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## Syria

### Country Reports on Human Rights Practices - [2005](#)

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Syria, with a population of approximately 18 million, is a republic under the authoritarian presidential regime of Bashar al-Asad. The president, with counsel from a small circle of security advisors, his ministers, and senior members of the ruling Ba'ath Party, makes key decisions regarding foreign policy, national security, internal politics, and the economy. An unopposed referendum in July 2000 confirmed President al-Asad for a seven-year term. The president appoints vice presidents, the prime minister, deputy prime ministers, and the cabinet, or Council of Ministers. The law mandates the primacy of Ba'ath party leaders in state institutions and the parliament; party leaders influenced all three branches of the government. The parliament, elected in March 2003, may not initiate laws but only assess and at times modify those proposed by the executive branch. The constitution provides for an independent judiciary; however, courts were regularly subject to political influence and bribery. The government maintained effective control of the security forces, and members of the security forces committed numerous, serious human rights abuses.

The government's human rights record remained poor. On October 19 and December 12, the UN issued reports identifying high-ranking Syrian security officials as suspects in the February assassination of the former Lebanese prime minister, Rafiq al-Hariri. During the year there was an increase in arbitrary arrests carried out by authorities. The following human rights abuses were reported:

- absence of right to change government
- arbitrary or unlawful deprivation of life
- torture in prison
- poor prison conditions
- arbitrary arrests and detentions
- absence of rule of law
- severely restricted civil liberties--freedoms of speech, press, assembly, association, and movement
- limited freedom of religion
- government corruption and lack of transparency
- violence and societal discrimination against women
- discrimination against the Kurdish minority
- severely restricted workers' rights

### RESPECT FOR HUMAN RIGHTS

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

#### a. Arbitrary or Unlawful Deprivation of Life

During the year there were reports of arbitrary or unlawful deprivation of life. On October 19 and December 12, Chief Investigator for the UN International Independent Investigation Commission (UNIIC) Detlev Mehlis presented two interim reports on the February 14 assassination of former Lebanese prime minister Rafiq al-Hariri to UN Secretary-General Kofi Annan. Hariri and 22 other individuals killed in a blast in central Beirut. The October report concluded that evidence pointed toward the involvement of Syrian authorities in the assassination of al-Hariri. The report also made it clear that Syrian officials, while purporting to cooperate, deliberately misled investigators. In response to the UN report, citizens rallied in front of the Central Bank in Damascus on October 24, protesting its findings (see section 2.b), and in smaller demonstrations throughout November and early December. The December report stated that the ongoing investigation reinforced the conclusions of the October report and requested a six-month extension, noting Syrian authorities' "reluctance and procrastination" and citing its attempt to "hinder the investigation internally and procedurally." The UN Security Council passed Security Resolution 1644 on December 15, extending the UNIIC's mandate.

According to local human rights groups, four persons died in detention due to torture or mistreatment by security services during the year. On March 28, Ahmed al-Masalme, a former Muslim Brother, died from a heart attack related to torture while in detention. Prison officials also denied him medication for a heart and kidney condition.

The London-based Syrian Human Rights Committee (SHRC) reported that Safwat Abdullah Hawsh died on March 11 in Lattakia after policemen from the Salibeh police station beat him unconscious outside a café.

The SHRC reported that Adnan Ahmad al-Sallal died of a heart attack on August 14 in Hama Central Prison, after prison officials neglected to provide timely medical treatment.

Human rights organizations reported in December that Yasir Mushimish, a prisoner at Saidnaya prison, died of unknown causes in a military clinic on December 15, 10 days after being admitted for care.

In 2004 international and Syrian human rights organizations reported that 13 Syrian citizens died in detention due to torture or mistreatment by the security services. Six of the 13 were reportedly Kurdish men in the military who died under suspicious circumstances. In March 2004 five died in detention after Kurdish riots.

In 2004, according to local human rights organizations, Firas Abdallah died in police custody in Damascus as a result of beatings. Human rights lawyers continued their civil case against the police and the Ministry of Interior on behalf of the deceased, but no hearings were held on the case during the year. Under Syrian law, it is difficult to successfully sue the government successfully.

No charges were brought against an off-duty Sunni military officer and his brother for the October 2004 killing of two Assyrian Christians in Hassakah Province. The conflict began when the military officer tried to extort money from one of the Assyrians. Some members of the Assyrian community violently protested the murders; 12 protestors were arrested.

#### b. Disappearance

There were no confirmed reports of politically motivated disappearances during the year. In May 2004 Nabil al-Marabh disappeared after registering for military service; Amnesty International (AI) reported that as of August, unofficial sources stated that he was being held in Adraa prison. Many persons who disappeared in the past were believed to have died or to be in long-term detention (see section 1.e.).

The government has not punished any members of the security forces for their roles in prior abductions and disappearances.

The government continued to withhold new information on the welfare and whereabouts of persons who have disappeared or held incommunicado for years; little is known other than the approximate date of their detention. A local human rights organization recorded at least three thousand disappearance cases of Syrians and Palestinians since the late 1970s in the country, and estimated that the actual number may be several thousands more.

In 1999 the government claimed it had released all Palestinian, Jordanian, and Lebanese citizens reportedly abducted from Lebanon during and after its civil war (1975-91). Human Rights Watch (HRW) maintains that an estimated 17 thousand Lebanese citizens and stateless Palestinians were "disappeared" by security forces in the early 1990s alone. Various nongovernmental organizations (NGOs) and family members of those who allegedly remained in prison continued to dispute the government's claim that all abductees had been released (see section 1.d.).

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

The law prohibits such practices, and the penal code provides punishment for abusers. Under article 28 of the constitution, "no one may be tortured physically or mentally or treated in a humiliating manner." However, security forces continued to use torture frequently.

During the year local human rights organizations cited numerous cases of security forces torturing prisoners, including the case of 200 Kurds on trial in a Damascus military court for their involvement in the March 2004 riots in Qamishli. During the proceedings, a number of detainees complained of torture and displayed their injuries to the judge. Torture of political detainees also was common.

The Paris-based International Federation for Human Rights (FIDH) reported that a French man of Lebanese origin was detained on September 5 at the Syrian-Lebanese border by Syrian authorities and was later transferred to Detention Center 235 (Palestinian Branch). The man, identified in press articles as Charles F., was held for 10 days, during which he was reportedly beaten with electrical cables, kicked, and forced to watch other prisoners being tortured. On December 15, he filed a complaint against Syrian authorities in a Parisian court.

Multiple human rights organizations reported that Seraj Khalbous, an Islamist, was tortured for approximately one month following his September 12 detention, resulting in several weeks of hospitalization and partial paralysis.

According to a December 14 AI report, security forces tortured foreign national Yasin Taha, and forced him to "confess" to being a leading member of al-Qa'ida after his 2003 arrest. The reasons for his arrest were unknown. AI later reported that he was turned over to Tunisian authorities in December.

Family members of 45 accused Islamists from the villages of Qatana, al-Otaiba, and al-Tal reported to human rights organizations during the year that their relatives had been tortured at the time of their arrests in 2004.

In April 2004 five Kurdish students detained by the police were reportedly beaten and subjected to electric shocks for three days (see section 5). AI reported the case of four young men arrested in 2003 in Daraa and held in Saidnaya prison, where they were subjected to various forms of torture and ill-treatment, including having their fingers crushed, beatings to the face and legs, dousing with cold water, standing for long periods of time during the night, subjected to loud screams and beatings of other detainees, stripped naked in front of others, and not being allowed to pray and grow a beard.

Former prisoners, detainees, and reputable local human rights groups, reported that torture methods included electrical shocks; pulling out fingernails; burning genitalia; forcing objects into the rectum; beating, sometimes while the victim was suspended from the

ceiling; alternately dousing victims with freezing water and beating them in extremely cold rooms; hyperextending the spine; bending the detainees into the frame of a wheel and whipping exposed body parts; and using a backward-bending chair to asphyxiate the victim or fracture the victim's spine. Torture was most likely to occur while detainees were held at one of the many detention centers operated by the various security services throughout the country, particularly while authorities attempted to extract a confession or information.

Past victims of torture have identified the officials who tortured them, up to the level of brigadier general. In past years, when allegations of excessive force or physical abuse were made in court, the plaintiff was required to initiate a separate civil suit against the alleged abuser for damages. However, no action was taken against the accused. There were no confirmed cases of new allegations during the year. In December a French citizen filed a complaint with French courts, claiming to have been tortured during his September detention in Syria (see section 1.c.). Courts did not order medical examinations for defendants who claimed that they were tortured (see section 1.e.).

August 2004 marked the government's accession to the UN Convention Against Torture, but the government's objection to article 20 prevents outside observers from coming to the country to investigate allegations of torture within the country.

Police beat and mistreated detainees during the year. On March 11, Safwat Abdullah died following a police beating in Lattakia (see section 1.a.). On November 12, human rights activist Dr. Kamal al-Labwani reported to other human rights observers that he had been struck four times by a security official while in political security custody and had not been given food for four days. Authorities at Damascus International Airport detained Dr. al-Labwani on November 8 following a three month-long trip abroad (see section 1.d.) that included a visit to Washington.

#### Prison and Detention Center Conditions

Prison conditions generally were poor and did not meet international standards for health and sanitation. At some prisons security officials demanded bribes from family members. Overcrowding and the denial of food remained problems at several prisons. According to the Arab Organization for Human Rights (AOHR), Abdul Karim Dhaon, an official at the Ministry of Health, was arrested in May 2004 for allegedly writing a report about the unacceptable conditions at the prisons he supervised. Dhaon was released in December 2004, and his case was on appeal at year's end. According to HRW, prisoners and detainees were held without adequate medical care, and some prisoners with significant health problems reportedly were denied medical treatment. Some former detainees reported that the government denied political prisoners access to reading materials, including the Koran.

There were separate detention facilities for men, women, and children; several reports cited minors being held in adult facilities. Pretrial detainees, particularly those held for political or security reasons, were usually held separately from convicted prisoners. Facilities for political or national security prisoners generally were worse than those for common criminals. Released political detainees confirmed reports of poor prison conditions, including overcrowded cells and a shortage of beds.

The government did not permit any independent monitoring of prison or detention center conditions; however, diplomatic and consular officials were granted access in some cases.

#### d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention; however, in practice these activities persisted and remained significant problems.

#### Role of the Police and Security Apparatus

The role of the security services extends far beyond strict security matters due to a state of emergency, which has been in place since 1963. The government justifies the ongoing Emergency Law on the basis of its war with Israel and past threats from terrorist groups. Syrian Military Intelligence and Air Force Intelligence are military agencies; the Ministry of Interior exercises nominal control over general security, state security, and political security.

The Ministry of Interior controlled the police forces, which consist of four separate divisions: emergency police, traffic police, neighborhood police, and riot police.

There are four major branches of security forces--Political Security Directorate (PSD), Syrian Military Intelligence (SMI), General Intelligence Directorate (GID), and Syrian Air Force Intelligence (SAFI)--all of which devote some of their overlapping resources to monitoring internal dissent and individual citizens. The four branches operate independently and generally outside of the control of the legal system.

Corruption continued to be a serious problem throughout the police forces and security services. Human rights lawyers and family members of detainees cited solicitation of bribes for favorable decisions and provision of basic services by government officials throughout the legal process in both courts and prisons. Traffic police officers regularly and openly solicited bribes from drivers.

#### Arrest and Detention

Upon arrest, an individual is brought to a police station for processing and detained until a trial date is set. At the initial court hearing, which may be months or years after arrest, the accused may retain an attorney at personal expense or be assigned a court-appointed attorney. The individual is then tried in a regular court, where a judge renders a verdict (see section 1.e.). While the prison code provides for prompt access to family members, human rights organizations and families reported inconsistent application of the code,

with reports of some families waiting up to a year for access to relatives.

The 1963 Emergency Law authorizes the government to conduct preventive arrests and overrides constitutional and penal code provisions against arbitrary arrest and detention, including the need to obtain warrants. In cases involving political or national security offenses, arrests were often carried out in secret. Suspects were detained incommunicado for prolonged periods without charge or trial and denied the right to a judicial determination regarding pretrial detention. Human rights organizations reported that many detainees were not informed of charges against them until their arraignment, which often was months after their arrest. Additionally, those suspected of political or national security offenses were arrested and prosecuted under ambiguous and broad articles of the penal code and subsequently tried in either the criminal or security courts. There were reliable reports that the government did not notify foreign governments when their citizens were arrested or detained, or did so only after the person was released.

Arrest and search warrants exist only for nonsecurity related cases; however, police bypassed this requirement in many instances by claiming security or emergency grounds for entry.

Human rights organizations documented the arrest of at least 80 individuals by security forces for alleged ties to radical Islam during the year. According to the 2005 HRW report, more than 40 students in Lattakia were arrested and claimed that they were tortured while in custody. Human rights organizations estimated that the total arrests based on suspicion of extremist Islamist involvement reached at least 500 during the year.

In January authorities arrested, Ammar Hussein Fakhri, Majid Bakri Suleyman, and Ahmad Ali al-Masalmeh, upon their return from political exile, despite guarantees by Syrian embassies abroad that they could return safely. Masalmeh was tortured and later died on March 28 (see section 1.a.).

Also in January Abdulrahman al-Musa, who had been affiliated with the Muslim Brotherhood, was detained by Syrian authorities upon his return to the country.

According to 2005 HRW report, on February 24, security forces arrested Salim al-Salim, an activist from Homs in the Society of Human Rights in Syria. He remained in custody at year's end.

On March 22, 40 Kurds were detained after incidents during celebration of the Kurdish New Year in Aleppo (see section 5). They were released on March 30.

In late March authorities detained Ahmet Muhammad Ibrahim following his return from Turkey, where he was acquitted of membership in Kongra Gel (formerly known as the PKK). He remained in custody at year's end.

In April the government began a sustained crackdown on civil society and human rights activists that continued throughout the year. On April 19, human rights activist Nizar Rastanawi disappeared while returning to his home in Hama. Initially, security forces denied any knowledge of his whereabouts; however, they admitted several weeks later that he was detained. Rastanawi appeared before the State Security Court on November 20 to face charges of disseminating false information to undermine public morale. He remained in custody at Saidnaya prison at year's end.

In April and May, authorities arrested political exiles Shayish Ali al-Tayyar, Muhammad Fayiz al-Hursh, Hazem Abdul-Kafi al-Jundi, and Mahmoud Samaq upon their return to the country, despite reported assurances of safe return by Syrian embassies abroad. They remained in government custody at year's end.

On May 3, Muhammad Osama Sayes, the son of a Muslim Brotherhood member, was detained following his return to the country from the United Kingdom. Sayes appeared in the Supreme State Security Court (SSSC) on December 4; his trial was adjourned until February 2006.

On May 10, prominent Kurdish Sheikh Mashook al-Khaznawi disappeared from his Damascus office. On June 1, he was found murdered near the town of Deir ez-Zur. The circumstances surrounding his murder remained unclear; authorities arrested five students from an Islamic institute in connection with the death, but Kurdish activists and human rights observers said that military intelligence agents detained and tortured him to death. Other observers speculated that Khaznawi may have been killed in a family vendetta, possibly aggravated by agents of the security services. Reaction to his murder created unrest in the predominantly Kurdish province of al-Hasaka. On June 4, Sheikh Riyad Drar al-Hamood, a cleric and civil rights activist, was arrested after making a speech at Khaznawi's funeral. The SSSC charged al-Hamood on December 4 with one count of degrading national pride in a time of war, one count of inciting conflict among the country's various religious and ethnic groups, and one count of forming a secret society. His trial was adjourned until January 2006. On June 5, Kurds protested Khaznawi's murder in the town of Qamishli. The protesters clashed with police, military, and security personnel, which led to the arrest of approximately 60 Kurds, including women and children. They were released in August but faced trial at the Qamishli Criminal Court (see section 5).

On May 16, Ali Abdullah, human rights activist and member of the Jamal al-Atassi Forum (a predominantly secular group encouraging dialogue among political parties and civil society to promote reform), was arrested after reading a statement from exiled Muslim Brother leader Saad al-Din al-Baiyanouni at a May 7 forum meeting. Abdullah was later released as part of a November 3 mass amnesty. Eight board members of the forum were arrested on May 24 in connection with the reading of the statement. They were released in June.

On May 22, president of the Arab Human Rights Organization Muhammed Radoun was arrested a day after he appeared on Al-Jazeera Television, highlighting the need for reform in the country. Radoun was released on November 3 as part of a mass amnesty at the end of Ramadan.

On May 26, civil society activist Mohammed Hassan Dib was arrested. According to human rights organizations, the Hama Criminal Court transferred his case to a military judge on November 29 due to lack of jurisdiction. His case was unresolved at the end of the year, and he remained imprisoned.

On May 29, Habib Saleh was arrested and later charged by a military court for publishing antigovernment material on the Internet. He remained in custody at year's end in Adraa prison.

In July authorities arrested 16 women from ar-Raqqa Province following their protest of government expropriation of their farmland. Four of the women were released several days after arrest, while 12 others were held for approximately 1 month (see section 2.b).

On July 10, authorities arrested Hasan Zeino for carrying copies of a newsletter from the unlicensed opposition umbrella group National Democratic Front. Zeino was released on bail on August 24 and awaited a military court verdict on charges of "possession of publications of a prohibited organization."

On July 25, authorities arrested Yusuf Mohammad Ahmad Qarmo upon his return from Iraq, where he had lived since the age of nine. In early August, Mohammad Abdulkader al-Taweel was also arrested upon his return from Iraq, where he had also lived since childhood. Both men remained in detention at year's end.

On July 27, Mohammed Ali al-Abdullah, the son of detained activist Ali al-Abdullah, was arrested in a suburb of Damascus. According to press reports, he and Yassin al-Hamwi, father of a political prisoner, were arrested on charges of organizing a group calling for the release of all political prisoners. Both men were detained for 20 days and convicted on September 27 for defaming the homeland; their sentence was 10 days, which was covered by time served.

On September 5, Syrian authorities detained a French citizen of Lebanese origin, identified in press reports as Charles F., at the Syrian-Lebanese border for 10 days. He accused Syrian authorities of torture (see section 1.c).

In mid-September, government authorities arrested writer Dr. Mahmoud Sarem. At year's end he was detained in the political branch of Adraa prison awaiting charges and court assignment.

On September 12 authorities detained five suspected Islamists. One of the men, Seraj Khalboos was later released after hospitalized for injuries received during torture in custody (see section 1.c.). The other four men remained in custody.

On September 19, lawyer Thaer al-Khatib attempted to carry out a court order to remove a bust of Hafez al-Asad from his client's property. He and his client were both arrested by government authorities and later released. Khatib faced disbarment by the Syrian Bar Association (see section 1.e.).

In mid-October authorities arrested Ahmad Qattee' at the Syria-Jordan border near the city of Dar'a because of his father's alleged affiliation with the Muslim Brotherhood. He remained in custody at year's end.

On November 8, government authorities detained prominent opposition activist Kamal al-Labwani upon his arrival in Damascus following a three month-long trip abroad. On November 12, Labwani was arraigned before the Damascus Criminal Court and charged with two counts of slandering the country in the media, one count of degrading national pride in a time of war, one count of inciting conflict among the country's various religious and ethnic groups, and one count of forming a secret society. His arrest came days after the government announced the release of 190 political prisoners to mark the Muslim 'Eid al-Fitr holiday, signifying the end of Ramadan, a traditional time for amnesties or pardons (see section 1.d.). He remained detained at Adraa prison at year's end.

On November 13, approximately 12 men were detained by police authorities for several hours following a spontaneous demonstration by family members of SSSC defendants (see section 2.b.). On November 14, protester Mohamed Abd el-Halim al-Kelany was redetained by Air Force Security and released in mid-December.

In mid-November authorities detained Dr. Mahmoud al-Rashid upon his return from exile in Iraq, after Syrian authorities detained his wife for 10 days. He remained in detention at year's end.

On November 17, security forces arrested Kurdish cultural activist Nasraddin Ahma at his workplace in the town of Qamishli. At year's end Ahma remained in custody.

On December 7, government authorities arbitrarily detained Hayan Abdul-Samad at Damascus airport upon his return to the country from Saudi Arabia. At year's end Abdul-Samad continued to be detained with a serious nerve disease and in need of medical care.

In December security forces arbitrarily arrested Mahmud Yusuf, a student in the University of Aleppo. His whereabouts and reason for arrest remained unknown at year's end.

On December 23, security forces detained Ghiab Habab after he pointed out the State Security Court to a group of tourists. He remained in custody at year's end.

During 2004, security forces conducted mass arrests of suspected Islamists in Damascus, Aleppo, Hama, Hayaleen, and Qatana. In March 2004 the SSSC sentenced to 2 years in prison 33 persons who had been arrested in Aleppo in August 2003 and accused of belonging to the Muslim Brotherhood.

In 2004 security services also conducted mass arrests of Kurds in Hassakah Province, Aleppo, Damascus, and other areas. In 2004 human rights organizations and Kurdish groups reported that one thousand to two thousand Kurds were detained in the aftermath of the March 2004 riots. On March 30, President Assad pardoned 200 of the remaining detained Kurds involved in the riots (see section 1.e.). Most were freed after a few months of detention. At year's end less than 100 Kurds arrested in the aftermath of those riots reportedly remained detained.

In April 2004 military security arrested human rights activist Aktham Naiissa, head of the Committee for the Defense of Democracy, Freedom, and Human Rights (CDF), for his involvement in a protest in front of parliament in March and for communiqués issued by the CDF critical of the government's treatment of the Kurdish minority (see section 2.b.). Naiissa was held at Saidnaya prison without access to his lawyer and was tried by the SSSC; he was released on bail in August 2004. Naiissa was acquitted on June 26 of spreading false information about the government and opposing the Ba'ath Party's rule.

In November 2004 Abdul Sattar Qattan was arrested by the military intelligence branch in Aleppo for his alleged involvement with members of the Muslim Brotherhood and for distributing aid to ex-detainees. On October 23, Qattan was brought before the SSSC after being detained for 11 months under ill conditions and tried pursuant to law 49 of 1980 that makes membership or support of Muslim Brotherhood a capital offense. Qattan appeared again before the SSSC on December 18; his case remained unresolved at the end of the year.

Detainees have no legal redress for false arrest. The authorities detained those critical of the government under the Emergency Law and charged them with treason.

In cases before regular courts, judges render verdicts. There are no juries.

Defendants in civil and criminal trials have the right to bail hearings and possible release from detention on their own recognizance. However, this right was not applied consistently throughout the legal system. Dr. Kamal al-Labwani, for example, was not granted bail by the criminal court judge presiding over his case. Bail was generally not allowed for those accused of "state security offenses." One exception was the release from the SSSC of Aktham Naiissa in August 2004 on bail. Unlike defendants in regular criminal and civil cases, security detainees did not have access to lawyers prior to or during questioning.

Lawyers were not ensured access to their clients before trial (see section 1.e.).

Many persons who disappeared in past years were believed to be in long-term detention without charge or possibly to have died in detention. Many detainees brought to trial were held incommunicado for years, and their trials often were marked by irregularities and lack of due process. Many criminal suspects were held in pretrial detention for months and may have had their trials extended for additional months. Lengthy pretrial detention and protracted court proceedings were caused by a shortage of available courts and the absence of legal provisions for a speedy trial or plea bargaining (see section 1.e.).

The government continued threatening or detaining the relatives of detainees or of fugitives to obtain confessions, minimize outside interference, or prompt a fugitive's surrender. There were unconfirmed reports that security personnel forced prisoners to watch relatives being tortured in order to extract confessions. Human rights organizations also reported at least three arrests of family members and friends who had inquired to authorities about the welfare and whereabouts of political detainees.

The SHRC cited reports in May that Colonel Hafez Sultan, head of military intelligence in Houran Province, had threatened the relatives of political exiles with job loss if they did not disown their exiled family members.

On September 3, Nadia al-Satour, Heba al-Khaled, and Rola al-Khaled were arrested after authorities failed to find their husbands, who were alleged to be involved with the Islamic organization Jund al-Sham. The three women remained in custody at year's end.

In November the father of political detainee Seraj Khalboos was threatened with torture by authorities and compelled to sign a statement saying that his son was a member of Jund al-Sham.

In November authorities detained the wife of Dr. Mahmoud al-Rashid for a number of weeks to compel him to return from Iraq.

In December the UNHCR stated in its second interim report that it had received credible reports that authorities had arrested and threatened close relatives of Hussam Taher Hussam, a "recanting" witness in the UNHCR investigation.

Security services also threatened families or friends of detainees to ensure their silence, force them to disavow publicly their relatives, or force detainees into compliance. For example, security services told the family of a recently arrested Muslim Brother not to talk about the case, according to human rights contacts.

The precise number of political prisoners is unclear. Human rights groups estimated that there were at least 325 political prisoners remaining in Saidnaya prison, including Kurds, Islamic fundamentalists, and a number of civil society activists. At least 150 political prisoners were held in Adraa prison, including the 6 "Damascus Spring" prisoners. In addition, human rights organizations noted that an undetermined number of persons were detained in other prisons, security service detention centers, or other secret detention facilities; estimates range from several hundred to one thousand.

There also were Jordanian, Lebanese, and Palestinian political prisoners. A number of human rights organizations estimated that there were between 25 and 250 remaining Lebanese prisoners in Syria. Estimates of the numbers of prisoners were difficult to confirm because different branches of the security services, which maintained their own prison facilities, held a significant number of

prisoners, and there was no centralized tracking system for prisoners. Prisoners were frequently held for extended periods of time without trial and without information given to their families. Estimates were also difficult to confirm because the government did not verify publicly the number of detentions without charge, the release of detainees or amnestied prisoners, or the subsequent sentencing of detainees to prison (see section 1.e.).

Former prisoners were subject to a so-called "rights ban," which begins from the day of sentencing and lasts for seven years after the expiration of the sentence in the case of felony convictions. Persons subjected to this ban were not allowed to vote, run for office, or work in the public sector; they often also were denied passports. In practice restrictions could continue beyond that period.

#### Amnesty

On February 12, the president ordered the release of 55 political prisoners who had spent up to 20 years in jail. Most freed prisoners were being held for, or had been convicted of, belonging to an Islamist group.

On March 30, a presidential pardon was announced for 312 political prisoners, including many Kurds who had been detained since March 2004.

A November 3 presidential decree granted amnesty to 190 political prisoners, coinciding with the end of the holy month of Ramadan. Most freed prisoners were Islamists and had been long-term detainees. Local human rights groups reported that at least 500 political prisoners were known to remain in government prisons (see section 1.e.)

#### e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, courts were regularly subject to political influence.

The judicial system is composed of civil and criminal courts, military courts, the SSSC, and religious courts, which adjudicate matters of personal status such as divorce and inheritance (see section 5). The Court of Cassation is the highest court of appeal. The Supreme Constitutional Court rules on the constitutionality of laws and decrees and hears special appeals regarding the validity of parliamentary elections; however, it does not hear appeals from the civil and criminal justice system.

#### Trial Procedures

Civil and criminal courts are organized under the Ministry of Justice. Defendants before these courts are entitled to legal representation of their choice; the courts appoint lawyers for indigents. Defendants are presumed innocent, and they are allowed to present evidence and to confront their accusers. Trials are public, except for those involving juveniles or sex offenses. Defendants can appeal verdicts to a provincial appeals court and ultimately to the Court of Cassation. Appeals were often difficult to win because the lower courts do not provide verbatim transcripts of cases--only summaries prepared by the presiding judges. There are no juries. Defendants and their attorneys have access to government-held evidence relevant to their cases. However, human rights lawyers noted that the prosecution case file to which defense lawyers were provided access often did not include any evidence in some politically charged cases.

The law extends the above rights to all citizens in criminal cases. However, a number of sections of family and criminal law are based on Shari'a (Islamic law) and do not treat men and women equally. Furthermore, a number of personal status laws utilize Shari'a regardless of the religion of those involved in the case (see section 5).

Regular military courts have authority over crimes committed by soldiers or members of other military or police branches. Military courts also have authority to try civilians in cases based on military law. A military prosecutor decides the venue for a civilian defendant. There have been reports that the government operated military field courts in locations outside established courtrooms. Such courts reportedly observed fewer of the formal procedures of regular military courts.

On October 18, prominent human rights activist Haithem al-Maleh appeared before a military court to face charges of slander against government officials. Maleh was charged on three counts, including slandering the president, the army, and civil servants, based on a letter he wrote to President Bashar al-Asad. His case was pending at the end of the year.

On December 18, the Damascus Military Court charged lawyer and opposition figure Hassan Abdul Azeem with publication of material by an illegal organization. His case was scheduled proceed in 2006 (see section 1.d.).

The trial of approximately 200 Kurds accused of involvement in the March 2004 riots at the military court of Damascus ended with a pardon on March 30 (see section 1.d.).

The SSSC tries political and national security cases and operates under the provisions of the 1963 Emergency Law; the SSSC does not observe constitutional provisions safeguarding defendants' rights. Its verdicts are not subject to judicial appeal. The Minister of Interior may ratify, nullify, or alter SSSC rulings. The president must approve the verdict or may cancel it and ask for a retrial. Charges against defendants before the SSSC were usually vague. Defendants appeared to be tried for exercising basic political rights, such as free speech. For example, the Emergency Law authorizes the prosecution of anyone "opposing the goals of the revolution," and creating "sectarian strife." The government stated that the SSSC tries only persons who have sought to use violence against the state, but the majority of defendants who appeared before the SSSC were prosecuted for exercising their political rights.

Under SSSC procedures, defendants are not present during the preliminary or investigative phase of the trial, during which the prosecutor presents evidence. Trials usually were closed to the public. Lawyers were not ensured access to their clients before the

trial and were excluded from the court during their client's initial interrogation by the prosecutor. Lawyers submitted written defense pleas rather than making oral presentations.

In contrast with 2004, there were no cases in which a lawyer representing defendants in a national security case had his license to practice suspended. However, the SSSC presiding judge continued his courtroom ban of one human rights lawyer (in effect since 2001) and banned a second lawyer in November.

Human rights organizations estimated that hundreds of cases are tried by the SSSC annually. The majority of cases involved charges relating to membership in various banned political groups, including religious parties such as the Muslim Brotherhood, the Islamic Liberation Party, as well as the Party of Communist Action, and Syrian Kurdish parties. Sentences up to 15 years have been imposed in the past.

The trial of the "Dumar 15," a group of 15 Kurdish men arrested in the aftermath of riots in the Dumar neighborhood of Damascus in March 2004, ended in February when the SSSC sentenced them to 2 to 3 years in jail for their involvement in the riots; however, they were released one month later as part of a presidential pardon.

On March 6, the SSSC sentenced two students, Mohammed al-Debs and Mohammed al-Arab, to three years in prison for their participation in an April 2004 protest. They were later granted amnesty as part of the March 30 presidential amnesty decree.

On June 19, the SSSC sentenced 17-year old Musab al-Hariri to death because of his family's affiliation with the Muslim Brotherhood; the court then reduced the sentence to 6 years in prison. Hariri was detained while returning to the country in 2002, at the age of 14, after living in Saudi Arabia for most of his life (see section 5).

On June 26, human rights activist Aktham Naissa, after a year of court deliberations, was acquitted by the SSSC for a "lack of evidence." He was arrested in March 2004 for participating in a protest in front of parliament and issuing a report criticizing the government's human rights record.

On September 25, the SSSC sentenced Ali Mahmoud Ali Muhammad, Hashim Ameen, and Shaheen Mohammad Hussein to five years in prison after they were convicted of a secret organization that seeks territorial independence for belonging to and annexation to another country.

On November 27, Kurdish activist Shevan Abdo was sentenced to two-and-one-half years on charges related to the 2004 Qamishli uprising (see section 5).

On December 4, the SSSC sentenced accused Muslim Brotherhood member Omar Darwish to death, commuted to 12 years in prison.

Human rights NGOs were not permitted to visit the SSSC; however, local lawyers affiliated with local human rights NGOs acted as defense counsel in some cases (see section 4).

#### Political Prisoners

The precise number of political prisoners was not clear. Human rights groups estimated that there were approximately 325 political prisoners in Saidnaya prison, 150 in Adraa prison, and possibly up to several hundred to a thousand more political prisoners in other prisons, security service detention facilities, or other secret detention facilities throughout the country. Human rights activists were unable to provide any precise data on these additional prisoners. The government did not permit regular access to political prisoners by international humanitarian organizations. Human rights groups reported that many political prisoners serving long-term sentences remained in prison, despite the expiration of their sentences.

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

The law prohibits such actions; however, the Emergency Law authorizes security services to enter homes and conduct searches without warrants if broadly defined security matters are involved. The security services selectively monitored telephone conversations and fax transmissions. The government opened mail addressed to both citizens and foreign residents. The government routinely monitored Internet communications, including e-mail, and blocked access to some Internet sites (see section 2.a.). In a November report, HRW noted that all three of the country's Internet service providers (ISPs) regularly blocked access to a variety of Web sites, noting that sites like elaph.com, thisissyria.net, groups.msn.com, and arabtimes.com had been blocked in the past. In February 2004, authorities shut down the proreform Web site all4syria.org.

The government detained relatives of detainees or of fugitives to obtain confessions or the fugitive's surrender (see section 1.d.).

The government forcibly resettled a number of individuals during the year. Local human rights organizations reported that on October 23, the governor of the predominantly Kurdish province of Hassakah ordered the relocation of Kurdish artist and activist Anwar Nasu from the city of A'muda to the village of Sufeya.

The government and the Ba'ath Party monitored and attempted to restrict some citizens' visits to foreign embassies and cultural centers. In December a foreign cultural center was forced to cancel a lecture after authorities denied permission for a presentation of a paper on Iraq policy written by a Syrian national.

Section 2 Respect for Civil Liberties, Including:



#### a. Freedom of Speech and Press

The constitution provides for freedom of speech and the press; however, the government significantly restricted these rights in practice, relying when necessary on Emergency Law provisions that suspend such rights and supersede constitutional practices. The government strictly controlled the dissemination of information and prohibited criticism of the government and discussion of sectarian issues including religious and ethnic minority rights. There were detentions and beatings for individual expressions of opinion that violated these restrictions, including, among others, the arrests of Habib Saleh, Mohammed Deeb, Nizar Rastanawi, and Riyad Drar al-Hamood (see section 1.d.). In April and June, government officials warned civil society activist Ammar Abdulhamid to cease making public comments and writing editorials in the regional and Western press critical of the government. The government also threatened activists in an attempt to control behavior. Journalists and writers practiced self-censorship, particularly after the release of the first interim UNHCR report in October. In May a number of civil society activists created the first independent media watchdog group called Hurriyat, although it was not particularly active. The goal of the group was to liberalize the media and end government censorship of the press. In December 2004 the Ministry of Information recommended the licensing of an independent association of journalists; however, at year's end, no license had been issued (see section 2.b.).

A number of quasi-independent periodicals, usually owned and operated by figures with good government connections, were published during the year, including the National Progressive Front's (NPF) Communist party newspaper *The People's Voice*; the NPF's Socialist Union party's private newspaper *The Unionist*; a private weekly newspaper, *Black and White*; and *The Economist (Al-Iktissad)*, which was sometimes critical of government performance. In June the Ministry of Information revoked the license of the satirical magazine *Al-Mubki* for critical comments about the government. A similar incident occurred with the financial magazine *Al-Mal* in May, when thousands of copies were confiscated for publishing an interview with businessman Firas Tlas, son of the long-serving former minister of defense Moustafa Tlas, which was critical of the government's economic policy.

The print and electronic media at times were critical of the Ba'ath Party and government performance and reported openly on a range of social and economic issues. In March 2004 a journalist for the government-owned daily *Al-Thawra* (Revolution) was fired over an article he wrote on pollution in the drinking water in Hassakah Province. The journalist was later reinstated after a campaign by *Al-Iktissad* magazine. Some Damascus-based correspondents for regional Arab media were able to file reports on internal political issues, such as rumored governmental changes, new political discussion groups, and the possible introduction of new parties, to the NPF.

The media covered some Israeli-Palestinian developments factually, but others were reported selectively to support official views. Unlike in the previous year, the government-controlled press decreased its coverage of official corruption and governmental inefficiency during the year. A few privately owned newspapers were published during the year, and foreign-owned, foreign-published newspapers continued to circulate relatively freely.

The government or the Ba'ath Party owned and operated radio and television companies and most of the newspaper publishing houses. The Ministry of Information closely monitored radio and television news programs to ensure adherence to government policies. The government did not interfere with broadcasts from abroad. Satellite dishes were widely used and available.

In April Al-Hurra Television cancelled a series of live interviews broadcast from Damascus after the first episode, citing government pressure to change its guest lineup.

Emergency Law and penal code articles dealing with crimes against state security allowed the government broad discretion to determine what constitutes illegal expression. The Emergency Law prohibits publication of "false information" that opposes "the goals of the revolution" (see section 1.e.), essentially ensuring that only a Ba'athist government view is permitted to circulate via the local media. Penal code articles prohibit acts or speech inciting confessionism.

The 2001 Publications Law permits the reestablishment of publications that were circulated prior to 1963 and establishes a framework in which the NPF, as well as other approved private individuals and organizations, would be permitted to publish their own newspapers. However, the law also stipulates imprisonment and stiff financial penalties as part of broad, vague provisions prohibiting the publication of "inaccurate" information, particularly if it "causes public unrest, disturbs international relations, violates the dignity of the state or national unity, affects the morale of the armed forces, or inflicts harm on the national economy and the safety of the monetary system." Persons found guilty of publishing such information are subject to prison terms ranging from 1 to 3 years and fines ranging from \$10 thousand to \$20 thousand (500 thousand to 1 million Syrian pounds). The amendments to the publications law also impose strict punishments for reporters who do not reveal their government sources in response to government requests.

Security forces continued to arbitrarily arrest and detain a number of persons with views critical of the government (see section 1.d.).

During the year journalists were harassed by government forces. On March 15, the Ministry of Information announced that Ammar Mussareh, correspondent for the Arabic-language television station Al-Hurra, could no longer work in the country because of invalid accreditation. According to a local human rights organization, Mussareh had valid accreditation before it was withdrawn by the government due to his coverage of an opposition sit-in staged in Damascus on March 10 (see section 2.b.).

In March a municipal official and policemen threatened Assif Ibrahim, a journalist with the official daily newspaper of the Ba'ath Party and subsequently damaged the door of his home. This occurred after Ibrahim reported about corruption in a Damascus neighborhood where a building under construction allegedly violated safety standards.

According to a March 16 Reporters Without Borders report, Minister of Information Mahdi Dakhallah announced the withdrawal of permission to publish *Al-Ousboua Al-Iktissadi*, a business weekly; *Al-Riyadiya Wa Al-Chabab*, a new magazine for young sports fans;

*Al-Saleb wa Al-Moujeb*; and one other newspaper before publishing their first issues. Only *Al-Saleb wa Al-Moujeb* was subsequently granted permission.

Unlike in previous years, the government did imprison journalists during the year for failing to observe press restrictions. In April the SSSC acquitted journalist Ibrahim Hamidi on charges of "publishing unfounded news" in violation of the publications law. Hamidi was arrested in late 2002 and was released on bail in May 2003.

On June 15, the Arabic Network for Human Rights in Syria, an independent NGO, reported the 2002 detention of journalist Anwar Saat Asfari. Asfari's whereabouts remained unknown at year's end.

The government prohibited all Kurdish language publications and arrested journalists who wrote in favor of greater Kurdish rights.

The trial of journalist and student Massud Hamid, arrested in 2003 for posting a picture of the June 2003 Kurdish United Nations Children's Fund (UNICEF) protest on a banned website, continued into 2004. The SSSC sentenced Hamid to 5 years in prison (minus time served) on October 10, 2004. Hamid remained incarcerated in Adraa prison at year's end.

The Ministry of Information and the Ministry of Culture and National Guidance (MCNG) censored domestic and imported foreign press. Publication or distribution of any material deemed by security officials as threatening or embarrassing to high levels of the government was prohibited. Censorship usually was stricter for materials in Arabic.

The MCNG also censored fiction and nonfiction works, including films. It also exercised the right of approval over films shown at cultural centers operated by foreign embassies. The government prohibited the publication of books and other materials in Kurdish; however, there were credible reports that Kurdish language materials were available in the country (see section 5).

Internet and e-mail access was limited but growing. The government blocked access to selected Internet sites that contained information deemed politically sensitive or pornographic in nature. The government banned access to foreign-based websites of unlicensed opposition parties and to news websites published in the country that were critical of the government (see section 1.f.). Several news Web sites not overtly critical of the government remained accessible.

The government restricted academic freedom. Public school teachers were not permitted to express ideas contrary to government policy; however, authorities permitted slightly more freedom of expression at the university level. The government changed its policy in 2002 to allow non-Ba'ath party members to study political science at the University of Damascus Political Sciences Institute, which had previously been part of the National Command and open only to Ba'ath Party members. Ba'ath Party members were also given preferential admissions treatment into the university.

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

The constitution provides for the right of assembly; however, the right is superseded by Emergency Law provisions and the government did not respect this right in practice. Ministry of interior permission is needed for demonstrations. The government or the Ba'ath Party organized most public demonstrations.

The government required political forums and discussion groups to obtain prior approval to hold lectures and seminars and to submit lists of all attendees. Despite these restrictions several domestic human rights and civil society groups held meetings without registering with the government or obtaining prior approval. In many instances the government took steps to disrupt such gatherings or prevent them from occurring.

A limited number of demonstrations occurred during the year, most of which were permitted or organized by the government. In March a government-approved demonstration to show national unity in the wake of the Syrian withdrawal from Lebanon drew tens of thousands of pro-Ba'ath party supporters. There were also several smaller-scale demonstrations during the year by human rights activists, which were not government-supported. The government routinely disrupted such efforts, in some cases making arrests.

On March 10, a peaceful civil society protest in Damascus, calling for the end to the Emergency Law and marking the first anniversary of clashes between Kurds, Arab tribes, and security forces in the town of Qamishli, was broken up by proregime demonstrators. Observers reported that the government encouraged the violence and apparently helped organize the counterdemonstration. The counterdemonstrators and security forces violently attacked the civil society activists and camera crews from several international news agencies, smashing or confiscating their cameras.

In May civil society leaders organized a protest near the SSSC calling for an investigation into the May 10 disappearance of Kurdish Sheikh Mashook al-Khaznawi and the release of all political prisoners. Police and security officials prevented participants in the protest from reaching the protest by blocking the streets around it. After Khaznawi was found murdered on June 1, various Kurdish political parties organized a protest asking for a full investigation into the case. Police responded harshly by arresting and detaining approximately 60 Kurds. They were released in August.

On May 30, authorities dispersed a peaceful sit-in in downtown Damascus of 100 civil society activists protesting the crackdown on civil society and the May 24 arrest of 8 Atassi Forum board members.

On June 21, police and security officials permitted human rights activists to hold a candle-light vigil near the SSSC calling for the release of all political prisoners, especially the "Damascus Spring" detainees.

In July a group of villagers in the province of ar-Raqqah protested against government seizure of their farmland. Authorities subsequently arrested 16 women protesters (see section 1.d.). Four of the women were released a number of days after arrest, while 12 others were held for approximately 1 month and then released.

On October 5, police broke up a protest of about 100 demonstrators who were commemorating the 1962 Syrian census, which effectively stripped 120 thousand Kurds of citizenship.

On October 24, protestors, comprised of mainly youth and students, rallied in a government-sponsored demonstration in front of the Central Bank in Damascus, protesting the conclusions contained in the UN report on the investigation into the February assassination of former Lebanese prime minister Rafiq al-Hariri. The Ba'ath Party provided the backing and organizational support for the demonstration, and protestors carried placards and banners with a range of political messages. A similar demonstration took place in Aleppo the same day.

On November 10, thousands gathered at Damascus University at a government-sponsored rally that coincided with President al-Asad's address to the nation.

On November 13, approximately 12 men were detained by police authorities following a spontaneous demonstration by family members of SSSC defendants, protesting the lack of visitation rights and criticizing the government. Police beat the men with sticks and detained them for several hours. On November 14, protester Mohamed Abdelhalim al-Halim al-Kelany was redetained by Air Force Intelligence; he was released in December (see section 1.d.).

In November and December, a number of government-related entities sponsored permanent protest venues in locations across Damascus. Protests and vigils held at al-Rawda Square and at the nearby al-Umawiyeen Circle repeatedly drew tens to hundreds of protesters.

On December 10, government authorities in Damascus broke up a protest by about 100 demonstrators commemorating Human Rights Day, using sticks to disperse the protesters.

In February 2004 security forces detained 10 students at the University of Aleppo for protesting Decree #6, which ended the government's policy of guaranteeing employment to all engineering graduates. Eight of the students were released the following month; however, dozens of students were expelled from university for their participation. The two remaining students, Mohammed al-Arab and Mohammed al-Debs, were detained for almost a year before the SSSC found them guilty in March of participating in the protest. They were released later in the month as part of a presidential pardon (see section 1.e.).

#### Freedom of Association

The constitution permits private associations, but it also grants the government the right to limit their activities. In practice the government restricted freedom of association. Private associations are required to register with authorities, but requests for registration were usually denied, presumably on political grounds. The government usually granted registration to groups not engaged in political or other activities deemed sensitive.

Associative life was often restricted. For example, in June, July, August, and December, the government prevented the Atassi Forum from meeting because, according to media reports, the meetings would "damage national unity." A number of forum members were arrested in May and subsequently released for their involvement in the reading of a statement from the Muslim Brothers at a May 7 meeting.

In June authorities prevented a lecture by Dr. Mohammed Habash, a Syrian member of parliament (MP), at his Islamic Studies Center in Damascus.

In August authorities prevented a meeting of the Council for the Revival of Civil Society at the home of Dr. Hazem al-Nahar.

On August 5, a gathering of a new democratic party was broken up by government police and security officials in a rural Damascus town.

On October 16, authorities broke up a press conference held by drafters and signers of the Damascus Declaration, a civil society/opposition document that called for greater freedom and the rescinding of the Emergency Law. On November 11, government authorities prevented members of the Damascus Declaration group from meeting.

On December 10, government authorities prevented civil society gatherings at two different sites in Tartous.

In August 2004 the government denied registration to the AOHR and the Syrian Human Rights Organization (also known as SWASIAH, or "equal"). The CDF and HRAS were both denied registration in the past, and both organizations operated without government permission or support. All four organizations continued operation during the year.

The government did not permit the establishment of independent political parties (see section 3). Two new parties were established during the year but did not receive licenses from the government.

In December 2004 the Ministry of Information recommended the licensing of an independent association of journalists who report for regional Arab media, according to press reports. The five-year effort by journalists to form the association had long been blocked by

the government (see section 2.a.). By year's end no license had yet been issued.

The executive boards of professional associations were not independent. Although members of the Ba'ath Party generally led the associations, nonparty members could serve on their executive boards.

### c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice; however, it imposed some restrictions. There is no official state religion. Arab Sunni Muslims constituted 65 percent of the population; Sunni Kurds represented another 9 percent.

All religions and religious orders must register with the government, which monitored fundraising and required permits for all meetings by religious groups, except for worship. There was a strict separation of religious institutions and the state. Religious groups tended to avoid any involvement in internal political affairs, except for occasional regime-supported initiatives such as the October calls in many Syrian mosques for national unity and support for the government in the face of international pressures associated with the UNHCR investigation. The government, in turn, generally refrained from involvement in strictly religious issues. The government approves all textbooks that present religion as a way to foster national unity and tolerance.

The government considered militant Islam a threat and followed closely the practice of its adherents. The government allowed many new mosques to be built; however, sermons were monitored and controlled.

All schools are overseen by the government and nonsectarian; however, Christian and Druze minorities operated a number of schools, following state curriculum. There was mandatory religious instruction in schools, with government-approved teachers and curriculums. Religion courses were divided into separate classes for Muslim and Christian students. Although Arabic is the official language in public schools, the government permitted the teaching of Armenian, Hebrew, Syriac (Aramaic), and Chaldean as "liturgical languages."

Muslims and Christians are subject to their respective religious laws on marriage and divorce. However, all citizens are subject to Sharia'a-based child custody, adoption, inheritance, and guardianship laws (see section 5).

Although the law does not prohibit proselytizing, in practice the government discouraged such activity, deeming it a threat to relations among religious groups. Foreign missionaries were present but operated discreetly.

Government officials occasionally used radio and television programming, news articles, and other mass media to condone anti-Semitic material, and in some instances to support its export. On November 8, Syrian TV broadcast an interview with Deputy Minister of Religious Endowments Muhammad Abdul Sattar al-Sayyed in which he stated that Syria serves as "the last line of defense" against "Zionist plots which aim to put on the throne of the Middle East the descendants of...those whom the Koran called the descendants of apes and pigs."

The government-controlled press regularly published anti-Israel articles. On January 26, editorialist Ghassan Mahfouz wrote in *Tishrin* newspaper that Israel had used "all sorts of biased propaganda based on the pretext of the holocaust event, which their gangs participated in. Those are the leaders of the Zionist movement, personified by the experienced criminal Mr. Ariel Sharon and other killers and racists who surround him." Another *Tishrin* editorialist, Izz-al-Din al-Darwish, wrote in a July 31 editorial that "Syria is targeted by an intensive media campaign managed and financed by Zionist circles." *Tishrin* also regularly used anti-Semitic caricatures to represent Israel in editorial cartoons.

### Societal Abuses and Discrimination

In January an updated edition of *The Protocols of the Elders of Zion*, a notorious anti-Semitic tract, was published by a Syrian publishing company, which credited the Ministry of Information with approving the text. The 2005 edition was expanded to include Islamic sources in support of anti-Semitic allegations. In 2003 a private Syrian film company also produced an anti-Semitic television series, *Ash-Shatat* (The Diaspora), which was filmed inside the country. The theme of the program centered on the alleged conspiracy of the "Elders of Zion" to orchestrate both world wars and manipulate world markets to create Israel. Although national television declined to air the program, it was shown on the Hizballah-affiliated Lebanese satellite television station Al-Manar. The closing credits of the programs gave "special thanks" to various Syrian government ministries, including the Interior Ministry, the Culture Ministry, the Damascus Police Command, and the Department of Antiquities and Museums.

The government continued to bar the approximately 80 Jewish citizens from government employment and exempted them from military service obligations. Jews also were the only religious minority group whose passports and identity cards noted their religion. Jewish citizens had to obtain permission from the security services before traveling abroad and faced extra government scrutiny when applying for licenses, deeds, or other official documents. The government enforced a law against exporting historical and cultural treasures to prohibit the Jewish community from sending historical Torahs abroad.

The government banned Jehovah's Witnesses in 1964 as a "politically motivated Zionist organization"; however, members of Jehovah's Witnesses have continued to practice their faith privately despite the ban.

The constitution prohibits sectarianism, although it specifies that the president must be a Muslim; however, in the case of Alawis, religious affiliation facilitated access to influential and sensitive posts.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

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

The constitution provides for the right of free movement "within the territories of the state unless restricted by a judicial decision or by the implementation of laws"; however, the government limited freedom of movement in practice. Travel to Israel is illegal, and the government restricts travel near the Golan Heights. The law provides for the prosecution of any person attempting to seek refuge in another country or travel abroad illegally. The government also denied human rights activists, leaders of opposition groups, and other individuals' permission to travel abroad.

Women over the age of 18 have the legal right to travel without the permission of male relatives; however, a husband or a father could file a request with the Ministry of Interior to prohibit his wife or daughter's departure from the country (see section 5).

The government maintained security checkpoints, primarily in military and other restricted areas. There were few police checkpoints on main roads or in populated areas. The security services used checkpoints to conduct warrantless searches for smuggled goods, weapons, narcotics, and subversive literature.

The government has refused to recognize the citizenship of or grant identity documents to some persons of Kurdish descent. There are approximately 300 thousand stateless Kurds in Syria. Lack of citizenship or identity documents restricted their travel to and from the country (see section 5). Syrian émigrés who did not complete mandatory military service could pay a fee to avoid conscription while visiting the country. During the year a number of émigrés were imprisoned for refusing to pay the fee.

During the first three-quarters of the year, citizens of Arab League countries were able to enter the country without a visa for a stay of up to three months, a period that could be renewed. Residency permits required proof of employment and a fixed address in the country. While visa-free entry for Arabs continued at year's end, the Interior Ministry issued a circular on October 27 informing immigration and security offices that nonpermanent resident males between the ages of 18 and 30 could be denied entry under a number of conditions, including travel alone, student or recent graduate status, residence in a country other than their own, and suspicious travel abroad.

The constitution prohibits forced exile, and there were no reports of forced exile during the year.

#### Protection of Refugees

The government is not a party to either the 1951 UN Convention relating to the Status of Refugees or its 1967 protocol. It generally cooperated with the office of the United Nations High Commissioner for Refugees (UNHCR) and the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in assisting refugees and asylum seekers and respected the UNHCR's eligibility determinations regarding asylum seekers. The government also participated in a UNHCR training seminar in international refugee law in March. However, UNHCR reported that a significant number of Iraqis were refused entry into the country during the year. It also reported that it had to intervene in several instances to prevent the deportation of persons issued UNHCR asylum seeker cards.

As of October 1, 429,399 Palestinian refugees were registered with UNRWA in the country. The General Authority of Palestinian Arab Refugees in Syria (GAPAR), the government agency established to coordinate assistance and protection to refugees, continued to provide assistance to Palestinian refugees during the year. Palestinian refugees with Syrian travel documents generally reported little difficulty traveling in and out of the country. In November the government admitted 19 Palestinian refugees fleeing Iraq to a refugee reception camp facility UNHCR established at El Hol in 2003 in anticipation of hostilities in Iraq.

Since 1991 thousands of Iraqis have applied for refugee status and have received legal and material assistance from the UNHCR in the country. In early 2003 the government agreed to admit persons displaced by the hostilities in Iraq. The government generally continued to honor UNHCR's request that states maintain some temporary protection for all Iraqi asylum seekers, including new arrivals, persons whose applications have been rejected, and recognized refugees whose cases had been suspended by resettlement countries during the year.

However, UNHCR reported that some Iraqis were deported during the year. There were estimates that between 60 thousand to a few hundred thousand Iraqis were living in the country. According to UNHCR figures, during the year 4,782 persons from Iraq, Somalia, Sudan, Yemen, Afghanistan, Algeria, Chad, Eritrea, Ethiopia, and Iran were recognized as refugees. An additional 3,778 cases of asylum seekers were pending. UNHCR received new applications for refugee status determination from 10,519 individuals during the year, primarily Iraqis. UNHCR did not facilitate any voluntary repatriations during the year. There were five voluntary repatriation cases in 2004.

According to International Organization for Migration (IOM) statistics, between January 1 and November 29, the government granted temporary protection to nine third-country nationals fleeing Iraq en route to Sudan and Morocco. IOM verified that these repatriations to third-countries were voluntary.

There were reports of refugees, particularly Iraqi girls and women, who were forced to work in the country as prostitutes because it was the only means to sustain a living for their families and themselves. No reliable statistics were available regarding the number of refugees working as prostitutes.

There are no direct provisions in Syrian laws which give refugees the right to work. Obtaining a work permit is a lengthy and complicated process; refugees were rarely granted a permit. In reality many refugees found daily labor in the informal sector mainly as guards, construction workers, street vendors, and in other manual labor jobs.

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

The constitution requires that the president be elected by referendum, and the parliament selects presidential candidates at the discretion of the regional Ba'ath party leadership. Although citizens vote for the president and MPs, in practice they did not have the right to change their government.

#### Elections and Political Participation

In July 2000 an unopposed referendum confirmed Bashar al-Asad as president for a seven-year term. Citizens are required by law to vote; however, the percentage of women and minorities that voted was unknown.

The president appoints the vice presidents, the prime minister, deputy prime ministers, and the Council of Ministers and has the discretion to change these appointments at will. The president and his senior aides, particularly those in the military and security services, made most political and economic decisions, with a very limited degree of public accountability.

The president and the Ba'ath Party suppressed political opposition. The constitution provides that the Ba'ath Party is the ruling party and ensures it a majority in all government and popular associations, such as workers' and women's groups. The Ba'ath Party and nine other smaller political parties comprise the NPF, originally established in 1971. The NPF represented the only framework for legal political party participation for citizens; however, the Ba'ath Party dominated it, and the one-party character of the political system remained. Other political parties of the NPF were satellites and conformed strictly to Ba'ath party and government policies.

The Ba'ath Party dominated the 250-member parliament, or People's Council. Parliamentarians can criticize policies and modify draft laws; however, the executive branch retains ultimate control over the legislative process. In March 2003 elections for all 250 seats in the People's Council took place for 5-year terms. The election was neither free nor fair. The constitution guaranteed ensuring a permanent absolute majority for the Ba'ath Party, and most seats in parliament were reserved for members of the ruling NPF. The government allowed independent non-NPF candidates to run for 83 seats and required advance approval for candidacy.

In 2002 the government sentenced independent MPs Mamoun Homsy and Riad Seif to five-year prison terms for calling on the government to allow independent political parties to participate in government. The men were serving five-year sentences in the criminal section of Adraa prison, and under the criminal penal code should have been released, three-quarters through their sentence, on good behavior in June.

Women and minorities, with the exception of the Jewish population and stateless Kurds (see section 5), participated in the political system without restriction. There were 2 female cabinet ministers, and 30 of the 250 MPs were women.

The government did not provide figures on the ethnic or religious composition of parliament or the cabinet; however, there was one MP representing the Kurdish Progressive Democratic party and one MP representing the Democratic Assyrian Organization.

In June 2004 the government banned all political activities by the 12 Syrian Kurdish parties, although enforcement has in intensity.

#### Government Corruption and Transparency

There were reports of corruption in the legislative and executive branches of the government. In October a presidential decree dismissed 81 judges from their positions in an effort to combat corruption and malfeasance in the judiciary. The dismissal was widely viewed in the country as a legal system sapped by an alarming level of corrupt practices. The government periodically dismissed isolated government officials for corruption, such as the January dismissal of Jamil Ajeeb, director general of the Directorate of Civil Aviation, which was reported in press accounts. It is rarer for the highest-level officials to be exposed to such charges. In nearly all such cases, corruption charges were being used by the regime as a political tool to attack its perceived enemies or rivals.

There are no laws providing for public access to government information.

### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights-

The government did not allow domestic human rights groups to exist legally. In the past human rights groups operated legally but ultimately were banned by the government. During the year there were reports of government harassment of domestic human rights activists.

On October 18, prominent human rights activist Haithem al-Maleh appeared before the military court to face charges of slander against government officials (see section 1.e.).

On October 19, lawyer and human rights activist Anwar al-Bunni came out of hiding after the government dropped an arrest warrant for him on apparently trumped-up charges of physical assault. On October 20, three men on motorbikes attacked and beat al-Bunni in Damascus. AI reported that this assault may have been ordered or carried out by state officials.

On December 18, lawyer and opposition figure Hassan Abdul Azeem was charged by the Damascus Military Court with publishing material by an illegal organization. The charges were related to the publication and distribution of reform-oriented material by the opposition umbrella group of which he is the spokesman (see section 1.e.).

In 2004 the government denied registration to AOHR and SWASIAH. CDF and HRAS were both denied registration in the past but continued to operate illegally. All four organizations operated in a limited capacity during the year (see section 2.b.).

The government last met with international human rights organizations in 1997. As a matter of policy, the government has denied to international human rights groups that it commits human rights abuses. The government has also stated that it responds in writing to all inquiries from NGOs regarding human rights issues, including the cases of individual detainees and prisoners, through an interagency governmental committee attached to the Ministry of Social Affairs and Labor. However, NGOs have reported that they usually heard nothing from the ministry. The government normally responded to queries from human rights organizations and foreign embassies regarding specific cases by claiming that the case was still under investigation and the prisoner could therefore not be released, or that the prisoner in question violated national security laws.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution provides for equal rights and equal opportunity for all citizens, and discrimination based on race, sex, disability, language, or social status is prohibited; however, membership in the Ba'ath Party or close familial relations with a prominent party member or powerful government official helped economic, social, or educational advancement. Party or government connections paved the way for entrance into better elementary and secondary schools, access to lucrative employment, and greater power within the government, the military, and the security services. Certain prominent positions, such as that of provincial governor, were reserved solely for Ba'ath party members. There was governmental and societal discrimination against stateless Kurds and Jews (see section 2.c.).

#### Women

Violence against women occurred, but there were no reliable statistics regarding the prevalence of domestic violence or sexual assault. The vast majority of cases were likely unreported, and victims generally were reluctant to seek assistance outside the family. In some cases observers reported that the abused women tried to file a police report, but the police did not respond aggressively, if at all, to their claims. Women reported incidents at police stations of sexual harassment, verbal abuse, hair pulling, and slapping by police officers when attempting to file police reports, particularly at the Criminal Security branch at Bab Musallah in Damascus. Battered women have the legal right to seek redress in court, but few did so because of the social stigma attached to such action. The Syrian Women's Federation offered counseling services to battered wives to remedy individual family problems. The Syrian Family Planning Association also provided counseling in an effort to address the problem. Some private groups, including the Family Planning Association, organized seminars on violence against women. There were a few private, nonofficial, specifically designated shelters or safe havens for battered women who fled or tried to flee from their husbands. In December 2004 representatives of all government agencies were required to attend a gender issues training seminar with representatives of domestic women's NGOs.

The Syrian Agency for Family Affairs reports directly to the prime minister and reviews the legal and social status of women and children, and coordinates with NGOs that provide services to women and children.

Rape is a felony; however, there are no laws against spousal rape. According to the law, "the punishment for a man who rapes a woman (other than his wife) is at least 15 years in prison." However, if the individual who commits the crime agrees to marry the victim, he faces no punishment. The victim's family sometimes agrees to this arrangement to avoid the social scandal and stigma attached to rape. If the victim is too young for marriage, the rapist receives a longer prison sentence. No statistics were kept on spousal rape because it is not a crime under the law.

The law specifically provides for reduced sentences in "honor" crimes, which are violent assaults by a male against a female, usually a family member, with intent to kill for alleged sexual misconduct. No official statistics were kept on honor crimes. There was one example of a woman who was forced to move from her rural village to a major city because her family assaulted her and threatened to kill her and her Christian boyfriend for having sex outside of marriage. In August a man stabbed and shot to death his 23-year-old sister Huda Abu Assaly, who he believed betrayed the family's honor by secretly marrying a Christian man she had met while studying at Damascus University. There were no reports of the authorities arresting and charging the brother for the killing. In September a woman from Afrih suspected by her family of engaging in premarital sex was killed by her brother and father. No charges were filed against them.

The law prohibits prostitution, and it was not a widespread problem among female citizens. There was growing evidence that it was a problem among Iraqi women residing in the country, especially minors (see section 5, Trafficking).

The law prohibits sexual harassment and specifies different punishments depending on whether the victim is a minor or an adult. Sexual harassment was rarely reported.

The constitution provides for equality between men and women and equal pay for equal work. Moreover, the government sought to overcome traditional discriminatory attitudes toward women and encouraged women's education by ensuring equal access to educational institutions, including universities. However, the government has not changed personal status, retirement, or social security laws that discriminate against women. In addition, some secular laws discriminate against women. For example, under criminal law, if a man and woman separately commit the same criminal act of adultery, the woman's punishment is double that of the man's.

Christians, Muslims, and other religious groups are subject to their respective religious laws on personal status issues of marriage and divorce. For Muslims, personal status law is based on the government's interpretation and application of Shari'a. This application of laws discriminated against Muslim women.

Husbands and wives can claim adultery as grounds for divorce; however, criminal law discriminates against women in this regard. A man can only be accused of adultery if his actions occur in the home which he shares with his wife; a woman can be accused of

adultery regardless of venue. Also, the court accepts any evidence a man presents when claiming adultery; if a woman attempts to file for divorce based on adultery, her husband must admit to the crime or there must be a third witness to the act. There were no reported cases where a woman successfully filed for divorce based on adultery.

A divorced woman might not be entitled to alimony in some cases, particularly if she gave up her right to it in order to persuade her husband to agree to the divorce.

Regardless of divorce or other circumstances, the law provides that a child is entitled to financial support of a minimum of \$20 (1 thousand Syrian pounds) per year.

In addition, under the Personal Status Law modified in October 2003, a divorced mother loses the right to physical custody of her sons when they reach the age of 13 and of her daughters at age 15. Guardianship, or control over exercise of the legal rights of the children, always remains with the paternal side of the family.

Inheritance for Muslims also is based on the government's interpretation of Shari'a. Accordingly, Muslim women usually were granted half of the inheritance share of male heirs. However, male heirs must provide financial support to the female relatives who inherit less. If they do not, females have the right to sue.

Polygyny is legal but was practiced only by a small number of Muslim men.

A husband may request that his wife's travel abroad be prohibited. While official statistics are not available, foreign embassies reported a number of such incidents during the year (see section 2.d.).

Women participated actively in public life and were represented in most professions, including the armed forces. Women were not impeded from owning or managing land or other real property. Women constituted approximately 13 percent of judges, 15 percent of lawyers, 57 percent of teachers below university level, and 20 percent of university professors.

#### Children

The law emphasizes the need to protect children, and the government organized seminars on child welfare. During the year some of these seminars were organized in cooperation with the local UNICEF office.

The government provided free, public education to citizen children from primary school through university. Education is compulsory for all children, male and female, between the ages of 6 and 12. According to a 2005 joint study by the UNDP and the Syrian State Planning Commission, 49.6 percent of students through the secondary level were female. Nevertheless, societal pressure for early marriage and childbearing interfered with girls' educational progress, particularly in rural areas where the dropout rates for female students remained high.

Palestinians and other noncitizens can send their children to school. Stateless Kurds can also send their children to school but because they do not have any identification, their children cannot attend state universities.

The legal age for marriage is 18 for males and 17 for females. However, a male 15 or older and a female 13 or older may be married if both are deemed by a judge to be willing parties to the marriage and "physically mature" to have children. In the event of a marriage under the legal age limit, there must be consent by the father or grandfather to the marriage. While underage marriage has declined considerably in the past decades, it was still common in the country. It occurred in all communities, but tended to be more prevalent in rural and lesser-developed regions. There were no statistics available on the rates of marriage in the country according to age.

The government provides free medical care for citizen children until the age of 18. There was no legal discrimination between boys and girls in education or in health care.

The law provides for severe penalties for those found guilty of the most serious abuses against children. Although there were cases of child abuse, there was no societal pattern of abuse against children.

Child prostitution and trafficking in children were rare; incidents that arose mainly involved destitute orphans.

In June human rights contacts reported that 60 Kurds were detained following a protest in the northeastern town of Qamishli; some of those arrested were under the age of 18. Human rights organizations also reported multiple cases where security services detained minors and placed them in adult prisons, including the three-year detainment of Musab al-Hariri in an adult detention facility and the detention of Kurdish minors in adult detention centers and prisons following the June protests against the death of Kurdish Sheikh Mashook al-Khaznawi (see section 1.c.).

#### Trafficking in Persons

Syria is a destination country for women trafficked from South and East Asia and Ethiopia for the purpose of labor exploitation and from Eastern Europe for sexual exploitation. There were no statistics available on the scope and type of trafficking that exists. There were reports by NGOs and the press that indicate Iraqi women may be subjected to sexual exploitation in prostitution by Iraqi criminal networks in the country, but those reports were not confirmed. A 2003 IOM study indicated that some individuals brought into the country to work as domestic workers suffered conditions that constituted involuntary servitude, including physical and sexual abuse, threats of expulsion, denial or delayed payment of wages, withholding of passports, and restriction of movement. The IOM study documented cases in which manpower agencies in the country that hired foreign domestic workers lured some victims through



fraudulent or deceptive offers of employment, despite the fact that such manpower agencies are banned.

The government does not fully comply with the minimum standards to eliminate trafficking and does not have a legal framework governing relations between domestic workers and their employers. It also does not regulate illegal manpower agencies that bring in and, in some cases, facilitate victims' exploitation. The governments of Sri Lanka and the Philippines banned their citizens from taking employment as domestic workers in the country due to a ban on private manpower agencies dealing with foreign domestic workers, who are not covered under most of the country's domestic labor laws. The government does not have a national antitrafficking coordinator, or comprehensive antitrafficking legislation to investigate and prosecute traffickers and manpower agencies that facilitate trafficking.

#### Persons with Disabilities

The law prohibits discrimination against persons with disabilities and seeks to integrate them into the public sector work force; however, implementation remained inconsistent. In December 2004 the government implemented regulations reserving 4 percent of government and public sector jobs for persons with disabilities (see section 6.e.). There are no laws that mandate access to public buildings for persons with disabilities.

#### National/Racial/Ethnic Minorities

The government generally permitted national and ethnic minorities to conduct traditional, religious, and cultural activities; however, the government's attitude toward the Kurdish minority remained a significant exception.

On March 21, police and security services prevented Kurds living in Aleppo from celebrating their New Year and arrested 40 Kurds the following day for celebrating.

On May 10, Kurdish Sheikh Mashook al-Khaznawi was kidnapped and found murdered several weeks later. Several days after his funeral, a Kurdish protest was organized calling for a full investigation into the circumstances surrounding his murder. Government police, military, and security forces broke up the protest, arresting approximately 60 Kurds, including women and minors. On August 4, they were released but still faced charges (see section 1.d.).

In March 2004 security forces in Qamishli, in the northeastern Hassakah Province, opened fire on a crowd at a soccer match after clashes between Arab and Kurdish fans. The following day crowds rioted in Qamishli, and the security forces again fired on the crowd. Subsequently, riots and demonstrations spread throughout the towns and villages of Hassakah as well as to cities such as Damascus and Aleppo. Thirty-eight persons were killed during the riots, and security forces detained more than 1 thousand persons (see sections 1.a., 1.c., and 1.d.).

Following the 1962 census, approximately 120 thousand Syrian Kurds lost their citizenship, which the government has never restored. As a result, those who lost their nationality, and their children, remained severely disadvantaged in participating in civil life and in receiving government services, including health and education, as well as employment open to citizens. These stateless Kurds, according to Refugees International estimates, numbered approximately 300 thousand. During a June meeting of the Ba'ath party congress, government officials said a solution to the Kurdish problem was imminent. President Bashar al-Asad also announced in his November 10 address to the nation that the issue would be resolved soon. However, there was no progress on the government's commitments by year's end.

Although the government contended that there was no discrimination against the Kurdish population, it placed limits on the use and teaching of the Kurdish language. It also restricted the publication of books and other materials written in Kurdish (see section 2.a.), Kurdish cultural expression, and, at times, the celebration of Kurdish festivals. The government tacitly accepted the importation and distribution of Kurdish language materials, particularly in the northeast region where most of the Kurds resided.

#### Section 6 Worker Rights

##### a. The Right of Association

While the constitution provides for the right of association and to form unions, in practice, workers were not free to establish unions independent of the government. All unions belonged to the General Federation of Trade Unions (GFTU), which was dominated by Ba'ath Party members and was a part of the government's bureaucratic structure. The GFTU advised the government on legislation, organized workers, and formulated rules for various member unions, controlling nearly all aspects of union activity. The GFTU president was a senior member of the Ba'ath Party, and he and his deputy could attend cabinet meetings on economic affairs.

There were no reports of antiunion discrimination. Since the unions were part of the government's bureaucratic structure, the law protects union members from antiunion discrimination. The GFTU was affiliated with the Damascus-based International Confederation of Arab Trade Unions.

All practicing lawyers in the court belonged to the Syrian Bar Association, whose leadership was dominated by Ba'ath party members.

##### b. The Right to Organize and Bargain Collectively

The law provides for the right to bargain collectively; however, this right does not exist in practice as the unions are effectively led by Ba'ath Party officials closely tied to the government. Government representatives were part of the bargaining process in the public sector. Public sector unions did not normally bargain collectively on wage issues, but union representatives participated with

representatives of employers from the government-affiliated Chambers of Industry and Commerce and the supervising ministry in establishing minimum wages, hours, and conditions of employment in the private sector. Workers served on the boards of directors of public enterprises, and union representatives were included on the boards.

The law provides for collective bargaining in the private sector, although past repression by the government dissuaded most workers from exercising this right.

Unions have the right to litigate disputes over work contracts and other workers' interests with employers and are able to ask for binding arbitration. In practice labor and management representatives settled most disputes without resort to legal remedies or arbitration. Management has the right to request arbitration, but that right seldom was exercised. Arbitration authority is vested in the ministry of justice administrative petition court. In practice this court did little more than certify agreements and almost no role in arbitrating disputes; as such disputes did not occur with any regularity.

The law does not prohibit strikes; however, previous government crackdowns deterred workers from striking. There were no strikes during the year.

There were no unions in the seven free trade zones (FTZs). Firms in the zones were exempt from the laws and regulations governing hiring and firing, although they were required to observe some provisions on health, safety, hours, and sick and annual leave. Ninety percent of the workers in the FTZs were citizens of the country.

#### c. Prohibition of Forced or Compulsory Labor

The law does not prohibit forced or compulsory labor, and there were no known reports of such practices involving foreign workers or domestic servants. However, the problem existed. Forced labor was imposed as a punishment for convicted prisoners. The governments of Sri Lanka and the Philippines banned their citizens from taking employment as domestic workers in the country because of abuses and the lack of a mechanism to protect the rights of their citizens.

#### d. Prohibition of Child Labor and Minimum Age for Employment

The labor law provides for the protection of children from exploitation in the workplace; however, the government tolerated child labor. The private sector minimum age for employment is 15 years for most types of nonagricultural labor and 18 years for heavy work. Working hours for youths of legal age were set at six hours per day. Youths were not allowed to work during night shifts, weekends, or on official holidays. In all cases, parental permission was required for children under the age of 16 to work. While the law prohibits children from working at night, this law applies only to children who work for a salary. Those who work in family businesses and who are technically not paid a salary--a common occurrence--do not fall under the law. Children under 15 are prohibited by law from working in mines, at petroleum sites, or in other dangerous areas. Children are not allowed to lift, carry, or drag heavy objects.

Independent information and audits regarding government enforcement were not available. The majority of children under age 16 who worked did so for their parents in the agricultural sector without remuneration. According to UNICEF, 8 percent of children under the age of 14 participated in the labor force between 1999 and 2003.

The Ministry of Labor and Social Affairs monitored employment conditions for persons under the age of 18; however, it did not have enough inspectors to ensure compliance with the laws. The Labor Inspection Department performed unannounced spot checks of employers on a daily basis to enforce the law; however, the scope of these checks was unknown.

#### e. Acceptable Conditions of Work

The minister of labor and social affairs was responsible for enforcing minimum wage levels in the public and private sectors. Public sector minimum wages were about \$62 (3,200 Syrian pounds) per month, plus benefits, including compensation for meals, uniforms, and transportation. Private sector minimum wages were \$65 (3,500 Syrian pounds) per month; however, private sector companies usually paid much higher wages than the minimum. These minimum wages did not provide a decent standard of living for a worker and family. As a result, many workers in both the public and private sectors took additional jobs or were supported by their extended families. The public sector work week was 35 hours; the private sector's was 42.5 hours. Premium pay exists for overtime worked, and a prohibition on excessive compulsory overtime exists in several sectors.

Rules and regulations severely limited the ability of an employer to dismiss a contracted employee without cause.

In December 2004 President Asad signed an amended "Basic Labor Law," which stipulates that public sector entities must reserve 4 percent of government and public sector jobs for persons with disabilities (see section 5). In addition, the law grants employees judicial recourse to appeal dismissals. A committee formed by the minister of justice, the minister of labor, and the chief of the Central Commission for Inspection and Control may make a decision to dismiss an employee, stating the reasons behind the decision. This decision must be approved by the prime minister.

The law does not protect temporary workers and workers without contracts. Neither group is subject to regulations on minimum wages. Small private firms and businesses employed such workers to avoid the costs associated with hiring permanent employees. The law mandates safety in all sectors, and managers are expected to implement them fully. In practice there was little enforcement without worker complaints, which occurred infrequently despite government efforts to post notices regarding safety rights and regulations. Large companies, such as oil field contractors, employed safety engineers.

Officials from the Ministries of Health and Labor were designated to inspect work sites for compliance with health and safety

standards; however, such inspections were sporadic, apart from those conducted in hotels and other facilities that catered to foreigners. The enforcement of labor laws in rural areas was more lax than in urban areas, where there were a larger number of inspectors. Workers may lodge complaints about health and safety conditions with special committees established to adjudicate such cases. Workers have the right to remove themselves from hazardous conditions without risking loss of employment.

The law provides protection for foreign workers who reside legally in the country but not for illegal workers. There were no credible estimates available on the number of illegal workers in the country.



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