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U.S. Department of State

Syria Country Report on Human Rights Practices for 1996

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SYRIA

Despite the existence of some institutions of democratic government, Syria's political system places virtually absolute authority in the hands of the President, Hafiz Al-Asad. Key decisions regarding foreign policy, national security, internal politics, and the economy are made by President Asad with counsel from his ministers, high ranking members of the ruling Ba'th Party, and a relatively small circle of security advisers. Although the Parliament is elected every 4 years, the Ba'th Party is guaranteed a majority. The Parliament does not initiate laws, but only passes judgment on and sometimes modifies those proposed by the executive branch. The judiciary is constitutionally independent, but this is not the case in the exceptional (state of emergency) security courts, which are subject to political influence. The regular courts display independence, although political connections and bribery can influence verdicts. In general, all three branches of Government are guided by the views of the leadership of the Ba'th Party, whose primacy in state institutions is mandated by the Constitution.

The powerful role of the security services in government, which extends beyond strictly security matters, stems in part from the state of emergency that has been in place almost continuously since 1963. The Government justifies martial law because of the state of war with Israel and past threats from terrorist groups. Syrian Military Intelligence and Air Force Intelligence are military agencies, while General Security, State Security, and Political Security come under the purview of the Ministry of Interior. The branches of the security services operate independently of each other and outside the legal system. Their members often ignore the rights of suspects and detainees and commit serious human rights violations.

The economy is based on commerce, agriculture, and oil production. It consists of a generally inefficient public sector, a private sector, and a mixed public/private sector. A complex bureaucracy and endemic corruption hamper economic growth. The Government has sought to promote the private sector through incentives and deregulation. Real economic growth is about 3.6 percent, although real per capita growth is less than 1 percent. Annual per capita gross domestic product is about \$900, and inflation about 15 percent per year. Wage increases in the public sector have not kept pace with cost of living increases, and the gap between rich and poor has widened.

The human rights situation remained poor, and the Government continues to restrict or deny fundamental rights. Serious abuses include the widespread use of torture in detention; generally poor prison conditions; arbitrary arrest and prolonged detention without trial; fundamentally unfair trials in the security courts; an inefficient judiciary that suffers from corruption and, at times, political influence; infringement on citizens' privacy rights; limits on the freedom of movement; and, despite a slight loosening of censorship restrictions, the denial of the freedoms of speech, press, assembly, and association. Because the Ba'th Party's domination of the political system is guaranteed by the Constitution, citizens do not have the right to change the government. The Government uses its vast powers so effectively that there is no organized political opposition and there have been very few antiregime manifestations. There is some societal discrimination and violence against women and discrimination against the Kurdish minority. The Government suppresses worker rights. Reportedly about 100 political activists were arrested in March. In May up to 800 members of the ethnic Turkoman minority were arrested, and perhaps 100 remain in detention without charge. As many as 3,000 political prisoners were released in late 1995, but there were no additional releases in 1996.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of political killings and no confirmed reports of deaths in detention, although such deaths have occurred in previous years. There was an unconfirmed report of the death in detention of a Syrian schoolteacher, who allegedly was arrested for belonging to an Islamist group. The victim's body allegedly showed signs of torture, while security authorities reported that the detainee died in prison of a heart attack. Previous deaths in detention have not been investigated by the Government, and the number and identities of prisoners who died in prisons since the 1980's remains unknown. On December 31, a bomb exploded on a private transport bus in central Damascus, killing at least 11 persons and wounding 47 others. The perpetrators and motivations for this bomb attack were unknown at year's end.

b. Disappearance

There were no confirmed reports of politically motivated disappearances. Despite inquiries by international human rights organizations and foreign governments, the Government offered little new information on the welfare and whereabouts of persons who have been held incommunicado for years or about whom no more is known other than the approximate date of their detention (see Section 1.d.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Despite the existence of constitutional provisions and several Penal Code penalties for abusers, there was credible evidence that security forces continue to use torture. Former prisoners and detainees have reported that torture methods include electrical shocks; pulling out fingernails; the forced insertion of

objects into the rectum; beatings, sometimes, while the victim is suspended from the ceiling; hyperextension of the spine; and the use of a chair that bends backwards to asphyxiate the victim or fracture the spine. Although torture may occur in prisons, torture is most likely while detainees are being held at one of the many detention centers run by the various security services throughout the country, and particularly while the authorities are trying to extract a confession or information about an alleged crime or alleged accomplices.

The Government continues to deny the use of torture, and claims that it would prosecute anyone believed guilty of using excessive force or physical abuse. There was no news of any prosecutions of security officials during the year, although past victims of torture have identified the officials who beat them, up to the level of brigadier general. In allegations of excessive force or physical abuse made in court, the plaintiff is required to initiate his own suit against the alleged abuser in civil proceedings.

Prison conditions vary and generally are poor and do not meet minimum international health and sanitation standards. Facilities for political or national security prisoners are generally worse than those that house common criminals. The prison at Tadmur in Palmyra, where many political and national security prisoners have been kept, is widely considered to have the worst conditions. At some prisons, authorities allow visitation rights, but in other cases security officials demand bribes from family members wishing to visit incarcerated relatives. Overcrowding and substandard or insufficient food exist at several prisons. Some former detainees have reported that the Government prohibits reading materials, even the Koran, for political prisoners.

The Government does not permit independent monitoring of prison or detention center conditions.

In instances in which foreign nationals are arrested, the authorities sometimes delay or deny prison visits by foreign diplomats. The authorities consider Syrian nationals who hold dual nationality only as Syrians, and thus do not necessarily recognize or grant requests by foreign diplomats to visit or otherwise assist such persons. Even in some of those cases where the Government granted foreign diplomats access to dual nationals, the diplomats had to wait for over a month to gain access. The Government did not grant access in all cases.

d. Arbitrary Arrest, Detention, or Exile

The Emergency Law, which authorizes the Government to conduct preventive arrests, overrides the Penal Code provisions against arbitrary arrest and detention, including the need to obtain warrants. Officials contend that the Emergency Law is applied only in narrowly defined cases. Nonetheless, in cases involving political or national security offenses, arrests are generally carried out in secret, and suspects may be detained incommunicado for prolonged periods without charge or trial and are denied the right to a judicial determination for the pretrial detention. Some of these practices are prohibited by the state of emergency, but the authorities are not held to these strictures.

The Government apparently has continued to detain the relatives of detainees or of fugitives in order to obtain confessions or the fugitive's surrender (see Section 1.f.).

Defendants in civil and criminal trials have the right to bail hearings and the possible release from detention on their own recognizance. There is no bail option for those accused of national security offenses. Unlike defendants in regular criminal and civil cases, security detainees do not have access to lawyers prior to or during questioning.

Detainees have no legal redress for false arrest. Security forces often do not provide detainees' families

with information on their welfare or location while in detention. Consequently, many people who have disappeared in past years are believed to be in long-term detention without charge, or possibly to have died in such detention. The number of those who disappeared in this way probably has declined over the past few years, although this may be due to the Government's success in deterring political activity rather than a loosening of criteria for detention. The Government brought to trial many detainees who have been held incommunicado for years. However, those trials have been unfair (see Section 1.e.).

Pretrial detention may be lengthy even in cases not involving political or national security offenses. The criminal justice system is backlogged; many criminal suspects are held in pretrial detention for months, and may have their trials extended for additional months. Lengthy pretrial detentions and drawn-out court proceedings are caused by a shortage of available courts and the absence of legal provisions for a speedy trial or plea bargaining. According to local lawyers, the new civilian courts announced in 1995 have not come into existence, and the criminal justice system remains backlogged.

There were two reports of large-scale politically motivated arrests. There were local reports that the Government arrested up to 100 political activists in Dayr Al-Zur in March. No further information has become available on the whereabouts of these alleged political detainees. In May the Government detained without charge up to 800 members of the Turkoman minority, including community leaders, in connection with a series of small explosions in 4 cities. Most of the Turkomans were reportedly released in July, but as many as 100 still remain in detention.

The last significant releases of political detainees were in late November and December 1995 (see Section 1.e.). While most of the doctors, lawyers, and engineers arrested in a mass crackdown in 1980 have been released, some apparently remain in prolonged detention without charge. Many Palestinian, Jordanian, and Lebanese citizens had been detained without charge by Syrian security services in both Lebanon and Syria, without any public accounting by the Government.

The number of remaining political detainees is likely in the hundreds or more. The number of political detainees is difficult to estimate since the Government does not verify publicly the number of detentions without charge, the release of detainees, or whether detainees are subsequently sentenced to prison (see Section 1.e.).

The Government has exiled citizens in the past, although the practice is prohibited by the Constitution. There were no known instances of forced exile in 1996.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, but the two exceptional courts dealing with alleged security cases are not independent of executive branch control. The regular court system displays independence, although political connections and bribery sometimes influence verdicts.

The judicial system is composed of the civil and criminal courts; the religious courts, which adjudicate matters of personal status such as divorce and inheritance; military courts; and the security courts. The Supreme Constitutional Court is empowered to rule only on the constitutionality of laws and decrees. It does not hear appeals.

Civil and criminal courts are organized under the Ministry of Justice. Defendants before these courts are entitled to the legal representation of their choice; the courts appoint lawyers for indigents; defendants are presumed innocent, are allowed to present evidence, and allowed to confront their accusers; and trials are public, except for those involving juveniles or sex offenses. Defendants may appeal their

verdicts to a provincial appeals court and, ultimately to the Court of Cassation, which is the highest court of appeal. However, such appeals are hampered because the courts do not provide verbatim transcripts of cases--only summaries prepared by the presiding judges. There are no juries.

Military courts have the authority to try civilian as well as military personnel. The venue for a civilian defendant is decided by a military prosecutor. There were continuing reports that the Government operates military field courts, in locations outside of established courtrooms. Such courts reportedly observe fewer of the formal procedures of regular military courts.

The two security courts are the Supreme State Security Court (SSSC), which tries political and national security cases, and the Economic Security Court (ESC), which tries cases involving financial crimes. Both courts operate under the state of emergency, not ordinary law, and do not observe constitutional provisions safeguarding defendants' rights.

Charges against defendants in the SSSC are often vague. Many defendants appear to be tried for exercising normal political rights, such as free speech. For example, the Emergency Law authorizes the prosecution of anyone "opposing the goals of the revolution" or "shaking the confidence of the masses in the aims of the revolution," or trying to "change the economic or social structure of the State." Nonetheless, the Government contends that the SSSC tries only persons who have sought to use violence against the State.

Under SSSC procedures, defendants are not present during the preliminary, or investigative, phase of the trial, when evidence is presented by the prosecutor. Trials are usually closed to the public. Lawyers are not guaranteed access to their clients before the trial and are excluded from the court during their client's initial interrogation by the prosecutor. Lawyers submit written defense pleas, rather than oral presentations. The State's case is often based on confessions, but defendants have not been allowed to argue in court that the confessions were coerced. There is no known instance in which the court ordered a medical examination for a defendant who claimed that he was tortured. The SSSC has reportedly acquitted some defendants, but the Government does not provide any statistics on the conviction rate. Defendants do not have the right to appeal verdicts, but sentences are reviewed by the Minister of Interior, who may ratify, nullify, or alter sentences. The President may also intervene in the review process.

Many--perhaps hundreds--of cases passed through the SSSC in 1996. Most involved charges relating to membership in various banned political groups, including the Communist Party, the Party for Communist Action, and the pro-Iraqi wing of the Ba'th Party. In the recent past, sentences have ranged up to 15 years.

The Economic Security Court (ESC) tries persons for alleged violations of foreign-exchange laws and other economic crimes. Prosecution of economic crimes is not applied uniformly, as some government officials or business people with close connections to the Government have likely violated Syria's strict economic laws without prosecution. Like the SSSC, the ESC does not guarantee defendants due process. Defendants may not have adequate access to lawyers to prepare their defenses, and the State's case is usually based on confessions. Verdicts are likely influenced by high-ranking government officials. Those convicted of the most serious economic crimes do not have the right of appeal, but those convicted of lesser crimes may appeal to the Court of Cassation.

The last significant releases of political prisoners and detainees were in late November and December 1995. Originally the Government claimed to have released some 1,650 political prisoners in November, but local estimates now place the number released between 2,200 and 3,000. Many of those released

apparently were members of the Muslim Brotherhood who had not been involved in acts of violence. The release also may have included some persons from banned Communist parties, pro-Iraqi Ba'athists, and Nasserites. Some former prisoners reported having to sign admissions of guilt or loyalty oaths as a condition of their release. Other prisoners released in November 1995 apparently were in poor health as a result of their incarceration; they had been incarcerated without charge or have been detained in prison beyond the expiration of their original prison sentences, sometimes for years.

A Presidential amnesty issued in December 1995 provided for the release of some 6,000 to 7,000 prisoners who had committed common crimes. Among those released under this amnesty were 500 to 700 persons convicted by the extraconstitutional Economic Security Court. Consistent with past practice, the Government did not announce the number of prisoners released, nor has it responded to requests from international human rights groups and foreign governments for their names. In 1995 the Government also released four former Ba'th party officials imprisoned since 1970. The Government has released virtually all of those arrested at the time President Asad took power in 1970. At least three persons arrested during that period remain in prison, even though the sentences of two of them expired in 1985. The third apparently was never tried.

The Government denies that it holds political prisoners, arguing that, although the aims of some prisoners may be political, their activities, including subversion, were criminal. However, the Emergency Law and the Penal Code are so vague, and the Government's power so broad, that many persons were convicted and are in prison for the mere expression of political opposition to the Government. The current population of political prisoners may range from several hundred to over 2,000.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although laws provide for freedom from arbitrary interference, the Emergency Law authorizes the security services to enter homes and conduct searches with warrants if security matters--very broadly defined--are involved. The security services selectively monitor telephone conversations and facsimile transmissions and interfere with the mail. The Government opens mail destined for both citizens and foreign residents. It also prevents the delivery of human rights materials.

The Government apparently has continued its practice of threatening or detaining the relatives of detainees or of fugitives in order to obtain confessions or the fugitive's surrender.

The incidence of security checkpoints has diminished. There are fewer police checkpoints on roads and in cities and towns than in previous years. Generally, the security services set up checkpoints to search for smuggled goods, weapons, narcotics, and subversive literature. The searches take place without warrants. The Government and the Ba'th Party have monitored and tried to restrict some citizens' visits to foreign embassies and cultural centers.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides citizens with the right to express their opinions freely in speech and in writing, but the Government restricts these rights significantly. The Government strictly controls dissemination of information and permits no written criticism of the President, the President's family, the Ba'th Party, the military, or the legitimacy of the regime. The Emergency Law allows the Government broad discretion in determining illegal expression. It prohibits the publishing of "false

information," which opposes "the goals of the revolution" (see Section 1.e.). In the past, the Government has imprisoned journalists for failing to observe press restrictions. There is no information on whether these journalists are still imprisoned, nor were there any known arrests of journalists during the year. There were, however, reports that the state security services threatened local journalists for articles printed outside Syria.

The Ministry of Information and the Ministry of Culture and National Guidance censor the domestic and foreign press. They usually prevent publication or distribution of any material deemed threatening or embarrassing to the Government. Censorship is usually stricter for materials in Arabic. Commonly censored subjects include: the Government's human rights record; Islamic fundamentalism; allegations of official involvement in drug trafficking; aspects of the Government's role in Lebanon; graphic descriptions of sex; material unfavorable to the Arab cause in the Middle East conflict; and material that is offensive to any of Syria's religious groups, or is partial to sectarianism. In addition, most journalists and writers in Syria practice self-censorship, in order to avoid provoking a negative government reaction.

The Ministry of Culture and National Guidance censors fiction and nonfiction works, including films. It also determines which films may not be shown at the cultural centers operated by foreign embassies.

There continued to be a modest relaxation of censorship during the year. The media demonstrated somewhat wider latitude in reporting on regional developments, including the Middle East peace process. The media covered some peace process events factually, but other events were reported selectively to buttress official views. The Government newspapers continued to publish reports on government malfeasance and low-level corruption. Stories on high-level government corruption were printed in non-Syrian Arabic newspapers available for purchase in Syria, but these cases were portrayed as positive examples of the Government's anticorruption campaign.

The Government or the Ba'th Party owns and operates the radio and television companies and the newspaper publishing houses. There are no privately owned newspapers. The Ministry of Information scripts the radio and television news programs to ensure that they follow the government line. The Government does not interfere with broadcasts from Israel. In late 1994, the Government announced that it would confiscate satellite receiving dishes and replace them with a government-controlled cable distribution system. However, no dishes were confiscated. It appears that the Government has informally sanctioned private ownership of satellite dishes, which continue to proliferate.

The Government restricts academic freedom. Public school teachers are not permitted to express ideas contrary to government policy, although authorities allow somewhat greater freedom of expression at the university level.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly does not exist. Citizens may not hold meetings unless they obtain permission from the Ministry of Interior. Most public demonstrations are organized by the Government or Ba'th Party. The Government applies the restrictions on public assembly in the Palestinian refugee camps, where controlled demonstrations have been allowed.

The Government restricts freedom of association. Private associations must be registered with the Government in order to be considered legal. Some groups have not been able to register presumably because the Government viewed them as political, even though the groups considered themselves strictly cultural or professional. Unregistered groups may not hold meetings, and the authorities do not

allow the establishment of independent political parties. The Government usually grants registration to groups not engaged in political or other activities deemed sensitive.

In 1980 the Government dissolved, then reconstituted under its control, the executive boards of professional associations after some members staged a national strike and advocated an end to the state of emergency. The associations have not been independent since that time and are generally led by members of the Ba'th Party, although independents are allowed on their executive boards.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. The only advantage given to a particular religion by the Constitution is that which requires the President to be a Muslim. All religions and sects must register with the Government, which monitors fundraising and requires permits for all meetings by religious groups, except for worship. Although no law prohibits non-Muslims from proselytizing Muslims, the Government discourages such activity. The few remaining Jews are generally barred from government employment and do not have military service obligations. They are the only minority group whose passports and identity cards note their religion. There is mandatory religious instruction in schools, with government-approved teachers and curriculum. The religion courses are divided into separate classes for Muslim and Christian students, respectively. Syrian Jews have a separate primary school for Jews only, which includes religious instruction (see Section 5).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government restricts travel near the Golan Heights and occasionally near Iraq. Travel to Israel is illegal. Citizens require government permission to travel abroad. Some have been denied such permission on political grounds, although government officials deny that the practice occurs. The authorities may prosecute any person found attempting to emigrate or travel abroad without official permission, or who is suspected of having visited Israel. On the other hand, there is no evidence that the Government persecuted upon their return those who applied for, but were denied, asylum abroad.

Women over the age of 18 have the legal right to travel without the permission of male relatives. In practice, either the husband or the wife may file a request with the Ministry of Interior to prohibit the spouse's departure from Syria. A father may request that the Ministry prohibit travel abroad by unmarried daughters, even if they are over 18 years of age.

The United Nations Relief and Works Agency (UNRWA) reported that as of June 1996 there were 347,391 registered Palestinian refugees in Syria. Palestinian refugees sometimes encounter difficulties in obtaining travel documents and reentering Syria after traveling abroad. The Government restricts entry by Palestinians who are not resident in Syria. The Government does not allow the Palestinian residents of Gaza to visit Syria.

The Government cooperates on a case-by-case basis with the office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provides first asylum; approximately 1,735 persons sought asylum through the UNHCR in 1996. Although the Government denied any forced repatriation of those who may have had a valid claim to refugee status, it apparently forcibly repatriated some Iraqi refugees, as well as some Sudanese, Iranian, Somali, and Libyan asylum seekers. At year's end there were an estimated 37,000 non-Palestinian refugees in Syria, of which approximately 3,500 were receiving assistance from the UNHCR, including 2,000 refugees of Iraqi origin at the El Hol camp and other locations.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Although citizens ostensibly vote for the President and members of Parliament, they do not have the right to change their government. The President has run for election unopposed since taking power in 1970, and political opposition to his rule is not tolerated. The President and his senior aides, particularly those in the military and security services, ultimately make all basic decisions on political and economic life with no element of public accountability.

Moreover, the Constitution mandates that the Ba'th party is the ruling party in Syria and is guaranteed a majority in all government and popular associations, such as workers' and women's groups. Six smaller political parties are also permitted and, along with the Ba'th party, make up the National Progressive Front (NPF), a grouping of parties which represents the sole framework of legal political participation for citizens. While created ostensibly to give the appearance of a multiparty system, the NPF is dominated by the Ba'th party and does not change the essentially one-party character of the political system. The non-Ba'th party members of the NPF exist as political parties largely in name only and hew closely to Ba'th party and government policies.

The Ba'th party dominates the Parliament, or "People's Council." Although parliamentarians may criticize policies and modify draft laws, the executive branch retains ultimate control over the legislative process. Since 1990 the Government has allowed independent non-NPF candidates to run for a limited number of seats in the 250-member People's Council. The current number of independent deputies is 80, guaranteeing a permanent absolute majority for the Ba'th party-dominated NPF.

Persons who have been convicted by the State Security Court may be deprived of their political rights after they are released from prison. These restrictions include a prohibition against engaging in any political activity, the denial of a passport, and a bar on accepting a gov