

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Events of 2004

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A prominent businessman in Aleppo has characterized Syria as a society in custody. Emergency rule imposed in 1963 remains in effect, and the authorities continue to harass and imprison human rights defenders and other non-violent critics of government policies. The government strictly limits freedom of expression, association, and assembly, and treats ethnic minority Kurds as second-class citizens. Women face legal as well as societal discrimination and have little means for redress when they become victims of rape or domestic violence. In a positive development, the government released more than one hundred long-time political prisoners in 2004, bringing to more than seven hundred the number of such prisoners freed by President Bashar al-Asad since he came to power in June 2000. Thousands of political prisoners, however, reportedly still languish in Syria's prisons.

#### ***Arbitrary Arrest and Detention, Torture, and Disappearances***

Syria has a long record of arbitrary arrests, systematic torture, prolonged detention of suspects, and grossly unfair trials. Thousands of political prisoners, many of them members of the banned Muslim Brotherhood and the Communist Party, remain in detention. In recent years, dozens of people suspected of being connected to the Muslim Brotherhood have been arrested upon their voluntary or forced return home from exile.

The London-based Syrian Human Rights Committee (SHRC) has alleged that several political prisoners died in custody in 2004 as a result of torture. While hundreds of long-term political prisoners have been released in recent years, many remain in detention even after serving their full prison sentences. The SHRC estimates that about four thousand political prisoners remain in detention in Syria today. The authorities have refused to divulge information regarding numbers or names of people in detention on political or security-related charges.

The government has never acknowledged responsibility for an estimated 17,000 personsLebanese citizens and stateless Palestinianswho were disappeared in Lebanon in the early 1990s and are known or believed to be imprisoned in Syria.

#### ***Arrests of Human Rights Activists and Political Critics***

Human rights activists continue to be a frequent target of the government. In April 2004 the authorities arrested Aktham Nuaiss, the fifty-three-year old head of the Committees for the Defense of Democratic Liberties and Human Rights in Syria after he organized a peaceful demonstration outside the parliament building calling for an end to emergency rule. He was released on bail in mid-August and permitted to travel abroad, but at this writing still faces charges under Syria's emergency law, including opposing the objectives of the revolution.

Dr. Arif Dalila, a prominent economics professor and one of many imprisoned critics of the government, continues to serve a ten-year prison term imposed in July 2002 for his non-violent criticism of government policies. Mamoun al-Homsi, a democracy activist and former member of parliament, is currently serving a five-year jail term for attempting to change the constitution. Five men remained in detention in late 2004 after being arrested more than a year earlier for downloading material critical of the government from a banned Web site and e-mailing it to others.

#### ***Discrimination and Violence Against Kurds***

On March 12, 2004, a clash between supporters of rival Kurd and Arab soccer teams in Qamishli, a largely Kurdish city near the border

with Turkey, left several dead and many injured. The following day, Kurds vandalized shops and offices during a funeral for the riot victims, and the violence spread to nearby areas. Police responded with live ammunition, killing at least two dozen people, injuring hundreds, and arresting many hundreds more. Human Rights Watch has received credible information that some of those detained were tortured in custody, and at least two of them reportedly died in detention.

Kurds are the largest non-Arab ethnic minority in Syria, comprising about 10 percent of Syria's population of 18.5 million, and have long called for reforms to address systematic discrimination, including the arbitrary denial of citizenship to an estimated 120,000 Syria-born Kurds. In June 2004 the authorities reportedly warned leaders of two unrecognized Kurdish political parties that no independent political activities would be tolerated.

### ***Discrimination against Women***

Syria's constitution guarantees equality for men and women, and many women are active in public life, but personal status laws as well as the penal code contain provisions that discriminate against women. The penal code allows for the suspension of legal punishment for a rapist if he chooses to marry his victim, and provides leniency for so-called honor crimes, such as assault or killing of women by male relatives for alleged sexual misconduct. Punishment for adultery for women is twice that for men. A husband also has a right to request that his wife be banned from traveling abroad, and divorce laws are discriminatory.

The government keeps no statistics regarding gender-based crimes such as domestic violence and sexual assault against women, although nongovernmental organizations say that domestic violence is common and that the government does not do enough to combat it or provide for victims.

### ***Key International Actors***

In May 2004, following U.S. Congressional passage of the Syria Accountability and Lebanese Sovereignty Act, President Bush banned exports of goods to Syria and Syrian commercial flights to the United States, and froze assets of certain Syrian individuals and government entities. The law, in authorizing such sanctions, cited Syria's hosting of Palestinian militant groups, its support for Lebanon's Hizballah organization, its military presence in Lebanon, its purported efforts to develop chemical and biological weapons, and its alleged support for anti-U.S. forces in Iraq.

In September 2002, the United States forcibly transferred Maher Arar, a dual Canadian-Syrian national whom the U.S. government alleges to have ties with al-Qaeda to Syria, despite Syria's long record of torturing detainees to extract confessions. Arar was arrested in September 2002 while traveling from Tunisia to Canada through New York's Kennedy Airport. U.S. immigration authorities flew Arar to Jordan, where he was handed over to Syrian authorities, despite his repeated statements to U.S. officials that he would be tortured in Syria. After he was released without charge ten months later and allowed to return to Canada, Arar alleged that he had been tortured repeatedly with cables and electrical cords by Syrian interrogators. In January 2004, Arar filed suit in U.S. federal court alleging violations of the Torture Victim Protection Act.

A Syrian-born German national, Muhammad Haydar Zammar, was arrested in Morocco in November 2001 and secretly transferred to Syria, reportedly with the assistance of the United States. He is said to be in solitary confinement in a tiny underground cell in the Palestine Branch of Military Intelligence headquarters in Damascus, where torture and ill-treatment are reportedly common.

The European Commission and Syria initialed an Association Agreement in October 2004 which will be signed in early 2005 and then sent to the parliaments of all European Union member states and the European Parliament for ratification. The text stipulates that Syria must implement all international non-proliferation accords and that respect for human rights and democratic principles constitutes an essential element of the agreement. No E.U. member state appeared at this writing to have called attention to the discrepancy between Syria's practices and the human rights provision of the agreement.

In September 2004, France joined the U.S. to co-sponsor U.N. Security Council Resolution 1559, which demands that outside powers, i.e., Syria, withdraw their military forces from Lebanon.

Human Rights Watch defends the rights of people in 90 countries worldwide, spotlighting abuses and bringing perpetrators to justice.

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