



**Australian Government**  
**Refugee Review Tribunal**

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# Country Advice

## Syria

Syria – SYR38180 – Opposition –  
Anti-government – Detention – Torture

3 February 2011

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**1. Please provide information on Taher Ahmed el-Asaad, the party or group he represents, and the government's attitude to his associates.**

No information was located on Taher Ahmed el-Asaad or his political party.<sup>1</sup> There is, however, extensive credible reporting on the Syrian government's harassment of opposition members more broadly. According to a wide range of sources – including international and Syrian human rights groups along with the US and UK governments – Syrian security forces routinely detain and torture political activists and opposition members.<sup>2</sup> There is also considerable evidence that Syrian authorities harass and detain relatives of political activists, although these cases are not as frequent.<sup>3</sup>

Over the past few years, dozens of cases have been reported of security forces detaining and torturing opposition members and people critical of the government.<sup>4</sup> According to Amnesty

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<sup>1</sup> A Google search and translation search were carried out using several variations of the name.

<sup>2</sup> Human Rights Watch 2010, *A Wasted Decade: Human Rights in Syria during Bashar al-Asad's First Ten Years in Power*, July <http://www.hrw.org/node/91583> – Accessed 15 February 2011 – Attachment 1; UK Home Office 2009, *Operational Guidance Note – Syria*, February 2009 <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/syriaogn?view=Binary> – Accessed 15 February 2011 – Attachment 2; US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Syria*, 11 March [www.state.gov/g/drl/rls/hrrpt/2009/nea/136080.htm](http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136080.htm) – Accessed 15 February 2011 – Attachment 3; Human Rights Watch 2011, *World Report 2011*, 24 January [www.hrw.org/en/world-report-2011/syria](http://www.hrw.org/en/world-report-2011/syria) – Accessed 31 January 2011 – Attachment 4; Damascus Center for Human Rights 2010, *Alternative Report to the Syrian Government's Initial Report on Measures taken to Fulfill its Commitments under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, April <http://www2.ohchr.org/english/bodies/cat/docs/ngos/DCHRS.pdf> – Accessed 15 February 2011 – Attachment 5.

<sup>3</sup> US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Syria*, 11 March [www.state.gov/g/drl/rls/hrrpt/2009/nea/136080.htm](http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136080.htm) – Accessed 15 February 2011 – Attachment 3; Damascus Center for Human Rights 2010, *Alternative Report to the Syrian Government's Initial Report on Measures taken to Fulfill its Commitments under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, April <http://www2.ohchr.org/english/bodies/cat/docs/ngos/DCHRS.pdf> – Accessed 15 February 2011 – Attachment 5; Human Rights Watch 2008, *Syria: Wives of Islamist Suspects Detained, Whereabouts Unknown*, 18 August <http://hrw.org/english/docs/2008/08/18/syria19636.htm> – Accessed 19 August 2008 – Attachment 6; Amnesty International 2009, 'Amnesty International – urgent action: UA: 257/09 – Syrian Kurd disappears, risk torture', 25 September – Accessed 28 September 2009 – Attachment 7.

<sup>4</sup> Human Rights Watch 2009, 'Far from justice: Syria's Supreme State Security Court', February <http://www.hrw.org/sites/default/files/reports/syria0209webwcover.pdf> – Accessed 15 February 2011 – Attachment 12; UK Home Office 2009, *Operational Guidance Note – Syria*, February <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/countryspecificasylumpolicyogns/syriaogn?view=Binary> – Accessed 15 February 2011 – Attachment 2. Free Syria 2009, 'The Syrian regime arrests five members of banned party', 24 May [http://www.free-syria.com/en/loadarticle.php?articleid=347\\_98](http://www.free-syria.com/en/loadarticle.php?articleid=347_98) –

International, Syrian security forces detain individuals on “the slightest suspicion of opposition to the regime”.<sup>5</sup> Cases were found of detention and torture in the province of Edlib (Idlib).<sup>6</sup> The Syrian Human Rights Committee reported a 2006 case in Edlib where a person was arrested “because he criticised the practices of the Syrian intelligence”.<sup>7</sup> The US State Department reported another case in 2006 of a teacher in Edlib being abducted, tortured and killed; no investigation was conducted into his death.<sup>8</sup>

### **Government treatment of political opposition and activists**

President Bashar Assad’s government does not allow political opposition to operate and has shown no indication that it will open up the political space.<sup>9</sup> According to the UK Foreign and Commonwealth Office’s *Annual Report on Human Rights 2009*, the Syrian government’s poor human rights record worsened in 2009, with a “deterioration in the situation for opposition politicians and Syria’s Kurdish population, and the restrictions of basic civil rights and freedom of the media”.<sup>10</sup>

Syrian security forces closely monitor opposition groups and harass their members. According to Human Rights Watch, in recent years, the government has focused primarily on Kurdish activist and Islamist groups – both salafists and members of the Muslim Brotherhood.<sup>11</sup> Historically, the government has targeted a broad range of opposition movements including Islamist groups, communist and leftist parties, Kurdish nationalist groups, Nasserite parties, Palestinian groups and the breakaway Ba’ath party.<sup>12</sup>

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Accessed on 25 May 2009 – Attachment 15; Institute for War and Peace Reporting 2010, *Future looks grim for Syrian activists*, 4 March [http://www.unhcr.org/refworld/country,,,SYR,,4b94b5c81\\_a.0.html](http://www.unhcr.org/refworld/country,,,SYR,,4b94b5c81_a.0.html) – Accessed 16 March 2010 – Attachment 16; Alkarama for Human Rights, 2011, ‘Syria: United Nations call for release and compensation for Haitham Al Maleh’, 28 January [http://en.alkarama.org/index.php?option=com\\_content&view=article&id=647:syria-united-nations-call-for-release-and-compensation-for-haitham-al-maleh&catid=36:communiqu&Itemid=198](http://en.alkarama.org/index.php?option=com_content&view=article&id=647:syria-united-nations-call-for-release-and-compensation-for-haitham-al-maleh&catid=36:communiqu&Itemid=198) – Accessed 16 February 2011 – Attachment 17.

<sup>5</sup> Amnesty International 2009, *Amnesty International – urgent action: UA: 257/09 – Syrian Kurd disappears, risk torture*, 25 September – Accessed 28 September 2009 – Attachment 7 states that Syrian security forces “regularly detain individuals on even the slightest suspicion of opposition to the regime”.

<sup>6</sup> World Organisation Against Torture 2005, *Human Rights Violations in Syria: NGO Report to the United Nations Human Rights Committee, 84th Session Including the Committee’s Concluding Observations*, 5 August <http://www.unhcr.org/refworld/docid/46af4d4e0.html> – Accessed 15 February 2011 – Attachment 18 reports that Syria security forces arbitrarily detained several members of the same family in Edlib.

<sup>7</sup> Syrian Human Rights Committee, 2006 ‘*Arrest of Omar Mohammed al-Doghaim*’, 14 November, Syrian Human Rights Committee website, <http://www.shrc.org/data/aspx/d8/2898.aspx> – Accessed 15 February 2011 – Attachment 19.

<sup>8</sup> US Department of State 2009, *Country Reports on Human Rights Practices 2008 – Syria*, 25 February, Section 5 [www.state.gov/g/drl/rls/hrrpt/2008/nea/119127.htm](http://www.state.gov/g/drl/rls/hrrpt/2008/nea/119127.htm) – Accessed 15 February 2011 – Attachment 20

<sup>9</sup> UK Foreign and Commonwealth Office 2010, *Annual Report on Human Rights 2009*, March <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009> – Accessed 16 February 2011 – Attachment 8; Human Rights Watch 2011, *World Report 2011*, 24 January [www.hrw.org/en/world-report-2011/syria](http://www.hrw.org/en/world-report-2011/syria) – Accessed 31 January 2011 – Attachment 4.

<sup>10</sup> UK Foreign and Commonwealth Office 2010, *Annual Report on Human Rights 2009*, March <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009> – Accessed 16 February 2011 – Attachment 8.

<sup>11</sup> Human Rights Watch 2010, *A Wasted Decade: Human Rights in Syria during Bashar al-Asad’s First Ten Years in Power*, July <http://www.hrw.org/node/91583> – Accessed 15 February 2011 – Attachment 1.

<sup>12</sup> Amnesty International, 2001, *Torture, despair and dehumanization in Tadmur military prison*, 19 September – Attachment 14; Human Rights Watch 2010, *A Wasted Decade: Human Rights in Syria during Bashar al-*

Detention and torture of opposition members is common, although it is less frequent than under former President Hafez Assad.<sup>13</sup> Political and human rights activists are often detained on vague charges and held for long periods – sometimes years – without trial.<sup>14</sup> Freedom House estimates that there are about 2500 – 3000 political prisoners in Syrian gaols that have never been tried.<sup>15</sup> Independent monitors are not allowed in Syria’s prisons so the scale of the abuse by security forces is unknown.<sup>16</sup> However, reports based on information from former prisoners, detainees, and local human rights groups indicate that the use of torture in Syria’s prisons and detention centres is widespread, with security forces often using physical and psychological abuse to extract confessions from detainees.<sup>17</sup> Political prisoners and criminal prisoners are both subject to torture; however, political prisoners are particularly likely to be abused.<sup>18</sup>

The government’s suppression of opposition is supported by a legal system that protects state use of torture and legalises arbitrary detention. Since the ruling Ba’ath Party came to power in 1963, Syria has been in a continual state of emergency. The 1963 Emergency Law – which allows Syrian security forces to carry out “preventative arrests” without warrants or other constitutional protections – is used by the government to arrest and detain suspected political opponents.<sup>19</sup> Syrian security forces also have legal immunity for acts of torture carried out in the line of duty, undermining constitutional protections.<sup>20</sup> As a result, key perpetrators of

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*Asad’s First Ten Years in Power*, July <http://www.hrw.org/node/91583> – Accessed 15 February 2011 – Attachment 1.

<sup>13</sup> Amnesty International 2001, *Torture, despair and dehumanization in Tadmur military prison*, 19 September – Attachment 14; Human Rights Watch 2010, *A Wasted Decade: Human Rights in Syria during Bashar al-Asad’s First Ten Years in Power*, July <http://www.hrw.org/node/91583> – Accessed 15 February 2011 – Attachment 1.

<sup>14</sup> US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Syria*, 11 March [www.state.gov/g/drl/rls/hrrpt/2009/nea/136080.htm](http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136080.htm) – Accessed 15 February 2011 – Attachment 3; Damascus Center for Human Rights 2010, *Alternative Report to the Syrian Government’s Initial Report on Measures taken to Fulfill its Commitments under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, April <http://www2.ohchr.org/english/bodies/cat/docs/ngos/DCHRS.pdf> – Accessed 15 February 2011 – Attachment 5.

<sup>15</sup> Freedom House 2010, *Freedom in the World – Syria*, 3 May <http://freedomhouse.org/template.cfm?page=22&year=2010&country=7928> – Accessed 16 September 2010 – Attachment 21.

<sup>16</sup> United Nations Committee Against Torture 2010, “Committee against Torture – Forty-fourth session, 26 April – 14 May 2010. Consideration of reports submitted by States parties under article 19 of the convention, Concluding observations of the Committee against Torture: SYRIAN ARAB REPUBLIC”, May <http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.SYR.CO.1.pdf> – Accessed 16 February 2011 – Attachment 10.

<sup>17</sup> Damascus Center for Human Rights 2010, *Alternative Report to the Syrian Government’s Initial Report on Measures taken to Fulfill its Commitments under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, April <http://www2.ohchr.org/english/bodies/cat/docs/ngos/DCHRS.pdf> – Accessed 15 February 2011 – Attachment 5; Freedom House, 2008, *CX199350: SYRIA: The worst of the worst Syria 2008*, 5 May, [http://www.freedomhouse.org/uploads/special\\_report/62.pdf](http://www.freedomhouse.org/uploads/special_report/62.pdf) – Accessed on 6 May 2008 – Attachment 11.

<sup>18</sup> UK Border Agency, 2010, “Country of Origin Information report: Syrian Arab Republic”, September – Attachment 22.

<sup>19</sup> US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Syria*, 11 March [www.state.gov/g/drl/rls/hrrpt/2009/nea/136080.htm](http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136080.htm) – Accessed 15 February 2011 – Attachment 3; Amnesty International, 2002, *Smothering freedom of expression: Detention of peaceful critics*, 6 June [www.web.amnesty.org/library/print/ENGMDE240072002](http://www.web.amnesty.org/library/print/ENGMDE240072002) – Accessed on 16 May 2003 – Attachment 9

<sup>20</sup> US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Syria*, 11 March [www.state.gov/g/drl/rls/hrrpt/2009/nea/136080.htm](http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136080.htm) – Accessed 15 February 2011 – Attachment 3; United Nations Committee Against Torture 2010, “Committee against Torture – Forty-fourth session, 26 April – 14 May 2010. Consideration of reports submitted by States parties under article 19 of the convention, Concluding

torture – such as General Intelligence, Political Security and the Military and Air Force Intelligence – are protected from prosecution.<sup>21</sup> This is reflected in a 2008 report by Freedom House, which says:

The state of emergency in force since 1963 gives the security agencies virtually **unlimited authority to arrest suspects and hold them incommunicado for prolonged periods without charge**. Many of the estimated 2,500 to 3,000 remaining political prisoners in Syria have never been tried. The security agencies, which operate independently of the judiciary, **routinely extract confessions by torturing suspects and detaining their family members**.<sup>22</sup>

Opposition members and political detainees are normally tried by the highly politicised Supreme State Security Court (SSSC). The SSSC operates outside the ordinary justice system and is not subject to the same procedural requirements as regular courts.<sup>23</sup> SSSC verdicts are final and not subject to appeal.<sup>24</sup> According to the Damascus Centre for Human Rights, the SSSC “conducts its session in total secrecy”, with the defendants denied access to a lawyer and their family.<sup>25</sup> Reports indicate that the SSSC routinely ignores claims by defendants that their confessions have been obtained with torture.<sup>26</sup>

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*observations of the Committee against Torture: SYRIAN ARAB REPUBLIC*”, May

<http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.SYR.CO.1.pdf> – Accessed 16 February 2011 – Attachment 10; Damascus Center for Human Rights 2010, *Alternative Report to the Syrian Government's Initial Report on Measures taken to Fulfill its Commitments under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, April

<http://www2.ohchr.org/english/bodies/cat/docs/ngos/DCHRS.pdf> – Accessed 15 February 2011 – Attachment 5.

<sup>21</sup> Damascus Center for Human Rights 2010, *Alternative Report to the Syrian Government's Initial Report on Measures taken to Fulfill its Commitments under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, April <http://www2.ohchr.org/english/bodies/cat/docs/ngos/DCHRS.pdf> – Accessed 15 February 2011 – Attachment 5.

<sup>22</sup> Freedom House, 2008, *The worst of the worst Syria 2008*, 5 May

[http://www.freedomhouse.org/uploads/special\\_report/62.pdf](http://www.freedomhouse.org/uploads/special_report/62.pdf) – Accessed on 6 May 2008 – Attachment 11.

<sup>23</sup> Human Rights Watch 2009, *Far from justice: Syria's Supreme State Security Court*, February

<http://www.hrw.org/sites/default/files/reports/syria0209webwcover.pdf> – Accessed 15 February 2011 –

Attachment 12; United Nations Committee Against Torture 2010, “*Committee against Torture – Forty-fourth session, 26 April – 14 May 2010. Consideration of reports submitted by States parties under article 19 of the convention, Concluding observations of the Committee against Torture: SYRIAN ARAB REPUBLIC*”, May

<http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.SYR.CO.1.pdf> – Accessed 16 February 2011 –

Attachment 10. UN Human Rights Council 2010, “*Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development: including a joint study on global practices in relation into secret detention in the context of countering terrorism*”, 20 May <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/134/99/PDF/G1013499.pdf?OpenElement> – Accessed 16 February 2011 – Attachment 13.

<sup>24</sup> US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Syria*, 11 March

[www.state.gov/g/drl/rls/hrrpt/2009/nea/136080.htm](http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136080.htm) – Accessed 15 February 2011 – Attachment 3;

<sup>25</sup> Damascus Center for Human Rights 2010, *Alternative Report to the Syrian Government's Initial Report on Measures taken to Fulfill its Commitments under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, April <http://www2.ohchr.org/english/bodies/cat/docs/ngos/DCHRS.pdf> – Accessed 15 February 2011 – Attachment 5.

<sup>26</sup> Human Rights Watch 2009, *Far from justice: Syria's Supreme State Security Court*, February,

<http://www.hrw.org/sites/default/files/reports/syria0209webwcover.pdf> – Accessed 15 February 2011 – Attachment 12.

## Treatment of individuals associated with opposition group members

Syrian authorities also target family and associates of political activists.<sup>27</sup> According to the Damascus Centre for Human rights, the relatives of suspects have been caught up in the successive waves of government arrests over the past decades – particularly in the 1980s and 1990s.<sup>28</sup>

Several cases were located of family members of activist or political detainees being arrested.<sup>29</sup> In 2008, the wives of three accused Islamists were detained because of the activities of their husbands.<sup>30</sup> In 2005, a 17 year old boy was sentenced to 6 years in prison because of his family's association with the Muslim Brotherhood.<sup>31</sup> A 2005 report by the UN Commission on Human Rights reported the detention of an 81 year old man based on his family's political activities.<sup>32</sup>

Human rights and US government reports indicate that relatives of suspects are detained in lieu of the relatives or to force their family member to surrender or confess to crimes.<sup>33</sup> The Syrian Human Rights Committee reports that friends and family of suspected antigovernment activists are coerced into monitoring and reporting on them.<sup>34</sup> According to the US Department of State's *Country Reports on Human Rights Practices for 2009 – Syria*, there are “unconfirmed reports that security personnel forced prisoners to watch relatives being tortured to extract confessions”.<sup>35</sup>

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<sup>27</sup> US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Syria*, 11 March [www.state.gov/g/drl/rls/hrrpt/2009/nea/136080.htm](http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136080.htm) – Accessed 15 February 2011 – Attachment 3

<sup>28</sup> Damascus Center for Human Rights 2010, *Alternative Report to the Syrian Government's Initial Report on Measures taken to Fulfill its Commitments under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, April <http://www2.ohchr.org/english/bodies/cat/docs/ngos/DCHRS.pdf> – Accessed 15 February 2011 – Attachment 5

<sup>29</sup> US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Syria*, 11 March [www.state.gov/g/drl/rls/hrrpt/2009/nea/136080.htm](http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136080.htm) – Accessed 15 February 2011 – Attachment 3; Human Rights Watch 2008, *Syria: Wives of Islamist Suspects Detained, Whereabouts Unknown*, 18 August <http://hrw.org/english/docs/2008/08/18/syria19636.htm> – Accessed 19 August 2008 – Attachment 6.

<sup>30</sup> Human Rights Watch 2008, *Syria: Wives of Islamist Suspects Detained, Whereabouts Unknown*, 18 August <http://hrw.org/english/docs/2008/08/18/syria19636.htm> – Accessed 19 August 2008 – Attachment 6.

<sup>31</sup> US Department of State 2006 *Country Reports on Human Rights 2005 – Syria*, 8 March [www.state.gov/g/drl/rls/hrrpt/2005/61699.htm](http://www.state.gov/g/drl/rls/hrrpt/2005/61699.htm) – Accessed 16 February 2011– Attachment 23.

<sup>32</sup> UN Commission on Human Rights 2005, *Civil and Political Rights, including the questions of torture and detention*, 23 March – Attachment 24.

<sup>33</sup> US Department of State 2010, *2009 Country Reports on Human Rights Practices*, 11 March [www.state.gov/g/drl/rls/hrrpt/2009/nea/136080.htm](http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136080.htm) – Accessed 15 February 2011 – Attachment 3; Damascus Center for Human Rights 2010, *Alternative Report to the Syrian Government's Initial Report on Measures taken to Fulfill its Commitments under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, April <http://www2.ohchr.org/english/bodies/cat/docs/ngos/DCHRS.pdf> – Accessed 15 February 2011 – Attachment 5

<sup>34</sup> Freedom House 2010, *Freedom in the World – Syria*, 3 May <http://freedomhouse.org/template.cfm?page=22&year=2010&country=7928> – Accessed 16 September 2010 – Attachment 21.

<sup>35</sup> US Department of State, 2010, *Country Reports on Human Rights Practices 2009 – Syria*, 11 March [www.state.gov/g/drl/rls/hrrpt/2009/nea/136080.htm](http://www.state.gov/g/drl/rls/hrrpt/2009/nea/136080.htm) – Accessed 15 February 2011 – Attachment 3.

## Attachments

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