



Submission by: Front Line Defenders – The International Foundation for the Protection of Human Rights Defenders

Related to: Syrian Arab Republic

UPR session: 26th session of the UPR – November 2016

Submitted on: 24 March 2016

Front Line Defenders (www.frontlinedefenders.org) is an international NGO based in Ireland with special consultative status with the Economic and Social Council of the United Nations (ECOSOC). Founded in 2001, Front Line Defenders has particular expertise on the issue of security and protection of human rights defenders and works to promote the implementation of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) adopted by General Assembly resolution 53/144 of 9 December 1998

The following submission has been prepared by Front Line Defenders based on research carried out by this organisation and information received from independent human rights defenders and NGOs in Syria.

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Previous UPR cycle

1. At the end of the previous UPR cycle, in October 2011, Syria accepted 21 recommendations related to freedom of expression, freedom of association and peaceful assembly, media freedom, as well as a recommendation related to the release of all detained human rights defenders. However, the escalation of the violence into a conflict has caused an enormous humanitarian crisis and a serious deterioration of the situation of human rights defenders.

Summary of main concerns

2. The ongoing armed conflict represents a profound failure of the international community. Violence has mutated from repression of protests into civil war, and left behind hundreds of thousands of casualties and infinite harm. The complex political context that has given rise to the civil war has its roots in the **state of emergency** declared in 1962, which allowed human rights abuses to happen with impunity.

3. Freedom of expression is formally guaranteed under Syrian law but is in practice severely curtailed. Human rights defenders and non-governmental organisations calling for democratic reforms have been systematically silenced and subjected to **torture** and ill-treatment. Human rights defenders and journalists have been **questioned** by security forces or **arrested** after expressing criticism of the regime or denouncing violations by both state or non-state actors alike.

4. The Ministry of Social Affairs repeatedly rejected registration requests of human rights organizations, relying on the **1958 Law on Associations and Private Societies** (Law No. 93) which regulates the establishment of associations.

5. Human rights defenders, lawyers, journalists and academics have been subjected to arbitrary arrest, incommunicado and secret detention, ill-treatment, torture, enforced disappearance, unfair trials and killings, merely for carrying their peaceful human rights work and exercising their basic fundamental rights such as freedom of expression and freedom of assembly and association. They have been a direct target of **government forces, pro-government militias** and **non-state armed groups**, including ISIS, Al-Qaeda and Jabhat Al-Nusra. The fate of many of those disappeared remains unknown.

6. **Special courts** including the counter-terrorism court and military courts, the National Security Bureau and security agencies are among the bodies primarily responsible for targeting human rights defenders, many of whom also had their movement restricted through travel bans. The emergency law granted the security services broad powers of arrest, which have been used against human rights defenders.

7. The government has **monitored online communication** and censored online content, and – long before the conflict – adopted a policy of surveillance against human rights defenders.

Prosecution of HRDs before special courts

8. The emergency law (Legislative Decree No.51 of 22 December 1962) provided the basis for the establishment of special courts such as the Supreme State Security Court (SSSC). A number of human rights defenders, journalists and bloggers have been tried before special courts, which provide for limited or no access to lawyers. Furthermore, decisions of special courts, such as military and counter-terrorism courts, are not subject to appeal and allow for the use of confessions extracted under torture as evidence.

9. Authorities also use several provisions in the Penal Code to silence critics, such as “issuing calls that weakens national sentiment” (Article 285), “spreading false or exaggerated information that weakens national sentiment while Syria is at war or is expecting a war” (Article 286), or

undertaking “acts, writings or speech that incite sectarian, racial, or religious strife” (Article 307).

10. **Anti-terrorism legislation** has also been widely used against human rights defenders. Members of the Syrian Center for Media and Freedom of Expression, Messrs Hussain Ghrer, Hani Al-Zaitani and Mazen Darwish, were arrested by Syrian Air Force personnel on February 2012 in Damascus, and charged with publicising terrorist acts pursuant Article 8 of the sweeping 2012 Anti-Terrorism Law. They were tried before the Anti-Terrorism Court but were eventually released in July and August 2015. However, they were released conditionally and the charges against them were not formally dropped.

Arbitrary detention

11. Arbitrary detention has been widely used by security forces against human rights defenders. In many cases, they were detained **without an arrest warrant** or a notification of the reasons for the arrest. They were held in detention centres known for human rights abuses as well as in secret detention centres. Many of the cases reported internationally were cases of **incommunicado or secret detention**. In such cases it is difficult to obtain information about those detained; information has often been received through other detainees, during visits or upon their release.

12. Many of the cases of arbitrary detention documented by Front Line Defenders eventually became instances of enforced disappearance. According to information received by her family, human rights defender Ms Faten Rajab Fawaz was tortured and beaten severely. A physicist by profession, she was arrested in December 2011 by Syrian Air Force Intelligence officers following her participating in peaceful protests in Damascus and for organising peaceful demonstrations for the women of Douma. She was held in solitary confinement for approximately a month. She was transferred repeatedly between Adra prison and a Military Intelligence detention centre while awaiting trial before a military field court on undisclosed charges. However, since July 2014 her whereabouts are unknown. Many similar cases of arbitrary detention resulting in enforced disappearance are listed in paragraphs 14-20.

Torture by government forces

13. Torture is commonplace in detention centres and is reportedly mostly undertaken by intelligence services. There were numerous reports of human rights defenders, protesters and activists being tortured, beaten, ill treated, insulted and placed in solitary confinement. Several human rights defenders, protesters and activists died after suffering torture in detention.

14. Mr Oday Rajab died on 22 June 2015 of kidney failure, which appears to be a result of his torture by the members of Syrian security forces in a government prison. Mr Rajab, a former opposition figure, returned to Syria from abroad after guarantees for his safety were provided by the Minister of National Reconciliation. However, Mr Rajab was arrested in June 2015 in the western city of Tartus at a military intelligence checkpoint and detained for eight days. According to his colleagues and the Syrian Observatory of Human Rights, Mr Rajab was tortured and severely beaten during his detention and was later moved to a hospital where he died of renal failure.

Enforced disappearances

15. Front Line Defenders has received reports of **at least ten instances of enforced disappearance of human rights defenders at the hand of the government**, since 2012. Sometimes following a summons for questioning or an arrest, human rights defenders have been placed in secret detention centres. Many of the victims have spent years without being able to inform their families about their whereabouts and there are reports of secret sections within official prisons such as the Adra and the Sednaya prisons. **The fate of numerous missing activists have never been established**. Many disappeared human rights defenders have received international attention, including through global campaigns and by United Nations human rights

bodies.

16. Mr Bassel Khartabil is a peaceful online freedom of expression activist. He was arrested in March 2012 and held in incommunicado detention for eight months, where he was reportedly subjected to torture and other ill-treatment. He was charged by a Military Field Court. He was moved to Adra prison in December 2012, where he remained until October 2015, when he was transferred to an undisclosed location. His whereabouts remain unknown since then.

17. Human rights defenders Abdul Aziz Al Kheir, Iyas Ayash and Maher Tahan are all members of the National Coordination Committee (NCC). They were arrested in September 2012 by Air Force Intelligence officials, following a meeting with the Chinese government in Beijing. Syrian authorities have denied their detention and their fate and whereabouts remain unknown.

18. Human rights defender and lawyer Mr Khalil Maatouq was arrested by the Syrian authorities on October 2012, along with his driver Mr Mohamed Zaza, due to his engagement in the defence of political prisoners through the Syrian Centre for the Defence of Detainees and the Syrian Centre for Legal Studies and Research. He was seen in detention at the State Security Branch 285 and Military Intelligence Branch 235 in Damascus. His fate and whereabouts remain unknown.

19. Mr Abd-al Hadi Cheikh Awad, director of the Syrian Democratic Institute, was arrested by members of the security forces in December 2013 at the immigration office close to the Syrian-Lebanese border, while on his way to Beirut. His whereabouts remain unknown.

20. Human rights defender and lawyer Mr Roshdy al-Cheikh Rasheed was arrested by the Syrian authorities on January 2014 in Tadmor, in the Homs Governorate. Roshdy is the vice-president of the Arab Organization for Human Rights in Syria (AOHR). He was taken from his home to an unknown location by plainclothes police. His whereabouts remain unknown.

21. In October 2014, human rights defender Mr Jdea Abdullah Nawfal, executive director of the Syrian Centre for Democracy and Civil Rights, was arrested by Syrian security forces on the Lebanese-Syrian border. He was on his way back to Syria after attending a human rights event in Lebanon. His whereabouts are unknown.

Disappearances by non-state actors

22. Non-state armed groups opposing the government also resorted to the use of disappearances against human rights defenders. Human rights lawyer Ms Razan Zeitouneh, her husband Wael Hamada, and her colleagues Samira Khalil and Nazem Hammadi were abducted by members of an armed groups in December 2013. They were taken following a raid on the office of the Violations Documentation Center (VDC) in the Damascus suburb of Douma. In addition to founding the VDC, the four human rights defenders contributed to founding the Local Coordination Committee in Syria (LCC) and worked to provide humanitarian assistance to residents of Eastern Ghouta.

23. Human rights defender and lawyer Mr Abdullah al-Khalil was abducted by unidentified armed groups on May 2013. He is the head of the local council for al-Raqqa Governorate and was arrested five times since 2011 by government forces. On November 2013 his house was seized by ISIS and his whereabouts remain unknown.

Killings by non-state actors

24. Armed groups involved in the Syrian conflict have committed numerous killings of human rights defenders and journalists denouncing abuses they committed. Many have been targeted by Islamist groups both inside and outside Syria.

25. At least five journalists affiliated with **Raqqa Is Being Slaughtered Silently** (RBSS) were killed between July and December 2015. RBSS was founded in April 2014 by a group of young Syrian journalists in order to disseminate information and media reports about abuses and crimes committed by ISIS in Syria. Most group members and their relatives received death threats from ISIS. On 5 July 2015, ISIS released a video showing the killing of two RBSS journalists, Messrs Bashir Abduladhim as-Salem and Faisal Hussain al-Habib. On 16 December 2015, an RBSS reporter, Mr Ahmad Mohamed al-Mousa, was murdered by a gunmen in Idlib.

26. Killings have also occurred **outside the Syrian borders**. In October 2015, two members of RBSS, Messrs Fares Hammadi and Ibrahim Abd al-Qader, were killed in the south-eastern Turkish city of Şanlıurfa, approximately 60 miles from Raqqa. ISIS claimed responsibility for the killing. On 27 December 2015, Mr Najji al-Jourf, a Syrian film maker and journalist, was shot dead by an unknown person in the southern Turkish province of Gaziantep. Al-Jourf exposed ISIS atrocities in Aleppo in a documentary produced by the RBSS group and released on 29 September 2015.

HRDs working in refugee camps

27. A number of human rights defenders working on the human rights situation in refugee camps have also been targeted by non-state actors. The **Yarmouk camp**, located outside of the city of Damascus, is currently hosting around 18,000 Palestinian refugees and Syrian internally displaced people. The security situation within the camp has been deteriorating since 2012, due to the expansion of the armed conflict in Syria. Human rights defenders and humanitarian volunteers operating in the camp have been killed by militant groups. On 23 February 2015, Mr Firas Al Najji, a member of the Palestinian League for Human Rights (PLHR), was shot dead in his residence in the camp.

28. Human rights defender Abdullah Al Khateeb, founding member of the PLHR, repeatedly faced death threats, in particular following a raid by ISIS militia in his residence in the Yarmouk camp in April 2015. Mr Al Khateeb has been monitoring and documenting human rights violations of Palestinian refugees by different parties of the Syrian conflict. Al Khateeb was able to leave his home shortly before the raid, which followed an attempt to kidnap him in March 2015.

Recommendations

29. The current situation of human rights defenders in Syria is inextricably linked to the conflict. Improvements are very difficult and unlikely unless a solution to the conflict is found. Nevertheless, it is essential that human rights defenders are respected and protected also in time of conflict and that they do not represent a target for the parties to the conflict. In this light, Front Line Defenders calls upon the member states of the UN Human Rights Council to urge the Syrian authorities as well as all other parties to the conflict to ensure the protection of human rights defenders and in particular:

- (a) Authorities and armed groups should stop targeting human rights defenders and ensure that they are able to carry out their legitimate activities assisting victims of human rights violations during the conflict;
- (b) Cease the practice of holding human rights defenders incommunicado, or in secret or unofficial detention centres, and immediately disclose the whereabouts of all human rights defenders, protesters and other activists currently in detention;
- (c) Release all human rights defenders, lawyers, journalists, protesters and other activists arbitrarily detained for their peaceful and legitimate work;
- (d) Take urgent measures to ensure an end of torture in places of detention;
- (e) Cease the use of military courts and other special courts such as the counter-terrorism

courts to prosecute human rights defenders;

- (f) Ensure that human rights defenders and independent civil society are allowed to play their important role in any peace process, including through providing a voice for the victims of the conflict.