Resolution on the serious and systematic human rights violations in Syria

Presented by Damascus Center for Human Rights Studies (DCHRS)

The situation of human rights in the Syrian Arab Republic drastically deteriorated in 2009. Throughout the year the Syrian authorities and, in particular, members of the security forces committed numerous serious human rights abuses. In a climate of impunity, there were instances of extrajudicial, arbitrary or summary executions. On 21 March, 2010 the Syrian security forces left at least one person dead and others wounded at a Kurdish New Year celebration in Northern Syria. The violence against any Kurdish protests, or even gatherings or celebrations, is recurrent. Security forces arrested and detained individuals--including activists and other regime critics--without due process. Detainees are regularly tortured and physically abused in detention centres. Lengthy pretrial and incommunicado detention remained a serious problem. Throughout the year the government sentenced several high-profile human rights defenders to prison. The government imposed significant restrictions on freedoms of speech, press, assembly, association, and movement.

Human rights defenders and opposition activists, regardless of their political affiliation, face repression by the Syrian regime. Defenders are generally prosecuted and often convicted for peacefully exercising their rights to freedoms of expression, peaceful assembly, and freedom of association. Violations of the right to a fair trial are frequent at all stages of judicial proceedings and acts of mistreatment and torture have also been very regularly denounced during arrests by the State security services or during detention.

The recent arrests and detention of key lawyers and human rights defenders Muhannad Al Hassani and Haitham Al Maleh, the closure of the Syrian Centre for Metdia and Freedom of Expression are tangible and recent illustrations of the systematic violations of the freedoms of association and expression and the crackdown on independent human rights defenders.

In recent years, several human rights defenders have been sentenced to lengthy imprisonment. Kamel Al Labwani was sentenced to 12 years in prison in May 2007, for "communicating with a foreign country and inciting it to initiate aggression against Syria."

The Syrian regime continues to stifle all democratic breakthroughs. The relative calm that followed the wave of repression against members of the Spring of Damascus in 2001 ended with the publication of new texts calling for democratic reforms. Today, several opposition activists and human rights defenders are still being detained for having signed the Damascus Declaration in 2006 and having organised the implementation of the Damascus Declaration for Democratic National Change.

Vague legal provisions, such as Articles 285 and 286 of the Penal Code, facilitate the use of the courts for political purposes. Arbitrary procedures and the lack of judicial independence also lead to violations of the right to a fair trial. Military courts and Supreme State Security courts are frequently used to sentence prisoners of opinion.

The arbitrary nature of these arrests and convictions has been widely recognised, by both the European Union and by the UN Working Group on Arbitrary Detentions.

Allegations of torture and mistreatment, especially against prisoners of conscience, are recurrent in Syria. Detainees also regularly suffer from lack of proper care. The imprisonment of prisoners of conscience and human rights defenders with common law prisoners, encouraging them to monitor, threaten or attack their fellow inmates is a practice used regularly.

The Syrian regime refuses to tolerate any political party other than the ruling Baath party. All other political parties and movements are treated as illegal organisations and their members are therefore liable to prosecution under Article 288 of the Criminal Code.

Many people who are considered likely to harm the image of Syria abroad are regularly prevented from leaving the country. In recent years this repressive measure has targeted a growing number of political and human rights activists and tends to spread to their relatives and other sectors of the Syrian civil society. Similarly, representatives of cultural and academic communities have also been affected by this ban.

Kurdish opposition activists and human rights defenders are usually affected even more. Arrests, secret detention, unfair trials, torture and/or abuse are regularly reported. Discrimination against the Kurdish minority has been consistently criticised by UN agencies in recent years.

Many members of the Kurdish minority are not recognised as Syrians; without identity cards, travel documents, or birth certificates, they are denied access public hospitals, public employment or any profession requiring membership in a professional organisation (lawyers, journalists, engineers, doctors, etc.). They can no longer assert the right to property or to vote and are prevented from leaving the country. The practice of the Kurdish language is strictly limited; it is prohibited in schools and in the workplace.
Over the last two years, 26 soldiers of Kurdish origin died in dubious circumstances during their compulsory military service. No investigation into the circumstances of their deaths has been undertaken.

Lastly, the Syrian Arab Republic is recognised as one of the world's worst web and press oppressors.

On the eve of the Syrian National Day, 17 April and of the 10th anniversary of Bashar Al Assad's access to power on 17 July 2010, FIDH's Congress:

Urges the government of the Syrian Arab Republic to:

- Respect its obligations under international human rights standards, including all treaties to which it is party, e.g. the International Covenant on Civil and Political Rights and the Convention Against Torture;
- Lift the 47-year state of emergency;
- Release all human rights defenders and activists imprisoned for the peaceful exercise of their rights of expression, assembly and association, and end all forms of harassment, including legal action against human rights defenders and opposition activists;
- Guarantee for the prisoners the application of due process, and access to proper medical care, lawyers and their families;
- Dissolve State Security Courts and all exceptional jurisdictions and ensure full guarantees to the right to a fair trial and judicial independence;
- Put an immediate end to all practices of torture and ill treatment; immediately and systematically order investigations into cases of torture and prosecute the perpetrators and sponsors of these practices in accordance with the provisions of the CAT;
- Put an end to all repressive measures against opposition activists, human rights defenders and their relatives;
- Lift all travel restrictions issued against Syrian activists and abolish the system of "black listing";
- End discrimination and harassment against the Kurdish minority in Syria and comply strictly with the provisions of the Convention on the Elimination of All Forms of Racial

Discrimination;

Urges the United Nations, the European Union and the national governments to:

- Support human rights defenders within Syria;
- Call on the Syrian government to release all prisoners of conscience held for the peaceful exercise of their basic rights, as well as all prisoners and detainees imprisoned on such vague charges as « weakening national sentiment » (Article 285 of the Criminal Code), for « spreading information known to be false or weakening national sentiment » (Article 286), for « belonging to an association that aims to change the economic or social structure of the State » (Article 306) etc.;
- Call on the Syrian government to ensure prompt access by UN special procedures such as the UN special rapporteur on torture and the UN special rapporteur on the situation of human rights defenders, who have been requesting to carry out country-visits in Syria;
- Urge the Syrian authorities, in their political relations with them, to fully comply with their international human rights obligations and condition their cooperation with the Syrian Arab Republic on the respect of human rights and fundamental freedoms.