors, Kamal al-Labwani (45 years), Dr. 'Arif Dalila (the former Dean of the College of Economics in Damascus), and the retired teacher Hasan Sa'dun. The authorities acknowledged their arrest officially. Then they arrested, on July 12, the lawyer Habib 'Issa (the lawyer of Riyad Saif and the man in charge of the Forum of Jamal al-Atasi) and the engineer Fawaz Tillu.

No more activists that had done such deeds as done by those detainees were arrested. It is believed that the changes in the international and regional circumstances following the September 11th, 2001 attacks on the USA played a major role in this respect.

The Security Authorities obtained the deprivation of the two representatives, al-Homsi and Saif, of their parliamentary immunity before their arrest from the Chairman of the People's Assembly, Abdul Qadir Qaddurah, and not from the Assembly's Committee as a whole as the law's principles dictate. As for the other eight detainees, their relatives were denied visiting them before November 13, 2001, and were again denied such visits later on, which compelled them to start a hunger strike in protest against the circumstances of their detention.

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## TORTURE: VIOLATION OF HUMANITY

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Torture is still a routine practice in the Syrian stations of investigations, detention and custody. In spite of banning torture according to the Syrian Constitution, where the third item of the 28th article states that “torturing somebody physically or psychologically, or treating him disdainfully is impermissible. The law shall define the penalty of whoever does so.” Jailers resort to severe torture and impertinence in dealing with the prisoners, taking advantage of an exceptional secret law that exempts the torturers from any responsibility and grants them protection, particularly in the State Security.

According to the law of instituting the Administration of State Security enacted through ordinance no. 15 of 15/1/1969 and which is still in effect nowadays, the jailors who practice torture will benefit by the protection expressed in article 16 that goes: “It is impermissible to pursue any workers in the Administration for any crimes they commit during implementing the specific tasks they are put in charge of, or when trying to implement them, except through an order of pursuit issued by the director.”

Article 74 of the Law of Internal Regulations of the Administration of State Security enacted through ordinance no 549 of 12/5/1969 emphasizes the principle of exemption from pursuing those guilty of the crime of torturing, which is a deed practiced more extensively than it is practiced in the Administration of State Security. The article states that: “It is impermissible to pursue any worker in the Administration of State Security or any of those delegated or lent or those who have contracts with it before the judiciary directly for crimes committed because of the job or during his doing his job, before referring him to the disciplinary board of the Administration and having an order of pursuit issued by the director. In the two aforementioned ordinances, it is stated that the ordinances are not to be published in the official newspaper and that they will be valid at the date of their issue.

According to the information and reports that have been available to the SHRC, the commonest means of torturing Syrian detainees can be summarized as follows:

1. Beating: everywhere in the body and by all possible means, such as slapping, kicking and using straps, cables and sticks.
2. The wheel: bending the detainee’s body so that his head and feet are placed within the frame in a bending posture, and he is then beaten on his feet and all his body with wires or whips till he bleeds.
3. The German chair: a metal chair with movable parts that are tied to the hands and feet of the detainee. By bending the chair backwards great pressure is exerted on the neck and limbs. This means causes difficulty of breathing that may lead to unconsciousness. There is a type of such chair called “the Syrian chair”, the metal components of which are fixed at the front legs of the chair where the detainee’s legs are tied so that the ensuing stress injures the ankles. This method is commonly used accompanied by beating and whipping.
4. The Ghost: the detainee’s hands are tied behind his back and he is hung by them or by his feet. In both cases beating or electrical shocks are used.
5. The use of electricity: Electrical shocks are sent by attaching wires to sensitive organs of the body, such as the ears, nose, tongue, neck, hands, buttocks, feet and genitals.

6. Solitary confinement in a small dark wet cell without contacting any human being for a long period that may extend for months.

To all that is added ill treatment and psychological harassment such as insults with impudent words, and deprivation of sleep, food, water and pure air and of going to the toilet or the means of cleanliness such as water and the like, besides preventing the relatives from visiting the prisoner and also denying him medical care.

#### DEATH UNDER TORTURE

The SHRC has recorded three cases of death under torture during this year. The authorities did nothing to justify the death of the detainees except for one case where the detainee is blamed for alleged suicide.

The three cases are:

1. **Muhammed Shukri 'Aloush Qadir**: a Kurd who died on the day of his detention in the custody station in Jandiris on May 25, 2001. His corpse was not delivered to his family till July 19, 2001. The police that arrested him in the context of investigating a theft crime claimed that he hanged himself committing suicide. It is believed, however, that the inhuman treatment led to his death a few hours after his arrest.
2. **Muhammad Mustafa Sanoon**: He was arrested when he was a student in the early eighties along with thousands of other detainees for political causes at that time. His corpse was delivered to his relatives after twenty years of detention, on July 22, 2001. Taking into consideration the torture that was used extensively and the severe deterioration of the state of the political detainees who spent long periods in prison, during which they experienced torture and maltreatment and were infected by various diseases as a result of malnutrition, leanness and pestilences, it is likely that the death of the detainee at this age (the forties) was the result of long-term detention under the above-mentioned circumstances.
3. **Muhammad Hasan Nassar**: The authorities did not bother about explaining his detention when he was 52 years old. He was detained although he was afflicted with amnesia as a result of Alzheimer, when he returned to his family after having had permission from the relevant authorities. The SHRC regards his detention and torture an outrageous case of cruelty that requires investigation and calling to account those who committed that deed, noting that the traces of torture were manifest on the detainee's body when his corpse was delivered to his family on March 23, 2002.

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**TRIALS: TOWARDS MOLDING ORDINARY JUDICIARY IN THE FRAME OF  
EMERGENCY LAW**

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Authorities were keen to present prominent political detainees to the judiciary. Trials were divided into two parts: one to be assigned to ordinary judiciary and the other to exceptional judiciary. All trials have common features; the most important of which is the absence of ample evidence of conviction for the prosecutor to rely on, and charging the detainees with ambiguous accusations where the political and the criminal thereof are mixed up. Criminal accusations were used for political purposes.

There was not a fundamental difference between the ordinary judiciary's treatment of the defendants and that of the exceptional judiciary with respect to the cruel judgments passed by them, which arises concern about the process of subjecting the ordinary judiciary to the emergency laws and cause it to join the procession of the exceptional courts that represent the authority of the emergency law and martial law rather than the Constitution and the other valid laws, for the Syrian Constitution states in article 38 that "Every citizen has the right to express his opinion freely and publicly whether verbally, in writing or through any other means and to participate in monitoring and constructive criticism in a way that safeguards the national structure and supports the socialist system. The State, on its part, guarantees the freedom of the press, printing and publication in accordance with the law".

The defense lawyers were not allowed the opportunity before the ordinary judiciary to defend the defendants through summoning the witnesses who, they thought, would prove their clients innocent. Meanwhile, in the case of the trials before the exceptional judiciary, the minutes of the prosecution were made difficult to see. Moreover, the trial of the two representatives: Muhammad Mamun al-Homsi and Riayd Saif was a relapse on the part of the Syrian judiciary, for it did not summon any of the witnesses that the court wanted to be present to give their witness, such as the officials and ministers. Neither did the court hear but the witnesses who defended Riyad Saif by refuting all the accusations he had been charged with. Yet the two representatives were convicted.

**THE TRIAL OF MAMUN AL -HOMSI**

Two months after Mamun al-Homsi's arrest preparations were undertaken for his trial. He was introduced to an administrative interrogation session on October 27, 2001, and the public prosecution in Damascus brought a public suit against him accusing him of intending to change the State's Constitution through illegal means and preventing the standing authorities from practicing their functions that are derived from the Constitution, and of behaving maliciously towards the nation's unity, and disrupting harmony among the citizens, and opposing the legal practices of the State's officials and censoring and defaming the legislative, executive and judicial authorities.

The trial started with the first session on October 30, 2001. The trial was public, but the defendant and his lawyers differed with the court several times during the trial that continued till March 20, 2002. The defense accused the court of denying the representative al-Homsi medical care in the prison in spite of his bad health because of his being a diabetic. The defense accused the court of not being impartial and demanded twice that it withdraw from the case owing to loss of confidence in its uprightness, after "falsifying" the records of one of the sessions by not writing down all the sayings of the defendant. However, the court insisted on declaring its being qualified to try the case.

A week before the court passed its judgment the defense committee withdrew protesting against the proceedings of the court that did not witness the summoning of any of the 21 witnesses that the defense wanted to be present. The second Criminal Court in Damascus passed its judgment against

the Homs representative albeit the absence of lawyers to defend him as a result of the withdrawal of the defense committee. The judgment was passed by the majority, for the consultant 'Abbas Deeb disagreed with his two colleagues in the court committee. The court's decision stated that it criminalized the defendant for the two crimes of intending to change the constitution and preventing the official authorities from practicing their functions, and for the offences of censuring and defaming the legislative and judicial authorities, and it judged that he be detained and deprived of his civil rights, and be imprisoned temporarily for five years for the crime of intending to change the constitution, and for three years for the crime of preventing the official authorities from practicing their constitutional functions, and for six months for the crime of censuring the legislative and judicial authorities, and for six months for the crime of defaming the legislative and judicial authorities. The Court, however, decided to combine the punishments, that is to say, that al-Homs would be imprisoned for five years. The Court also cleared him of the charges of provoking sectarian and factious differences, and of the passive resistance to prevent the legal practices done by the Government for lack of ample evidence.

Al-Homs appointed new lawyers to defend him, and the new defense committee presented its revocation of his imprisonment sentence before the expiration of the 30 days' respite granted by law.

#### **THE TRIAL OF RIYAD SAIF**

The trial of Riyad Saif was carried out simultaneously with that of Mamun al-Homs. Two months after his arrest Saif was transferred to an administrative interrogation session before the criminal court in the room of the Head of the Court on October 27, 2001. The first public prosecution in Damascus had brought a public suit against Saif on February, 2001 criminalizing him of the offence of attempting to change the State's Constitution through illegal means and enhancing religious factious differences and establishing a secret society for purposes that do not comply with the law (the Social Peace Movement). When he was arrested in September 2001, the first magistrate in Damascus added thereto the accusation of Saif of holding meetings in his home during which those present held discussions and delivered political instigating speeches without having obtained a permit from the relevant authorities.

His trial started with a first session on October 31, 2001. The trial was public. The prosecutor managed to summon only three witnesses who all testified in favor of the defendant. The defense committee continued its defense before the court till the end. An atmosphere of optimism overwhelmed the later sessions before the court came to decide on April 4, 2002 by majority that Saif was guilty to surprise the defense committee and the monitors and strengthen the expectations that the judgment had been ready-made.

The court sentenced Saif to five years' executable imprisonment after criminalizing him with the crime of aggression that aimed at changing the Constitution through illegal ways. He was also sentenced to six months' imprisonment for establishing a secret society and holding illegal meetings. But the court adopted the more severe punishment and cleared him of the accusation of instigating sectarian and religious factious differences. The defense lawyers described Saif's case as a political, and regarded the decision of criminalizing him as such also and they presented their objection to the decision.

#### **THE SUPREME STATE SECURITY COURT**

The existence of the Supreme State Security Court in Syria is regarded as inconsistent with the permanent Constitution that was approved in 1973. The Court is still standing although it had been instituted by an ordinance prior to the Constitution. But the Syrian Government takes advantage of a constitutional justification represented by article 153 that states that "valid legislations enacted before

the declaration of this Constitution continue in effect till they are modified in conformity with its rules.” The Government, however, has not, since the approval of the Constitution, submitted to the People’s Assembly or reviewed many of the laws that were in effect in the past, including ordinance no. 47 of 28/3/1968 which instituted the Supreme State Security Court and specified its jurisdiction notwithstanding what this ordinance carries of manifest deviations from the articles of chapter 4 of the Constitution which details “the public freedoms, rights and duties”. This court had been established to replace the abolished exceptional military court (which had been instituted by the law of opposing the goals of the Revolution and the institution of exceptional courts that was enacted by ordinance no. 6 on 7/1/1965. The Supreme State Security Court is formed with an ordinance, on the proposal of the martial judge, of a head and two judges, one civilian and the other military. Two further members may be added to the court committee in important cases that are up to the martial judge to assess.

Ordinance 47 allows the institution of more than one state security court. Article 6 of the ordinance extends the jurisdiction of the Supreme State Security Court to cover “all individuals whether civilian or military regardless of their personality or immunity”. Moreover, its jurisdiction is not confined to the cases that it tries, for article 5 states that in addition to the privilege of having all the jurisdiction of the (abolished) exceptional military court, the Supreme State Security Court “is authorized to look into any other case referred to it by the martial judge”.

The ordinance of instituting the court states that “despite securing the right of defense as indicated in the valid laws, the courts of state security do not have to abide by the usual procedures stated in the valid legislation, and this applies to all the steps and procedures of pursuit, investigation and trial”.

According to the text of the ordinance “it is impermissible to object to the judgments passed by the Supreme State Security Court, and these judgments do not become valid except after being approved by a decision made by the President of the State who has the right to repeal the judgment and order the trial to be repeated, annul it and set the case aside, or reduce the punishment or replace it by a less severe one. Setting the case aside has the effect of general amnesty. The decision of the President of the State in this respect would be decisive and irrevocable and unquestionable by any means”.

The Supreme State Court recovered its activity considerably this year, particularly due to showing it great consideration after transferring the eight opinion detainees to it. The Court holds its sessions usually secretly. It actually held during this year two secret trials that were disclosed later on. The trial of five of the above-mentioned eight detainees started in an atmosphere that was not characterized by full publicity although a delegate from the state press, the detainees’ wives as well as a number of defense lawyers were allowed to be present.

The public prosecution, in its suits raised to the Supreme State Security Court, accused the defendants of political offences that can be referred to the exceptional unfair laws, keeping in mind that the judgments are irrevocable.

Following are the most important trials held by the Supreme State Security Court in Damascus this year:

#### MADHAT TAYFUR

From Hama city. The Syrian authorities arrested him in 1966. He is not known to have any political activity or affiliation, but his brother who was in exile was an important member in the Muslim Brotherhood in Syria. He resided in Saudi Arabia till mid 1990s, when he left it for Jordan, where he stayed for around a year during which he frequented the Syrian Embassy, which informed him that

there was nothing to prevent him from traveling to Syria. He then did return home in 1996 to be immediately arrested on arriving at the borders. The court then criminalized Madhat Tayfur accusing him of joining “a criminal organization”, implying the Muslim Brotherhood who are outlawed by law 49 of 1980, and sentenced him to 12 years’ imprisonment.

#### HUSEIN DAWUD

A Kurdish activist. The Kurdish People’s Union Party in Syria says that he is a member in it. Dawud had been returned to Syria from Germany that refused to grant him political asylum. The authorities arrested him when he arrived in Damascus airport on December 10, 2000 and was not presented to the court till recently, whereupon the Supreme State Security Court sentenced him to two years’ imprisonment on March 20, 2002 after charging him with two accusations: first: opposing the objectives of the Revolution through participating in the demonstrations opposing the regime in Syria, and second: being involved in activities that aim at dividing Syria and stripping off part of it. The sentence was less severe in comparison with the Court’ severe judgments, by virtue of the German Government’s pressure.

#### RIAYD AL -TURK

On April 4, 2002, the day when the judgment was passed against Riyadh Saif, the Supreme State Security Court headed by the judge Fayiz al-Nuri activated the file of Riyadh al-Turk and seven other opinion detainees through summoning a number of witnesses by the Public Prosecution. Riyadh al-Turk was the first among these seven to be tried by the Supreme State Security Court on April 28, 2002.

The Public Prosecution accused al-Turk of propagating false or exaggerated information that would dishearten the nation or belittle the dignity of the State or its financial status, and aim at weakening the national feeling and awaken the sectarian and religious factional bigotry. It also accused him of seeking to change the Constitution of the State through illegal means and to provoke an armed rebellion against the authorities that are legally authorized by the Constitution. The Court held its first session publicly, but it soon regressed to return to the secret sessions. It allowed the presence of only one journalist representing the Governmental News Agency and the presence of the defendant’s wife and his lawyer. The Court is supposed to pass its judgment on June 26, 2002.

#### ‘ARIF DALILA, WALID AL-BUNNI, HABIB SALIH AND HABIB ‘ISSA

Their trial started after the trial of Riayd al-Turk. They were presented to the Court in individual trials. They are facing charges from the Public Prosecution concerning attacking the Constitution, propagating false or exaggerated information that is apt to dishearten the nation or belittle the State’s dignity or its financial status and weakening the national feeling and provoking sectarian and religious factional bigotry and seeking to arouse an armed rebellion against the authorities.

To these charges a new accusation was added against three of them, ‘Arif Dalila, Habib Salih and Walid al-Bunni. The accusation is “insulting the President and the standing regime”, in a session held by the Supreme State Security Court on June 12, 2002. The defendants asserted that the accusation was fabricated, while the defense lawyer said that the new accusation is based on recordings taken from them unawares in the prison, which are regarded as illegal and do not conform with Shari’a law

#### KAMAL LABWANI, FAWAZ TILLU AND HASAN SA’DUN

Their trial has not started till the preparation of this report, but they are facing accusations similar to those faced by their five comrades that are being tried.

#### THE DETAINEES OF AL -TAHRIR PARTY

The SHRC has learnt that in May, 2002 the Supreme State Security Court looked into the case of some of the detainees of al-Tahrir Party who were arrested in 1999-2000, but, due to the secrecy of the court, no information about the proceedings of the trial or the nature of the judgments passed is available.

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## **DEFECTIVE CITIZENSHIP: SUSPENDED PROBLEMS**

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This year is not better than the two years preceding it with respect to the recognition of the rights required by the Syrian citizenship, such as freedom and civil rights. It is true that the authorities released hundreds of political detainees, but it kept in prison hundreds of others who are known to be still alive, while there are thousands whose fate is unknown.

In reality, the Syrian Government is still far from applying the Constitution concerning the citizens' rights and duties. Article 25 of the Constitution which is the first article in the chapter dealing with public freedoms, rights and duties states the following:

1. Freedom is a sacred right and the State guarantees the citizens their personal freedom and safeguards their dignity and security.
2. The sovereignty of law is a basic principle in the society and the State.
3. Citizens are equal in rights and duties before the law.
4. The State secures the principle of equal opportunities for the citizens.

Article 27 of the Constitution also states that "Citizens practice their rights and enjoy their freedoms in accordance with the law," and article 29 states that "No crime and no punishment except by a legal text."

Moreover, the Government of the Syrian Arab Republic has signed the Universal Declaration of Human Rights (1148), the first article of which states that "All people are born free and equal in dignity and rights, and they are endowed with mind and conscience and they have to treat each other with the spirit of fraternity", and its third article states that "Every individual has the right of living, freedom and personal security". The Declaration also states that "Nobody shall be exposed to torture, punishments or cruel or dignity-slighing treatment" and "Everybody wherever he may be has the right to have his legal personality recognized". All proofs and clues confirm that the Syrian Government still does not abide by the rights of citizenship as is stated in its Constitution and the international conventions. Following are the details thereof:

### **POLITICAL DETENTION**

The Syrian Government still refuses to decisively solve the problem of collective political detention that it has practiced since the early 1980s. Nevertheless, in the early 1990s, it released groups of detainees, each group ranging between tens and hundreds of political detainees.

During this year the authorities released about 650 persons. Among those released were members of the Islamic Tahrir Party (68 detainees). These were exposed to a large number of arrests during the years 1999-2000. But the authorities retained more than twenty prisoners whom they regard as leaders of the banned organization. It is said that they have been presented lately to the Supreme State Security Court. Arrests among the members of al-Tahrir Party have continued till recent time. It is reported that tens of them have been arrested.

The release of some detainees was accompanied by a positive development represented by declaring in the governmental press for the first time an amnesty that covered political detainees. This occurred particularly when last November about 120 persons from the Muslim Brotherhood and Al-Tahrir Party and some communists were set free. The engineer Khalid al-Shami (60 years) and Sheikh Hashim al-Majdub were among the most important brothers who were set free, in addition to Mashhal Muhammad Deeb Hawwa who was arrested because of his family relationship with the late Muslim Brotherhood leader Sa'id Hawwa. Among the released were 6 Palestinians and 5 Jordanians also

Moreover, eight detainees from the Communist Labor Party were released also. They were Akram al-Bunni, 'Abbas 'Abbas, Bahjat Sha'bu, Nizar Mirdani, Rashid Sattof, 'Adnan Mahfuz, Muhammad Mi'mar, Wajeeh Ghanim and a ninth one considered to belong to the Democratic Ba'th Party, the journalist 'Adil Isma'il.

None of the detainees of the Communist Labor Party remained in prison except Dr 'Abdul-Aziz al-Khayer who has been in detention since 1992 and is serving 22 years' imprisonment sentence passed by The Supreme State Security Court.

According to the records of the SHRC there are still in the Syrian prisons about 4000 political prisoners about whom the authorities have not submitted any reports or information. There are also in them Jordanians, Palestinians, Lebanese, Iraqis and some from other nationalities. There is also an Iraqi family that has recently been detained; it consists of 'Aisha and Asma Talib, their father, their brother and the other members of the family.

#### **THE MISSING**

Besides political detainees, there are about 15000 Syrian citizens whose traces have been lost inside prisons, after their arrest because of their opinions and political affiliation. These were arrested in the 1970s and 1980s up to the 1990s, and their news was no longer known to their relatives who were not allowed to visit them. Nothing has been known about many of them. Most of them were arrested with the accusation of belonging to the Muslim Brotherhood.

It is difficult to be sure whether these are still alive or not, for some of the recently released detainees were thought for long years to have died. But the Syrian prisons today do not certainly hold 15000 political prisoners, which confirms the fears about the vast majority of the lost persons. It is thought that the lost either died in mass massacre (such as Tadmur massacre, 27/6/1980) or in the mass executions that continued till late 1980s, according to the reports of eyewitnesses among the detainees in that period, or under torture, or because of diseases and pestilences that overwhelmed some prisons and were enhanced by malnutrition and inhuman treatment.

The lost persons are still alive in the civil records, which causes numerous problems, the least of which is that their civil affairs (such as marriage, inheritance and the like) are suspended because their fate is unknown.

The SHRC declared on July 16, 2001 that it had received information from reliable sources about the movement of shovels to transfer a large amount of soil from a site to the east of desert city of Tadmur. The Committee believes that the operation was carried out to remove the traces of the collective graves of the victims of Tadmur's massacre that had been committed by the defense squads belonging to Rif'at al-Asad on June 27, 1980. The victims of the massacre were between 600 and 1200 most of whom being from the Muslim Brotherhood or those sympathizing with them.

The Syrian authorities organized visits for three Arab journalists to a site near Tadmur to confirm that no soil had been transferred from the area, but they did not deny or confirm the existence of the collective grave. It is believed that the site the journalists visited under official supervision was not the site of the intended collective grave. Yet the SHRC approved of the visit and regarded it an unprecedented positive initiative on the part of the Syrian authorities.

#### **CIVIL RIGHTS**

Most of the former political prisoners do not enjoy their civil rights, and they have constituted a special phenomenon and they are called “the deprived” of these rights. The deprivation of human rights entails the deprivation of jobs (the return to the previous job or getting a new one), deprivation of the right to travel abroad even for those who are in need of medical treatment, in addition to deprivation of all the political rights of citizenship such as voting in the elections or applying for public posts.

The problem of deprivation of civil rights is not confined to this group of Syrian citizens but there are also the coerced immigrants and exiles and the Kurds who suffer from a particular type of deprivation of whatever is related to their citizenship.

#### **THE COERCED IMMIGRANTS AND THE EXILED**

There are no precise statistics of the coerced immigrants and those exiled out of the country, but the SHRC –depending on the available information—estimates that since the beginning of the 1980s there have been 150,000 Syrian citizens that suffer from the deprivation of the right of returning home and of all official documents, especially passports, despite their living in exile.

This coercive measure disagrees with the Universal Declaration of Human Rights which emphasizes that “every human being wherever he may be has the right to have his legal personality recognized”, and that “every individual has the right to enjoy some nationality”, and “it is impermissible to coercively deprive somebody of his nationality”. The Universal Declaration also states that “everybody has the freedom to move and choose the place of his residence within the boundaries of each state”, and “every individual has the right to leave any country including his own and has the right to return to it”.

In the absence of legal controls a large number of coerced immigrants and exiles have lost their possessions in the country that have been transferred to some officials and officers in some security systems although that was an obvious violation of the Syrian Constitution that states that ‘homes are inviolable and impermissible to enter, or search except in cases based on the law’ and of the Universal Declaration of Human Rights that states that “Nobody shall be deprived of his possessions arbitrarily”.

The problem of this illegal deprivation of civil rights extends to the second generation of children and the third generation of grandchildren of those who have been subjected to coercive immigration, where all are cruelly treated. The authorities do not allow these to return home except after being subjected to severe security conditions including the disclosure of information about other citizens and perhaps the cooperation with security systems. Even those who would accept such terms would remain liable to arbitrary arrest and custody and maybe torture in case one returns home. The SHRC has observed some of these cases.

## **THE KURDS**

In Syria there are tens of thousands of the Syrian Kurdish citizens that are deprived of all their civil rights. Despite their living inside the country they are as if they were coerced immigrants, in respect of their deprivation of all official documents, beginning with birth certificates and ending with passports.

The authorities, in dealing with these citizens, depend on the census that was carried on in 1962 and was subjected to national political criteria that led to exclude from the census a proportion of the Kurdish population of the Northeastern areas of Syria. Kurdish sources estimate these at 200000 citizens today. Deprivation of recognized citizenship and official documents leads to deprivation of the opportunities of education and work.

As for those Kurds who enjoy the rights of complete citizenship, they are prone to arrest and maltreatment if they should show their adherence to their language and their national and cultural identity, for the Kurdish language is not recognized, and the circulation books and newspapers published in Kurdish is banned, in agreement with an old governmental categorization of Kurdish activists being accused of belonging to political separatist parties. However, the other national and ethnic minorities in Syria enjoy their own cultural and educational rights.

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## FEELING OF SECURITY: BETWEEN LAW AND NO LAW

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The State is responsible for its citizens and for safeguarding their security, a thing not enjoyed by the Syrian citizen who is liable to oppression because of his opinions. Oppression takes various forms including direct arrest and presenting to exceptional courts and other covert forms.

### ATTEMPTS OF ASSASSINATION, KIDNAPPING, THREATENING AND AGGRESSION

There occurred attempts of assassination, kidnapping, threatening or aggression that targeted political activists, dissidents or those who publicly criticized the authorities. Although those who were behind these incidents have not been revealed yet, these incidents strongly submit questions to those responsible for them. The most prominent events recorded this year are: the attempt of assassinating the lawyer Khalil Ma'tuq, who was exposed to a car accident on 9/7/2001 that was about to kill him; threats from an unknown source against the member of Parliament Riyad Saif before his arrest, and kidnapping the dissident journalist Nizar Nayouf on June 2001 a few days before his travel abroad for medical treatment.

### THE ABSENCE OF LAW

Syria lives a status of the absence of the law under the continuous use of exceptional laws that grants the executive power large authorities to arrest, try and imprison the citizens for long periods of time without being monitored.

There is obvious contradiction between the articles of the Constitution and article 153 that states that: "the valid laws that had been issued before the declaration of this Constitution remain in effect till they are modified in accordance with its rules". According to this article that enacts exceptional and oppressive laws, the following are still in effect:

1. The emergency state imposed by the decision of "Revolutionary Command Council" on March 8, 1963.
2. The exceptional laws imposed since 1963.
3. The Supreme State Security Court instituted in 1968.
4. The law of opposing the Revolution of 1968.
5. The laws of protecting the security men from the consequences of their practices.
6. Law no. 49 of 1980 which sentences to death just for one's adopting the ideology of the Muslim Brotherhood.

The Syrian Constitution states that all citizens are equal in rights and duties, yet meanwhile article 8 of the Constitution states that "the Socialist Arab Ba'th Party is the leading party of the society and the State and it leads a progressive national front that endeavors to unify the energies of the public and use them in serving the goals of the Arab nation". The practical application of this article leads to dividing the citizens into two categories: A (the Ba'th group) and B (the non-Ba'th group). This is clear in the elections of the People's Assembly that distributes its seats between the two groups, group A being given a relatively major share, which allows one party only to control political life.

## **PRISONS IN SYRIA**

The Syrian authorities closed during this year the political division of the prison of Tadmur, which is related to a notorious period of political detention and torture in Syrian history.

Reports in late August 2001 told of a major operation of transferring political prisoners from Tadmur as a preliminary step to close it officially. The operation was carried out in two steps: the first was in July 2001 when 284 political prisoners were transferred to the prison of Sednaya in Damascus and the second step in August when the total number of the prisoners transferred to Sednaya became 500. The Syrian authorities had closed Mezze military prison in Damascus in November 2000 in a step to change it into a museum.

But many prisons are still open and the prisoners suffer from facilities that are intentionally kept in bad state. Syria is well known for its numerous prisons; in Damascus and Aleppo only there are more than 14 prisons and 16 detention and investigation branches, according to the information of the SHRC.

## **THE SECURITY SYSTEMS**

The Security systems are still free to arrest any citizen they desire in the absence of the law. In Syria there is a large number of such systems (13 systems). The whole nation is in the realm of the jurisdiction of these systems randomly regardless of the name of the security system that may not describe its function but rather the cruelty of treatment that is practiced in it. Therefore, you cannot say when the jurisdiction of one system ends and that of another begins.

Since the 1980s, corruption has overwhelmed the security systems. Some of their officials would arrest citizens as a means of living; they would demand a substantial ransom from their families to set them free. When any Syrian citizen is arrested by any of these systems, it will not find it difficult to forge an accusation against him, for there is a long list of ready-made accusations, all of which would lead that charged with them to prison for long years and often without actual trial.