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Human rights issues concerning Kurds in Syria

Report from a joint fact finding mission by the Danish Immigration Service (DIS) and ACCORD/Austrian Red Cross to Damascus, Syria, Beirut, Lebanon, and Erbil and Dohuk, Kurdistan Region of Iraq (KRI)

21 January to 8 February 2010

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This report is the product of a joint fact-finding mission by the Danish Immigration Service (DIS), Documentation and Project Division, and the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) of the Austrian Red Cross to Damascus, Syria, Beirut, Lebanon and Erbil and Dohuk in the Kurdistan Region of Iraq (KRI) from 21 January to 8 February 2010.

It is not, and does not purport to be fully exhaustive with regard to the issues covered, nor is it conclusive as to the merits of any particular claim to refugee status or asylum. The views stated in this report reflect the sources' personal opinions and knowledge and do not present an opinion of the Danish Immigration Service or ACCORD/Austrian Red Cross.

The report is available on www.ecoi.net and www.newtodenmark.dk.

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Abbreviations

HRW	Human Rights Watch
IFRC	International Federation of Red Cross and Red Crescent Societies
KDP-S	Kurdish Democratic Party in Syria (al-Parti)
KHRP	Kurdish Human Rights Project
KRI	Kurdistan Region of Iraq
OCHA	UN Office for the Coordination of Humanitarian Affairs
PDS	Public Distribution System
PKK	Partiya Karkerên Kurdistan, Kurdistan Workers' Party
PUK	Kurdish Popular Union Party in Syria
PYD	Partiya Yekitiya Demokrat, Democratic Union Party
SARC	Syrian Arab Red Crescent
SSSC	Supreme State Security Court
SHRC	Syrian Human Rights Committee
UNHCR	UN High Commissioner for Refugees
UNDP	United Nations Development Programme

Introduction and methodology

The present report is the product of a joint fact-finding mission conducted by the Danish Immigration Service (DIS), Documentation and Research Division, and the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) of the Austrian Red Cross to Damascus, Syria, Beirut, Lebanon and Erbil and Dohuk in the Kurdistan Region of Iraq (KRI) from 21 January to 8 February 2010.

The necessity for this mission arose in the light of a significant rise in the number of Syrian asylum seekers of Kurdish origin in many countries across Europe, and, concurrently, a relative lack of relevant, current, accurate and reliable country of origin information on the issue. Therefore, this report focuses on various human rights aspects regarding the situation of Kurds in Syria, including the situation of persons who are politically active in different forms or display their Kurdish culture, the risk of reprisals against their relatives, the treatment of Kurdish activists during detention and after release, as well as the treatment of Kurds who have left Syria illegally upon their return to the country. Furthermore, the report provides information on the Kurdish population's access to selected basic commodities and the situation of the Yezidi minority in the country, and sheds light on the state of documentation and reporting on human rights violations. Finally, the report provides a brief insight into the situation of Syrian Kurds in the Kurdistan Region of Iraq, which is attached in annex 5 of the report.

This report does not intend to be a detailed or comprehensive survey of all human rights issues concerning the Kurds in Syria. If some facts or events are not mentioned in the report, this does not necessarily indicate that these do not exist or occur but rather that the information is not of direct relevance to common types of asylum and human rights claims made in Denmark and Austria.

In the report, care is taken to present the views of the various interlocutors in an accurate and transparent way. It is inevitable that this report will contain some seemingly contradictory statements. However, it should be noted that the report has been produced to accurately reflect, as far as possible, the information communicated to the delegation in the various meetings attended and does not contain any opinions or policies of the DIS or ACCORD.

In the scope of compiling this report the delegation consulted 32 sources, 29 of whom were consulted during the mission. Prior to and after the mission, the delegation consulted three further sources, i.e. representatives of Amnesty International in London and the Kurdish Human Rights Project in London, and the project coordinator of KurdWatch.org. The sources consulted during the mission, i.e. in Damascus, Beirut, Erbil and Dohuk, comprised representatives of international organisations, national and international humanitarian organisations, an international human rights organisation, Western diplomatic representations, Kurdish human rights organisations, Syrian Kurdish political parties, Kurdish journalists, Syrian authorities and representatives of a delegation of Syrian Kurdish refugees in the Kurdistan Region of Iraq. Due to security or diplomatic reasons, about half of the sources interviewed preferred to remain anonymous in the report. In such cases, the delegation asked the sources to choose descriptive terms by which to be referred to in the report.

All interviews were conducted orally in a semi-structured form, mostly in English or, in seven cases, with the help of an Arabic-English interpreter. All interlocutors were informed about the background of the mission (as stated above), and that their statements would be included in the given form in this report, which is a public document. The interviews were not taped but recorded in written form by the delegation. In order to give every interlocutor the chance to reflect and comment upon, as well as correct or amend his or her statements, all sources were asked for their consent to have the delegation's notes of their interviews sent to them for approval, which all but eight sources agreed to. Four sources consulted in Syria abstained from receiving the notes for approval because of security concerns or technical reasons but agreed to the publication of the delegation's notes. Four sources consulted in KRI did not find it relevant to receive the meeting notes for approval. Thus, notes from 22 meetings were approved by the sources while two sources never replied despite several reminders. However, since both had granted permission to publish their statements, it was decided to include their interviews into the report. The notes were then compiled into the report at hand. In those cases in which the interviews were conducted with an interpreter, the delegation's notes were translated into Arabic, and the approved versions re-translated into English.

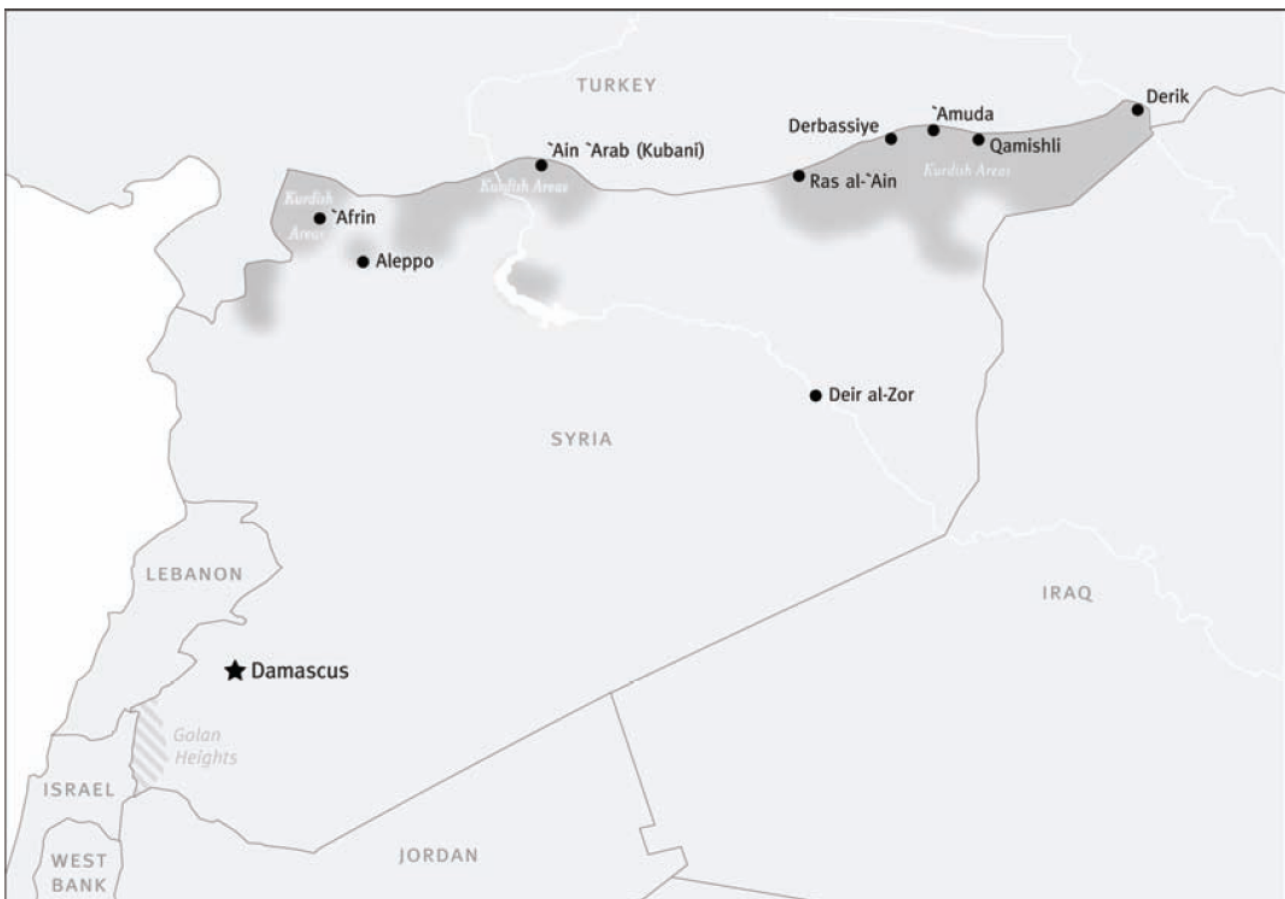
If deemed necessary, additional material has been included in the respective chapters. These passages are referenced both in the text and in the list of references at the end of this report. Accordingly, each interview statement is traceable to the source in question, a list of sources can be found at the end of the report at hand.

The mission delegation and editorial team comprised Majid Behbahani and Jan Olsen, both Regional advisers at the Danish Immigration Service and Vanessa Prinz, country researcher at ACCORD/Austrian Red Cross.

1. The Kurds in Syria: Background

1.1. Background

Kurds are the largest non-Arab ethnic minority in Syria, with their numbers estimated at approximately 1.7 million—roughly 10 percent of Syria’s population. The vast majority is Sunni and speaks its own distinct language, Kirmanji. Kurds live in large numbers along the borders with Iraq and Turkey in three areas of concentration: the Jazira in the northeast, the `Ain `Arab region in the north, and the highlands in the northwest around `Afrin (also known as Kurd Dagh (Mountain of the Kurds)). There are also sizeable Kurdish populations in Aleppo and Damascus.¹ A map of the Syrian Arab Republic can be found in annex 1.



The Kurdish Area of Syria. © John Emerson²

In 1962 the government carried out a special census in al-Hasakeh province in northeast Syria. Kurds had to prove that they had lived in Syria since at least 1945 or lose their citizenship. The

¹ HRW – Human Rights Watch: Group Denial – Repression of Kurdish Political and Cultural Rights in Syria, November 2009, p. 9

http://www.hrw.org/sites/default/files/reports/syria1109webwcover_0.pdf (accessed 20 April 2010)

² Ibid.

government conducted the census in one day, and around 120,000 Kurds lost their citizenship and became thereby stateless. The number of stateless Kurds in Syria has grown since then to reach an estimated 300,000 today, because the children of stateless men are themselves considered stateless.³

At the end of 60's, the Syrian government decided to create an "Arab belt", a 280 long and 10-15 km. wide band of arable, well-cultivated land along the Turkish border. The plan anticipated deportation of 140,000 Kurds living in 332 villages situated inside this band who were supposed to be replaced by Arabs. However, the plan was not realized until 1975 where around 4,000 Arab families of the Walda tribe were moved to forty-one model farms in Jazira as well as to fifteen model farms north of ar-Raqqa. The Arabization campaign of Jazira was halted by Hafiz al-Asad in 1976, but the status quo remained unchanged.⁴

1.1.1. Qamishli events

On March 12, 2004 at a football match in Qamishli, a town in the Jazira region, tensions rose between Kurdish fans of the local team and Arab supporters of a visiting team from the city of Deir al-Zor, and fights eventually erupted between members of the opposing supporter groups. Security forces responded by firing live bullets which resulted in death of at least seven Kurds. The next day, members of the security forces fired at a Kurdish funeral procession and demonstration, causing a number of additional Kurdish fatalities and injuries. Two days of violent protests and riots in Qamishli and other Kurdish towns in the north and northeast, including al-Qahtaniya, al-Malkiya, and `Amuda, followed. The army moved into Qamishli and other major Kurdish towns in northern Syria, and a week later calm was restored. At least 36 people were killed, 160 injured, and more than 2,000 detained during the unrest. Most of the detainees were released, including 312 detainees who were released under an amnesty announced by President Bashar al-Asad on March 30, 2005.⁵

1.1.2. Decree 49

In November 2008, Kurdish groups began organizing demonstrations against Presidential Decree No. 49. The decree, enacted on September 10, 2008, restricts the ability of people living in certain border areas of Syria to sell or purchase property without prior approval from the authorities. As a result, property transactions cannot proceed without state approval. To sell land or buildings or to purchase property are now subject to state review and approval, without any required timetable for approval, or criteria for decision-making.

³ Ibid., p. 10

⁴ Tejel, Jordi: Syria's Kurds - History, Politics and Society, New York 2009, p. 61f (limited preview available at <http://books.google.com/books?id=ecTTlytljswC&lpg=PP1&dq=Tejel%2C%20Jordi&hl=de&pg=PP1#v=onepage&q&f=false> (accessed 15 April 2010))

⁵ HRW – Human Rights Watch: Group Denial – Repression of Kurdish Political and Cultural Rights in Syria, November 2009, p. 15f http://www.hrw.org/sites/default/files/reports/syria1109webwcover_0.pdf (accessed 20 April 2010)

Since the Kurds represent a majority of those living in the affected border areas, many Kurds fear that this decree is one more way of forcing them to leave their areas by making it impractical and difficult to acquire new property, and otherwise by undermining the local economy.⁶

The text of Decree No. 49 can be found in annex 2. On further information on the impact of the decree on migration movements, see chapter 1.2.

1.1.3. Syria's Multiple Security Services

“There are four main security agencies in Syria: Military Intelligence (Shu'bat al-Mukhabarat al-'Askariyya), the Political Security Directorate (Idarat al-Amn al-Siyasi), the General Intelligence Directorate (Idarat al-Mukhabarat al-'Ammah, generally referred to as State Security (Amn al-Dawla), its previous name), and Air Force Intelligence (Idarat al-Mukhabarat al-Jawiyya). It is these agencies, not the regular police, which usually deal with individuals involved in what the authorities consider political activities, including those advocating for Kurdish political and cultural rights.”⁷

1.2. Trends and factors behind migration of Kurds

A Western diplomatic source (1) explained that there are three main push-factors for internal and external migration of Kurds: discrimination, the drought in the country and regional instability.

As examples of current discriminatory policies against the Kurdish population a Western diplomatic source (1) referred to the issue of statelessness of a number of Kurds and Decree No. 49 of October 2008. The impact of this fairly new decree is rather unclear yet. However, it has frozen the economic activity, construction work and land sales within an area of 25 km from the border, and it has as well had a negative impact on agricultural activities. Furthermore, the area affected by the decree has been expanded to the entire al-Hasakeh province. Therefore, it is de facto impossible to sell or buy property in the area, unless one is informant for the security services or a prominent member of the Ba'ath party. A person who wish to sell or buy land or start a construction work in al-Hasakeh province must apply for permission at the Ministry of Defence, the Ministry of Justice, the Ministry of Interior, the Ministry of Agriculture and finally to the head of the army in al-Hasakeh province. The source however assumed that the decree does not apply to Arabs in order to promote an influx of Arabs to the region.

According to a Western diplomatic source (1) the north-eastern region has been affected by a drought for the fourth consecutive year, which has resulted in an annual reduction of the harvest. Part of the problem is the Syrian agricultural policy which is responsible for a mismanagement of wells in the area and the region's heavy reliance on irrigation intensive cotton industry. As a result of the drought the Kurdish and Bedouin population of 220 villages in the Kurdish region (comprising approximately 20 percent of the population in the respective area) has migrated to Aleppo and Damascus. Still, the government has so far shown only minimal response to the drought.

⁶ Ibid., p. 20

⁷ Ibid., p. 16

In relation to the regional instability as a push-factor in relation to the migration of Syrian Kurds to Europe, a Western diplomatic source (1) explained that the situation of Syrian Kurds are linked to developments in the Kurdish areas in Turkey, Iraq and Iran. The Syrian PYD is connected to the PKK in Turkey. A part of the insurgency in Turkey has originated in the Kurdish part of Syria, and a former PKK member is buried in almost every Kurdish village in Syria. Regarding the political links between Syrian Kurds and Iraq, it was stated that the most popular Kurdish party, the KDP-S, is influenced by the KDP in the Kurdistan Region of Iraq. It was added that the government's increased sensitivity towards Syrian Kurds since 2004 is partly due to concerns regarding the influence of the situation in Iraq on Syrian Kurdish nationalism. Another element of regional instability is the armed Kurdish groups fighting in Iran.

Nadim Houry, senior researcher, Human Rights Watch (HRW), Beirut, explained that until the 1980s Syria supported Kurdish groups in neighbouring countries, which had somewhat silenced the Kurds within Syria. This situation has however changed due to several factors including the improvement of Syria's relations with its neighbours and Turkey's threats to Syria which pushed Syria to clamp down on PKK.

According to Rachel Raenell Bernu, Managing Director, Kurdish Human Rights Project (KHRP), London, the year 2007 witnessed a change in policy of the Syrian government to the Kurdish issue. It is difficult to tell the reasons behind the policy shift. But it was suggested that one explanation is that the shift in policy could be a consequence of a coordinated security effort between Turkey, Iran and Syria to suppress the Kurdish populations in these three countries.

A prominent Kurdish political leader (1) explained that political and economic factors are two main reasons for the migration of Kurds out of the north-eastern regions of Syria, and that these factors are tightly interlinked. Referring to the political background, the source mentioned that, although there has always been pressure on Kurds, it increased in 2003 with the fall of Saddam Hussein. After that time the political and human rights situation has continuously deteriorated. Another crucial factor influencing the current situation of Kurds in the country is the incident in Qamishli in 2004. The serious and continuing political pressure is one of the reasons why Kurds migrate from Syria. Another motive for emigration is economic reasons. Although al-Hasakeh province is a wealthy area with sound agricultural output, especially wheat, grains and cotton, as well as petrol, the region lacks infrastructure for further processing of agricultural products. As the government does not invest in industry in the north-eastern area and prevents establishing private factories in several ways, the area heavily relies on agriculture and real estate. The water irrigated area allowed for cultivation has been limited to much less than its potential so as not to use more than 15 percent of a single well capacity, which has led to a crucial decrement in the cotton production. While formerly one well covered 20 ha, it now covers only 3 ha due to the measures of the government. Simultaneously, the production of cotton decreased from 1 million tons per year in 2004 to 250,000 tons in 2008. This has caused unemployment to rise as work opportunities in agriculture have decreased, and has resulted in an increase of cost of living affecting a large number of low income people working in the agricultural sector. All those factors have contributed to the migration out of the area.

A Western diplomatic source (2) found that the increase in the number of Syrian Kurds who apply for asylum in Europe is not merely due to political and human rights related reasons, and the

drought in the northern parts of the country at least partly explains this development. The fact that many persons have lost their livelihood is a valid reason for many to leave their home area.

According to a Kurdish journalist and human rights activist persons who are living in Kurdish districts are subject to socioeconomic hardships, one of the reasons being the drought that has been prevalent in the north-eastern areas of Syria for the past years. Another reason is that the government systematically prevent economic development, an example for it being that no industrial activities can be found in al-Hasakeh province. Though the increasing number of Syrian Kurds immigrating or applying for asylum in Europe could be explained by the poor prospects for the future for young Kurds from the Kurdish areas and from al-Hasakeh province in particular it was emphasized that the most important reason for such persons to leave Syria is the worsening human rights situation in the country and the increased suppression of the Kurds by the Syrian authorities.

A representative of an international relief organisation stated that living condition of the Kurds in Syria has worsened considerably in recent years, and this situation has resulted in a large number of Kurds migrating from the north-eastern province to other parts of Syria or abroad. It was added that Kurds have strong networks abroad, and they use these networks to escape the hard living conditions in Syria.

An international organisation (1) stated that many Kurds have strong ties to Kurdish communities in host countries of migrants, which contributes to further migration.

An international organisation (1) stated that it does not have knowledge about any increasing pressure on the Kurdish population from the Syrian government's side that could explain the recent increase in Europe of asylum applications from Syrian Kurds. However, one reason for this increase could be the improved relationship between Turkey and Syria in recent years. Because of this improvement the border between Syria and Turkey has been more or less open for the past six months and the past visa requirement is no longer in place. There is much more movement of persons and commodities across the border between the two countries.

Another important factor, pointed out by the international organisation (1), which has had an impact on the situation of the Kurds, is the severe drought in the north-eastern province in recent years. Due to the drought about 30,000 families from the north-eastern province have migrated to the south-east and the outskirts of Damascus where they are exposed to bad living conditions e.g. housing in tent centres and occasional employment as seasonal workers on farms or construction workers. The majority of these immigrants are Syrians and the government has been trying to find a solution by improving the infrastructure in the north-east and by implementing water programs in an attempt to reduce the effects of the drought. The source concluded that the north-eastern region has been under high pressure in the past years and that is why a pattern of migration – both internally and externally – has emerged in recent years.

The increasing number of Kurdish immigrants in Europe should according to an international organisation (1) be understood in the light of the fact that the objective conditions are difficult for Kurds in Syria, especially for the stateless Kurds, who may not have easy access to health care, education and work, and may be therefore exposed to exploitation by employers. However, it was added that it is extremely difficult to identify the driving force behind this immigration.

An international organisation (2) assumed that the Syrian government systematically favours the out flux of the Kurds and ordinary Kurds are not prevented from leaving the country unless their departure is perceived as a threat to national security.

Commenting on the Kurdish political parties' policies towards migration a prominent Kurdish political leader (1) emphasized that Kurdish parties generally do not want any Kurd to leave the Kurdish regions in order not to have the demographic composition changed, which has been the government's aim since 1962. The source explained that most of the Kurdish political parties would agree on his opinion. Besides being a party member the source is also a prominent member of the Kurdish Political Council, a coalition that came into being in winter 2009 and comprises nine Kurdish political parties.

Explaining his party's position towards emigration out of the Kurdish regions a prominent Kurdish political leader (1) stated that he would not give party members permission under his or the party's name to leave the region unless there is a specific and very good reason for it i.e. if the person is under an immense political pressure and if his or her life is endangered. Sometimes, when party members are under a lot of pressure, the party instructs them to go abroad, formerly mostly to Germany and Sweden but recently to a broader variety of countries. This decision would, however, depend on a member's individual situation. Citing an example, he referred to a high-ranking party member who had asked the party leadership for permission to leave for Iraq. However, the high-ranking party member was advised to stay and go to prison as the party does not want all its political activists to leave the country. In case high-ranking members of the sources' party want to leave Syria, they would seek the permission of the party leadership, which would only be granted in cases of tremendous political pressure on the individual in question.

Representatives of a Kurdish human rights organisation (1) stated that the number of members of Kurdish political parties who are migrating is lower than the number of non-members because the number of party members among the population is very low. It was estimated that only two percent of all Kurds are members of a Kurdish political party. Besides, persons who enter into politics mainly intend to improve the situation in their country and would rather go to prison than going abroad to escape the pressure they are facing. It was emphasized though that ordinary Kurds are also under political pressure, aside from living in worsening economic condition, which might be another factor inducing migration.

Concerning the socio-economic situation in the north-eastern region, representatives of the UN Development Programme (UNDP), Syria, referred to a poverty study conducted in 2005. The study found that generally there is a large development disparity among the regions among which the north-eastern region is the poorest area in Syria, having the highest rates of illiteracy, poverty and unemployment. A study conducted in 2007 shows that the north-eastern region is the poorest of all regions in Syria, which has led to increased attention for that region from both the Syrian government and foreign donors. However, poverty has recently moved further south to the Southern Region and other cities. This shift of poverty is connected to the internal migration which has taken place from the north-eastern regions towards the major cities in the southern part of the country.

Mohammed Rashid, head of outside affairs of the Kurdish Popular Union Party in Syria (PUK), member of the party leadership, explained that migration of Syrian Kurds from the Kurdish areas,

both internally and out of Syria, is induced by a multi-factorial process consisting of political, economic and social reasons. Until recently, about 30 to 40 percent of Kurdish migrants left their home area because of political, economic and social reasons. In recent years, this rate has however increased to about 60 percent, which is due to increasing repression by the authorities on the one hand, and an increase in the level of political engagement of the Kurdish population on the other hand, as well as restrictions put on Kurds as regards work and living on their land. According to Rashid, some persons have to leave not because of being politically active themselves, but because of being related to political activists.

A prominent Kurdish political leader (2) stated that Decree No. 49 together with the current drought has forced many Kurds to migrate from the area to the outskirts of Aleppo and Damascus where they find very poor living conditions. These migrants have to pay up to 30 US dollars a month just to rent a spot where they can set up their tent after being displaced, and there is no job opportunity for them, leaving many well below the poverty line.

Representatives of a Kurdish human rights organisation (1) stated that since the demonstrations in Qamishli in 2004 the situation has deteriorated. The government has taken special measures against the Kurdish population such as: Legislative Decree No. 49 that prohibits selling and purchasing real estate in Kurdish areas, depriving stateless Kurds from identity certificates unless approved by security authorities, expelling Kurdish students from universities, rejecting employments of Kurds. This situation has been aggravated by a prolonged drought in the Kurdish areas, especially in combination with the government's neglect concerning the economic development in the area. All of these factors – the government pressure and the ecological/economical situation – have contributed to a sharp increase in internal migration, especially to Damascus, and external migration alike.

A Western diplomatic source (1) stated that Decree No. 49 definitely exacerbates the situation of the Kurds in the northern part of the country and add to the number of persons not being able to sell and buy land in the Kurdish border area. The combination of severe discrimination against the Kurds on the one hand, exemplified by Decree No. 49, and the drought on the other hand has left the Kurds in an extremely difficult economic situation which the government does not take any measures to alleviate. As a consequence the demographic situation in the Kurdish areas is changing as many Kurds choose to leave areas affected.

A prominent Kurdish political leader (1) explained that Decree No. 49 has heavily affected the real estate sector and almost paralyzed it. More than 35 professions linked to this sector – including, among others, lawyers, engineers and construction workers – now need permission to begin any kind of construct work. This has led to a complete collapse of the private sector in all its professions such as doctors, lawyers and engineers in al-Hasakeh, and subsequently to the migration of a large share of the population from different sectors. While formerly, there were at any given time about 500 construction schemes to be registered at the Qamishli court, the number had shrunk to about five cases all of which are old cases. Wealthy Kurds who are thus prevented from investing in al-Hasakeh are moving their investments to Aleppo, Damascus or Homs.

According to UNDP, Syria, the drought has left many persons in the north-eastern regions jobless and has seriously affected the important agricultural sector in the area. UNDP, Syria, concluded

that development disparities and the drought are the main reasons why the number of migrants to European countries from the northern and north-eastern provinces has increased in the past years. This issue is regardless of ethnic affiliation as all the ethnic groups in the region are affected by the drought. It was ruled out that persons from the north-eastern provinces, among them Kurds, migrate due to the human rights situation.

The UN Office for the Coordination of Humanitarian Affairs (OCHA), Syria, stated that the drought that began in 2006 is being the worst drought in four decades, especially in 2007 and 2008 when it affected the entire country. In 2009, the situation slightly improved and it was only the northern and north-eastern region that suffered severely by the drought, directly affecting 1.3 million people. The al-Hasakeh governorate is one of the regions which is most severely affected by the drought. Malnutrition is prevalent in the region. Furthermore, the region has a dropout rate at primary school of 60 percent, a higher rate of respiratory diseases, as well as reduced or lacking access to potable water. It was added that these problems affect all population groups, Arabs, Iraqis and Kurds alike. In the Ash Shaddadah area in al-Hasakeh province 40 villages out of 150 have been completely deserted.

According to a Western diplomatic source (4) the situation of the Kurds has deteriorated because of the drought in the north-eastern parts of the country. It was added that this is due to the facts that, firstly, the socio-economic situation has deteriorated and, secondly, that the Kurds have not benefited from humanitarian help to the same extent as other groups since the distribution of the humanitarian help is based on landownership and many Kurds do not own land. These factors induce migration of Kurds out of the area, both to Syrian cities and to Europe. It was added that most of the Kurds migrating to urban areas in Syria work in the informal sector. Another factor that has led to increasing migration to Europe is the implementation of discriminatory laws, which for example prevent persons without identity papers to access the labour market.

According to a diplomatic source (1) the drought has hit many Kurds who are in possession of capital, and one could assume that some Kurdish asylum seekers belong to this group. Most stateless Kurds generally do not have the economic means to travel to Europe in order to apply for asylum. A representative of an international relief organisation confirmed that due to poverty it is more difficult for the stateless Kurds to find the means to leave the country compared to other Syrian Kurds.

According to a representative of the International Federation of Red Cross and Red Crescent Societies (IFRC) in Syria the extreme drought in the eastern and north-eastern parts of the country has led to migration out of the area. Farmers have been among the most heavily affected, having lost their crops and great shares of their livestock. Whole villages have been emptied because of the drought-induced migration and their populations have moved towards the south of the country.

Regarding migrants who have moved from the drought-affected areas to rural Damascus and the south, a representative of the International Federation of Red Cross and Red Crescent Societies (IFRC) in Syria stated that he was not aware of any support programs aside from food distribution by the WFP.

A prominent Kurdish political leader (1) stated that in the past two years, 300,000 Kurds have emigrated out of the northern and north-eastern areas and 40,000 fewer children have started primary school compared to the previous years, which has led to the closure of many schools in the region. Although 'Afrin in the north-west has been affected less severely by the drought than al-Hasakeh province, it is also facing emigration. The reasons for the migration out of northern and north-eastern areas are that people do not have work and are subjected to intense security pressure.

According to Ismaïl Hasia Alv, Syrian refugee representative of a refugee camp in Dohuk, KRI, the increasing pressure on the Kurds by the Syrian government is the main reason why an increasing number of Kurds leave Syria and apply for asylum in European countries.

According to a prominent Kurdish political leader (1) it is the government's goal to change the demographic composition of the north-eastern region and of the Kurdish area in general through migration of Kurds out of the area and out of the country.

A Kurdish journalist and human rights activist estimated that between 30,000 to 35,000 families have migrated from al-Hasakeh province to other parts of the country primarily to the Damascus area. Whole towns and villages have been emptied completely and in total about 30 percent of the population have left the province.

A prominent member of a Kurdish political party explained that more than 30 percent of the population of al-Hasakeh province has migrated to larger cities in Syria.

1.3. Exit of Syria and travel routes

A Western diplomatic source (1) stated that a large number of asylum seekers originating from Aleppo, 'Afrin, 'Ain 'Arab and Damascus area left the country via a smuggler ring operating out of the Western harbour town of Lattakia. In order to be able to operate it is highly probable that the smuggler ring buys the security services' agreement, as they are the ones who control all movement of ships in and out of the harbour. It was added that the fact that Germany, based on a readmission agreement with Syria, has deported some Syrian citizens from Germany to Syria, could have affected the increase in the number of asylum applications from Syrian Kurds in European countries.

According to a Western diplomatic source (1) there are many routes for Kurdish asylum seekers who wish to travel to Europe. These routes can be complex and go not only via Turkey and Greece. Numerous networks of human smuggling have been established inside and outside of Syria in recent years. The Syrian security services are aware of these networks and in some cases might even be facilitating some of the smuggling networks.

According to a Western diplomatic source (1) Syrians are required a passport to travel to Turkey, but there is no visa requirement between the two countries. Syrians can travel to Lebanon using their ID card or their passport.

According to a prominent Kurdish political leader (1) a person can travel illegally to Europe for about 15,000 US dollars, which might be the reason why stateless Kurds are only arriving in Europe in very limited numbers as they are amongst the poorest in Syria.

According to a prominent Kurdish political leader (1) different routes are used to smuggle people out of the country. To be smuggled to Scandinavia or Europe would cost 10,000 US dollars; a passage to Canada would cost 20,000 US dollars. It was added that the smuggling has to be permitted by the authorities otherwise it would not be possible at all. The numbers of persons smuggled are not clear.

Based on information from informal sources, a Western diplomatic source (1) stated that a travel to Europe would cost about 8,000 US dollars. While it requires a couple of thousand US dollars to bribe an immigration official into issuing a new Syrian passport with a false name, a genuine Schengen visa could be issued and inserted into the passport for approximately 10,000 US dollars. It was added that Syrians can enter into Iraq by paying a small amount of money to the Iraqi border guard.

A Western diplomatic source (1) stated that the authorities presumably encourage emigration of Kurds in order to reduce the Kurdish concentration in the north-eastern region. However, travel bans are highly common as a form of control or harassment against human rights activists and high-profile opposition figures. According to the source, this is not contradictory insofar as the two measures target different groups of persons.

According to a Western diplomatic source (1) Syria is well-integrated into irregular migration channels, both as a transit and as a source country.

2. Documentation and reporting on human rights violations

A representative of a Kurdish human rights organisation (2) assumed that the various Kurdish human rights organisations document even small incidents such as detention of individuals, and these events are recorded and made public on various Internet web sites outside of Syria (since publication inside Syria is impossible). Even the name of a detained person is thus recorded, but it could be that the information is available only in Arabic web sites.

According to Siamend Hajo, project manager of KurdWatch.org, documentation of incidents concerning human rights of Kurds in Syria is fragmentary. The following human rights organisations document violations of human rights of Kurds in Syria:

- DAD is a human rights organisation with staff in al-Hasakeh, Darbasiya and Damascus, and was founded in October 2006. It publishes annual reports, which also include case stories and so-called declarations in which DAD mainly reports specific cases of detention and trials as well as recommendations. While annual reports are published on DAD's website (www.dadkurd.co.cc) declarations are solely sent out via e-mail. Although the organisation is frequently alleged to be affiliated to the Azadi party, DAD is, in Hajo's experience, not involved in party politics and does not only report on cases of Azadi members or sympathisers but on human rights violations in general. Since the organisation represents affected Kurds before court, it obtains first-hand information. Hajo assessed the error ratio of information by DAD to be fairly low. At the time of the interview, DAD's website was blocked and its reports could not be accessed online.
- MAF, founded in March 2004, operates similarly to DAD but lacks the latter's degree of organisation. In contrast to DAD, MAF also publishes information based on hearsay which has not been sufficiently proven. To some extent, MAF adopts information by other organisations without own research.
- Al-Rased (Kurdish Committee for Human Rights), founded in November 2006, is a human rights organisation that operates independently of political parties. Its reports are published via e-mail newsletter.
- MAD predominantly produces reports on cases concerning members and sympathisers of the PKK-affiliated PYD. The organisation sends its reports via e-mail newsletter.⁸

According to Nadim Houry, senior researcher at Human Rights Watch (HRW), none of the four Kurdish human rights groups are legal. It was added that no human rights groups in Syria are currently registered.

⁸ According to Nadim Houry, senior researcher, Human Rights Watch, the four human rights organisations are named as follows in Arabic:

- DAD, meaning "Justice" in Kurdish, is in Arabic al-Munathama al-Kurdiyya lil-Difa` `an Huquq al-Insan wal-Hurriyat al-`Ama fi Suria;
- MAF ("Right" in Kurdish) is al-Lijna al-Kurdiyya lil Difa` `an Huquq al-Insan;
- Al-Rased is al-Lijna al-Kurdiyya li-Huquq al-Insan;
- MAD is Lijnat MAD al-Suriya li Huquq al-Insan.

According to a Western diplomatic source (5), the documentation of events produced by human rights organizations is neither comprehensive nor accurate concerning both the Kurds and members of the Muslim Brotherhood. The number of unreported cases is high and the human rights organisations have only knowledge of a part of all cases of detention and imprisonment.

According to Siamend Hajo, KurdWatch.org, there are two crucial problems concerning the documentation of human rights violations by Syrian Kurdish human rights organisations: Firstly, the organisations often do not conduct their own research and if they obtain information about detentions they do not contact family members or lawyers of the detained. Secondly, they often copy information from each other without further research.

According to Siamend Hajo, KurdWatch.org, the Syrian Human Rights Committee (SHRC) in London mainly obtains information from Kurdish human rights organisations in Syria but hardly conducts research itself.

According to Siamend Hajo, KurdWatch.org, incidents taking place in the province of al-Hasakeh are disproportionately well covered, while there are only few reports on incidents in Afrin, Aleppo and Damascus. This is, on the one hand, due to the fact that Kurdish parties are strong in al-Hasakeh, and that there is a high level of Kurdish political activity in the region. On the other hand, most human rights organisations have their seat in the province. In Aleppo and Damascus, in contrast there are fewer political activities and only a few and rather weak Arab human rights organisations.

According to Siamend Hajo, KurdWatch.org, incidents involving Kurdish party leaders or leading party officials are disproportionately well documented while reports on arrests of low-profile party members are scarce and sketchy. In this context, Hajo mentioned a case where the intelligence service found party newspapers in the home of a low-profile member of a Kurdish party. Under torture he accused another party member who on his part mentioned a member of the central committee, who in turn was arrested by intelligence as well. Although three persons were involved in this case only the arrest of the high-profile politician was reported upon. The arrest and torture of two low-profile party members were not reported.

Siamend Hajo, KurdWatch.org, explained that the Syrian Kurdish human rights organisations work on a voluntary basis, therefore resources are scarce and thorough documentation of cases is difficult to guarantee. Therefore, many cases go unreported. For example, incidents are often not documented when the persons concerned were only detained over a short period of time, e.g. two to three days, except when high-profile party leaders are concerned. Furthermore, the organisations do not have the resources to follow entire trials. While KurdWatch.org follows single trials Syrian Kurdish human rights organisations report rather selectively. Moreover, arrests of persons are often documented whereas subsequent releases are not.

According to Siamend Hajo, KurdWatch.org, there are hardly any reports on trials. Sentences are only very rarely published, for a number of reasons: Firstly, sentences are announced orally and written copies in contrast are liable to fees, which is why they are not demanded. Secondly, it is deemed to be risky both for lawyers and for human rights organisations to keep documents about Kurds. If an incident has already been reported the archiving of documents is often regarded to be

of minor importance and as a consequence neither human rights organisations nor lawyers keep records of court decisions.

Siamend Hajo, KurdWatch.org, stated that the state of documentation regarding victims of torture is unsatisfactory, because the victims are intimidated and do not want reports about them to be published. If they do agree, they usually insist on remaining anonymous. In cases of detention, documentation is difficult as well, because family members of detained persons are often reluctant to have information on the case published, since they assume it to be more difficult to bribe the authorities into releasing their relative if the case has received a lot of publicity. Thus in many cases they only agree to publication of information after the release of their relative.

Siamend Hajo, KurdWatch.org, explained that the unsatisfactory state of documentation in many cases necessitates on-site research in advance to the compilation of KurdWatch.org reports, since this is often the only means to verify incidents. However, this is only possible when the questions are fairly specific. If persons are political party members, their cases can be confirmed by fellow party members. In contrast verification of cases where persons were released from detention without trial can be difficult.

Concerning the documentation of demonstrations, Siamend Hajo, KurdWatch.org, explained that Syrian Kurdish human rights organisation regularly release reports, but they do not publish lists with the names of persons arrested during or after demonstrations. For example, 2,000 persons are said to have been arrested during the unrest in March 2004. Up until now neither a single list of those detained nor reports by human rights organisations on their treatment in detention have been published.

The list of incidents in 2009 published on KurdWatch.org (www.kurdwatch.org/pel?cid=207) includes, according to Siamend Hajo, KurdWatch.org, reports on “arrests, convictions, transfers and other measures undertaken by the state since January 2009 against Kurds in Syria” and is based on Internet research as well as statements and testimonies of Kurdish political parties, human rights organisations, family members, lawyers and the persons concerned themselves. Every piece of information found via Internet has been confirmed by contact persons in Syria. However, in any case it has to be assumed that the number of unreported incidents is high and the list is not exhaustive. According to Siamend Hajo a comparable list is being compiled for 2010 from all the cases that are currently being documented. For former years, the organisation will not compile lists of incidents. Siamend Hajo added that a listing of incidents that took place in the course of one year, although never exhaustive, allows an overview of the extent of arrests, detentions and convictions, which has not been the case before.

According to Siamend Hajo, KurdWatch.org, further lists of arrests and convictions are being published on the websites of the Yekiti party (<http://yekitimedia.org/en/>), Soparo (<http://ar.soparo.com/>) and the SHRC (<http://www.shrc.org/default.aspx>). However, as regards their coverage of incidents involving Kurds Siamend Hajo assessed them to be very fragmentary and not in every case reliable.

According to Siamend Hajo, KurdWatch.org, Syrian Kurdish human rights organisations act relatively independently of political parties. MAD is the only organisation that almost exclusively reports about PYD cases, all other organisations publish information on all cases they learn about.

However, due to the party membership of single, especially high-ranking, members of human rights organisations their access to information on incidents involving party members varies.

Deducing from appeals and annual reports of Kurdish human rights organisations, a Western diplomatic source (4) stated that it seemed that low-profile members of Kurdish political parties are increasingly being targeted. However, a different reason for the increase in reports on human rights abuses might be that the Kurdish human rights organisations in general have become more active concerning the publication of reports on the subject. Thus the increase in reported cases might either be the result of an increase in incidences or the result of former underreporting.

Rachel Raenell Bernu, Managing Director, Kurdish Human Rights Project, London, stated that since 2007 there has been an increase in reporting on extrajudicial killings, detention and ill-treatment in detention regarding Kurds in Syria. It was added that since 1994 the KHRP have worked in all Kurdish areas in Syria where the organisation has its trusted sources who supply information about the situation facing Kurds in the area.

However, Mohammed Rashid, head of outside affairs of the Kurdish Popular Union Party (PUK), stated that the level of documentation of human rights incidences has decreased in the past three years. Human rights groups including international groups are being put under high pressure by the government and are therefore not able to document everything. The three to four existing national Kurdish human rights organisations are affiliated with political parties and are thus inclined to document incidences linked to their parties. Apart from the three to four national Kurdish human rights groups there are one or two independent organisations. According to Mohammed Rashid all information obtained by these Kurdish human rights organisations is being published on their websites. If someone from the Kurdish political parties that the organisations are affiliated with is arrested or killed, the organisations will record it and publish its condemnation of the incident.

Referring to the Human Rights Watch report "Group Denial - Repression of Kurdish Political and Cultural Rights in Syria" published in November 2009, Nadim Houry, HRW, clarified that the report is not exclusive as regards its coverage of demonstrations and cultural gatherings. Incidents where only one or two persons have been detained are not always mentioned in the report. Furthermore, some Kurds are arrested on their way to demonstrations or celebrations and the chaotic nature of these larger events makes it difficult to monitor them closely. In addition to that Kurdish families are sometimes reluctant to report arrests of family members as they fear that this might be to the disadvantage of the detained. However, it was stated that human rights organisations in Syria have improved their reporting concerning arrests of Kurds in the past two years even though reporting can take place as late as six months after the actual arrest. According to Houry, it is difficult to establish whether documentation regarding arrests in March 2004 exists. It should be noted that since human rights groups are often closely connected to a Kurdish political party they tend to be better informed about arrests of members of the respective party. It was concluded that an exhaustive overview does not exist of all arrests of Kurds in Syria. The major demonstrations in larger cities are reported, but even in such cases the exact details can be unclear.

3. Targeted groups and persons in relation to political activities

3.1 Members and sympathizers of Kurdish political parties

According to a Western diplomatic source (1) the number of members of Kurdish political parties in Syria is approximately 10,000, while the number of Syrian Arab-speaking opposition including NGOs, political parties, human rights organisations etc. could amount to about 2,000 persons. It was concluded that the Kurds are by far the most active political group in Syria.

A Western diplomatic source (1) stated that the Kurdish nationalist movement is very strong and it is able to mobilise large gatherings. It was estimated that the number of members and sympathizers of Kurdish political parties is approximately 60,000. These 60,000 person are able to mobilize thousands more in connection with Kurdish cultural activities such as Nowruz.

According to a Western diplomatic source (1), there are about 14 Kurdish political parties in Syria. KDP-S (al-Party) is the oldest and by far the largest Kurdish political party, and many Kurds have sympathy with this party. KDP-S has strong connections with Mustafa Barzani, the president of the Kurdish Regional Government in Northern Iraq and leader of KDP in KRI. Three other large Kurdish political parties are the Yekiti party, the Future Movement and the Azadi party which are mainly street actionist parties.

An overview of the Kurdish political parties can be found in annex 3. Annex 4 contains a list of Syrian political prisoners in 2009.

3.1.1. Degree and type of organisation of Kurdish political parties

According to Rachel Raenell Bernu, Kurdish Human Rights Project, London, the Kurdish political parties are fairly well organised within the context in which they work, but they are ever changing names and make-up. It was added that there are 12 or 13 Kurdish political parties for a relatively small group.

According to a Western diplomatic source (1) PYD is the one Kurdish political party that distinguishes itself from the other Kurdish political parties. The PYD is the best organised and disciplined Kurdish political party. While other Kurdish parties have more open and personality driven leadership processes, PYD is based on strict and secretive membership and leadership rules. PYD's estimated 1,000 members in Syria are considered to be very active.

Salah Badruddin, Head of the Kurdish Kawa Cultural Society, Erbil, Head of the Kurds-Arabs Friendship Association and Founder of the Kurdish Popular Union Party of Syria, stated that political parties in Syria are rather personality driven than being based on political ideologies and their splits and ramification is also often based on the will of prominent personalities in the party.

According to a Western diplomatic source (1) the main reason why Kurdish political parties in Syria are so fragmented is that they are mostly personality driven and cases of fractioning are usually the result of personal differences and not the result of ideological disagreements. When the leader of the Kurdish Future Movement, Mesh'al Tammo, was arrested recently the party was left with practically no organisational structure.

Ahmad Safa, journalist, KRI, stated that the Kurdish political parties in Syria are generally very weak and they do not have the same strong structure and organisation as Kurdish parties in Turkey, Iraq or Iran.

3.1.2. Security services' reaction

A prominent Kurdish political leader (1) explained that any activity of Kurdish activists could lead to arrest by the security services. He elaborated by mentioning the following examples:

- A person could be detained for purchasing or distributing Kurdish political newspapers or leaflets.
- Political meetings at private houses could lead to arrest. If the meeting is uncovered, no matter the number of participants, both the host of the meeting and his or her guests would be put under a lot of pressure e.g. by being interrogated, arrested or subjected to increased scrutiny by the security service.
- After a former secretary of KDP in Syria died on 3 October 2008 and the security services prevented mourners from entering the cemetery to place flowers on his grave. The same happened on 22 December 2009 when the last secretary of KDP-S died.

It was added that due to these forms of repression the Kurdish political parties have to work semi secretly and discreetly.

According to a Western diplomatic source (4) Kurdish political leaders have increasingly been targeted since 2008, whereas before Kurdish parties were accepted to a certain extent and they could operate more freely.

According to Amnesty International members of the Kurdish minority in Syria continue to face political and other discrimination and leaders and activists of Kurdish minority political parties, which are not legally recognized by the government, are subject to arrest and imprisonment when they campaign for greater rights for their community. Tensions have increased in recent years in particular since the clashes between members of the Kurdish minority and Syrian security forces in March 2004 in Qamishli in which at least 36 Kurds were killed and over 100 were injured.

According to Mohammed Rashid, head of outside affairs of the Kurdish Popular Union Party in Syria (PUK), about 1.7 million Syrians are members of the Ba'ath party and approximately 170,000 persons are working for Syrian security services. Therefore, the security services are able to infiltrate Kurdish political parties to a high degree.

According to representatives of a Kurdish human rights organisation (1) membership of a Kurdish political party is in itself reason enough to be arrested and tried at the Military Court. Currently, two female party members have pending cases at the Military Court in Qamishli. Both of them were arrested and kept in detention for five months before being released to await the verdict of the court.

Mohammed Rashid, PUK, stated that anybody who is politically active is at risk of being targeted by the Syrian authorities. However, since it is not possible to imprison every political activist it is

mainly more active persons who are arrested, regardless of whether they are party members or not.

According to representatives of a Kurdish human rights organisation (1) the number of Kurds who are imprisoned is very high. They estimated the figure for Kurdish political prisoners in 2009 to exceed 1,000 Kurds, among them prominent politicians. Among this group of prominent high ranking Kurdish political party members it is always more or less the same individuals who are arrested. Kurds who are politically active have been increasingly targeted by the authorities since 2004.

According to Rachel Raenell Bernu, KHRP, an increasing number of Kurds are being picked up randomly in the streets by the law enforcement agencies, and it has been observed that Kurdish activists are being targeted in their homes because of their participation in Kurdish political events. They are often held incommunicado in periods from two or three weeks and up to several months.

A Kurdish journalist and human rights activist stated that Decree No. 59 of 2008 allows the security services to conduct arrests without a warrant and without any means of redress for those who have been arrested or detained. It was estimated that in al-Hasakeh province each month ten to twenty people are being arrested i.e. either imprisoned or held in security detention centres.

Referring to the current acute sensitivity of the authorities towards Kurdish activism a Western diplomatic source (1) stated that even low-level signs of Kurdish political activity could easily provoke a reaction by the authorities. However, these reactions are not necessarily severe and rather include short-term detentions, the obligation to report regularly, visits by security services at the person's work and other repercussions concerning a person's livelihood.

A Kurdish journalist and human rights activist pointed out that detentions related to political activity are conducted arbitrarily by the security services. Some persons are detained and imprisoned for up to three years for their membership in a Kurdish political party or their possession of a Kurdish political leaflet/newspaper.

A prominent Kurdish political leader (1) explained that the security services generally monitor members of Kurdish political parties and that they react if these persons show a certain level of activity. If this threshold is crossed the security services bring members of Kurdish political parties in for interrogation and request them to collaborate and work as informants. If they resist they will be put under pressure e.g. by losing their job, continuous interrogation of them and their families and by the exertion of pressure on spouses, especially those who are involved in public activities.

A prominent Kurdish political leader (2) stated that Kurdish political leaders and party members are often subjected to constant chasing, arrest, physical torture, psychological and economic repression and intensified ill-treatment. Many Kurdish leaders and high ranked party members have been sentenced by the SSSC to three to four years of imprisonment, and most of them are under travel bans and kept under tight security surveillance which makes travelling abroad very difficult for them.

According to a Kurdish journalist and human rights activist almost 500 political activists in Syria are currently under a travel ban.

A prominent member of a Kurdish political party stated that he stayed in prison for five years without being brought to a court. When he was released the security forces continued to apply pressure on him by harassing his wife in Qamishli. To escape the harassment of the security service in Qamishli he had to move to Damascus together with his family. It has been impossible for him to have a proper job since 1997 due to his outspoken political activities.

According to a Kurdish journalist and human rights activist each time Kurdish activists and even high-profile activists such as leaders of Kurdish political parties are arrested, they would be requested to work as informants. It was considered unlikely that physical abuse would take place during such talks or questionings though this could not be completely ruled out. Reporting at the security services' branches is usually limited to conversations and the signing of papers.

A Kurdish journalist and human rights activist explained that after being detained for political activities some persons are tried before a court, while others are kept in pre-trial detention at the security branch for an unspecified period of time. Whereas those who are being detained without trial could resume their life when released, persons who have been convicted by a court face social and legal problems, including the loss of their jobs and - if convicted in a criminal court - the loss of all their civil rights for a period of ten years. The source concluded that for that reason he would personally prefer to be detained by the security service for one year – in spite of the harsh conditions during the detention – rather than be brought to the court and sentenced to one month imprisonment.

Mohammed Rashid, PUK, stated that, as a general rule, members of political parties - when prosecuted - are imprisoned for two to three years. After release, they stay under observation of the security authorities.

A Western diplomatic source (2) considered that the most active Kurdish political parties i.e. the Yekiti party, the Azadi parti, the Kurdish Future Movement and the PYD, along with other groups with links to the PKK, are also those which are mostly targeted by the Syrian authorities and kept under surveillance. The members of the four parties have traditionally been very active and have kept close contact with diplomats and foreigners, and they are often in the forefront concerning the organisation of demonstrations and protests. The Yekiti party has been the first Syrian Kurdish political party to announce that it aims at autonomy of the Kurdish dominated part of the country. This aim, which was declared during a party conference in December 2009, has led to the arrest of four prominent leaders of the party. However, it was stressed that members of other Kurdish political parties could also be in risk of reprisals from the authorities as they often join in when the four major parties take political initiatives e.g. when organising demonstrations or cultural events.

According to Amnesty International increased arrests of Kurdish activists have been reported: those targeted have included leaders of the Azadi Party (Sa'dun Sheikhu, Mohammad Sa'id 'Omar and Mustafa Jum'ah, arrested October 2008 and January 2009), and the [Syrian Kurdish] Yekiti party (Hassan Saleh, Muhammad Ahmed Mustafa, Ma'rouf Mulla Ahmed, all detained in December 2009).

A Western diplomatic source (5) stated that members of the Yekiti party could be particularly targeted because of the party's recent public announcement that it strives for autonomy of the

Kurdish region. Furthermore, any person who has links to PYD or PKK would be particularly targeted.

A prominent Kurdish political leader (1) emphasized that currently members of the KDP in Syria (Al-Parti) constantly face arrest and interrogation because of their political activities. At the moment 20 members of the KDP in Syria are under arrest. While the security services would release a number of persons detained earlier, they would simultaneously detain a new group of the same size. It was estimated that the number of detained members of KDP in Syria is approximately 20 at any given time.

According to a Kurdish journalist and human rights activist the Syrian authorities arrested a number of prominent members of the Azadi party, PYD members and the leader of the Kurdish Future Movement, Mesh'al Tammo, in 2008 and 2009. In 2010 four leaders of the Yekiti party have been arrested. It was added that the government recently claimed that al-Qaeda is active in Qamishli in order to be able to exert more pressure in the region.

A Western diplomatic source (1) stated that members of PYD are systematically searched for by the authorities all the time. This is partly due to the fact that Syria and Turkey is engaged in an antiterrorism cooperation and the fact that PYD has links to the PKK. Furthermore, PYD allegedly keeps an armed group in KRI where they perform military training, and it is therefore perceived by the Syrian government as a constant threat to the security of the country. It was added that any member of the PYD is targeted by the authorities.

According to Nadim Houry, senior researcher, Human Rights Watch, Beirut, cases involving PYD members usually are tried before the SSSC. PYD members are normally sentenced to seven years in prison. Longer prison terms, i.e. 12 to 15 years, are reserved for members of the Muslim Brotherhood and Salafists.

A Western diplomatic source (1) stated that Afrin is a stronghold of the PYD/PKK, which is the reason for a strong concentration of security forces and a high level of suppression of the Kurds in the area.

According to representatives of a Kurdish human rights organisation (1) members of the PKK have been increasingly targeted in recent time due to the increased cooperation between the Turkish and the Syrian governments. At the same time, sentences for members of the PKK have been increased to five to 12 years of imprisonment. All PKK members are tried before the SSSC according to the Emergency law.

A Western diplomatic source (4) stressed that there is no distinction in the authorities' oppression of members of the different Kurdish political parties, the only exception being PYD members who are actively searched for and prosecuted if identified by the authorities, regardless of their specific role in the party.

A representative of a Kurdish human rights organisation (2) explained that he had first-hand knowledge about the circumstances related to the arrest of Mesh'al Tammo, leader of the Kurdish Future Movement (also known as Kurdish Future Current). Tammo disappeared on 15 September 2008 and his whereabouts were subject to inquiries from Western diplomats in Syria and foreign politicians. Tammo was, according to the source, kidnapped in the town of 'Ain 'Arab ("Kubani" in

Kirmanji) by the joined security patrol, composed of the Air Force Security, Political Security Directorate and the State Security, where the patrol had prepared an ambush between Aleppo and 'Ain 'Arab. He was transferred to Aleppo, held incommunicado in the Air Force Security's office in Aleppo and remained in a one squared meter cell to undergo continuous investigation by the officers for five days. Afterwards, his car in Aleppo was hidden, and he was secretly moved to Damascus. He remained under investigation and psychological and physical torture in the Political Security Directorate's office in Damascus for five days. He was then transferred to the State Security's office in Damascus for three days. He was subsequently moved to a cell in the Criminal Court in Damascus where he was sentenced to three-and-a-half years in prison. In addition to that, Tammo was stripped of his civil rights for ten years on Monday, 11 May 2009, convicted of committing the crime of spreading false news that affect the morale of the nation – according to paragraph 285 of the Syrian Penal Code – and of weakening national feelings and awakening sectarian and racial dispute – according to paragraph 286 of the Syrian Penal Code. These charges are the commonly used accusations against all Kurdish prisoners in Syria. As a consequence the family of Tammo has lost control of their money and property which consist of a number of agricultural centres and buildings. After the sentence was issued, Tammo was transferred to `Adra prison and placed in a cell together with drug smugglers and addicts, and he was denied reading and sleeping by his cell-mates. He was denied medicine and clothes brought to him by his family, though he suffered from migraine. After that, his wife was permitted to visit him under observation of three security guards who prevented them from speaking Kurdish. Since his wife could not speak Arabic, Tammo went on strike against these controlled visits.

According to a Western diplomatic source (1) the SSSC mostly have tried PYD members and a few members of the Azadi party. The Criminal Courts are generally responsible for high-profile party members while the Military Courts in Damascus, Aleppo and al-Hasakeh usually are in charge of dealing with persons who have been arrested in connection with demonstrations. The trials at the Military Courts are normally processed quite fast. It was added that Kurds who have been found guilty of a criminal act in relation to Kurdish activities could be sentenced by the Military Courts to imprisonment for a period between three months and five years if the person has not committed violent acts. Ordinary protesters and demonstrators are usually sentenced in the Military Courts to imprisonment for three months and up to one year. However, it was emphasized that it is very difficult to generalize because most cases would include some specific and individual circumstances.

3.1.3. High profile versus low profile activists

According to a Kurdish journalist and human rights activist there is no distinguishable pattern concerning the security services' reaction against Kurds who are politically active. Persons are picked randomly by the security services, regardless of their degree of political activity or their political ranks. It was added that there are generally no rules for the function of the security services in Syria. Sometimes the security forces arrest persons unfoundedly. Persons have for example been arrested when they came to a cemetery to visit the graves of their relatives, especially if the relatives' deaths were connected to the uprising in Qamishli in March 2004 or the subsequent Kurdish protests throughout the northern part of the country.

According to Mohammed Rashid, PUK, a slight majority of Kurds targeted by the Syrian authorities are party members, and 30 to 40 percent of those targeted are non-members who are sympathetic to the Kurdish issue and sporadically participate in Kurdish activities. They include, among others, students, writers, intellectuals, as well as manual workers.

A Western diplomatic source (5) stated that in general low-profile members of Kurdish political parties are targeted by the security services.

A Western diplomatic source (4) considered that high-profile members of Kurdish political parties do not face the same level of oppression as ordinary members. In the past two thirds of all cases concerning Kurdish political activists that were brought before court concerned ordinary members. However, there has recently been an increase in the level of repression of Kurdish political leaders, especially of the Kurdish Future Movement and the Azadi party.

According to a Western diplomatic source (4) the fact that someone is a member of a Kurdish political party would in some cases be used against him or her, while in other cases the authorities would tolerate the party membership.

Deducing from appeals and annual reports of Kurdish human rights organisations a Western diplomatic source (4) stated that it seemed that low-profile members of Kurdish political parties are increasingly being targeted. However, a different reason for the increase in reports on human rights abuses might be that the Kurdish human rights organisations in general have become more active concerning the publication of reports on the subject. Thus the increase in reported cases might either be the result of an increase in incidences or the result of former underreporting.

Rachel Raenell Bernu, KHRP, stated that within the last year several prominent political persons and several human rights activists whom were not expected to be in risk of being arrested have in fact been arrested. However, the general pattern concerning who is in risk of being arrested has not changed. Political party members are treated more harshly than others. Bernu could not state the names of the low-profile Kurdish political activists who have been arrested lately. Arrests of individuals or small groups of Kurdish political activists who are not well-known often go unreported. On the other hand arrests on a larger scale are usually reported in the media. Being a member of a political party in Syria does not in itself imply that a person is active for the party, and the Kurdish political parties use whoever can help them.

Representatives of a Kurdish human rights organisation (1) remarked that the courts generally do not distinguish between Kurdish low-level party members and high-level party members. Kurdish political leaders might receive a harder sentence than low-level party members, but in general it does not matter whether the person at trial is a human rights activist, an ordinary member of a Kurdish political party or a party leader.

A prominent Kurdish political leader (1) explained that not only members of Kurdish political parties, but also supporters of these who for example provide their house for a meeting or support the party otherwise, would become targeted by the security services. The same is true for other groups working indirectly for the parties e.g. artistic groups or sports teams. All of them are under tremendous political pressure as well. There are no particular discernable patterns in that connection, as it depends on how the security authorities consider the activities of that person.

A Western diplomatic source (2) considered that it is difficult to assess if sympathisers of the Kurdish political parties are targeted to the same extent as party members. It was stressed that there is a high degree of arbitrariness involved concerning who the security service would pay particular interest in. Not all Kurds get problems with the government and generally it is those who are engaged in activities the regime considers to be a threat who are most endangered. This includes public activities by writing or being outspoken, mobilizing others, calling for autonomy of the Kurdish regions or advocating for cooperation between Kurds and Arabs. The source concluded that the level of harassment does not depend on party membership but rather on a person's degree of visibility.

According to Mohammed Rashid, PUK, low-level activists face increased repression by the Syrian authorities if they fulfil one or more of a set of aggravating factors, among others the existence of a previous file at a security service branch, having distributed political newspapers or leaflets, and being member of a political party.

According to Ahmad Safa, journalist, KRI, most of Kurds who are arrested, harshly treated and even killed by the Syrian government are young persons who very often do not have a strong – if any – affiliation with Kurdish political parties. The source added that elder Kurds and political activists are very often “only” put in jail, and they are not exposed to same harsh treatment as the young generation.

A Western diplomatic source (5) stated that representatives of political parties are treated relatively better by the security services than grassroots activists.

According to Amnesty International human rights activists are liable to be summoned by the police for questioning.

3.1.4. Identification of party members

A Western diplomatic source (3) stated that it is difficult to verify party membership. According to the source, it is however possible to confirm membership through contact persons in these parties.

A Western diplomatic source (2) considered that it can be difficult to verify whether or not a person has in fact been a member of a Kurdish political party. However, if the most prominent leaders of a party vouch for a person, usually this can be relied on. It was added that some prominent Kurdish party leaders might not always be in a position to assist in verifying a person's party membership. For example it could be difficult to find a safe line of communication as phone lines and e-mails are considered to be monitored by the Syrian authorities. Based on experience, the source considered neither NGOs in the field nor lawyers of confidence to be reliable for this purpose.

Asked how to establish whether or not someone is a party member a prominent Kurdish political leader (1) stated that, firstly, members of his party who are allowed by the party leadership to leave the country would be carrying a piece of paper with the permission to leave. Secondly, the party has representatives in various countries in Europe and elsewhere, and any party member can obtain proof of his or her membership from these representatives. Generally, if a person claims to be member of the KDP in Syria (Al-Parti) or the Yekiti party, he or she would be able to

provide some kind of proof e.g. in the form of an e-mail or a fax from the party leadership in Syria or from the party's representatives abroad. However, although European offices could issue the paper in exceptional circumstances the General Secretary of the party would usually be the one to issue it and send it by fax or e-mail. Besides being a prominent Kurdish political leader the source is also a prominent member of the Kurdish Political Council, a coalition that came into being in winter 2009 and comprises nine Kurdish political parties.

A prominent Kurdish political leader (1) stated that his party could investigate cases of asylum applicants in Europe who claim to be supporters of his party and investigate whether or not such persons have in fact participated in demonstrations, cultural events or have had links to his party. It was added that his party could even investigate whether a supporter of his party has left Syria for economic reasons or for political reasons.

According to a prominent member of a Kurdish political party it is possible for any member of a Kurdish political party to present proof of his or her membership from one of the party's offices in Europe. Furthermore, any member of a Kurdish political party would know the names of the party's leadership.

Describing the documentation obtained for being member of a party a Kurdish journalist and human rights activist pointed out that ordinary political party members do not receive a membership card, whereas members of the central committee carry a stamp. It was added that all Kurdish party members know their party structures accurately, and if a person is a member of a political party, he should know the names of all the members in the central committee.

Regarding ways of verifying a person's membership of a Kurdish political party Salah Badruddin, Head of the Kurdish Kawa Cultural Society, Erbil, Head of the Kurds-Arabs Friendship Association and Founder of the Kurdish Popular Union Party of Syria, stated that every party member is supposed to know the history, the structure and the leadership of his party.

3.2. Members of grassroots movements

According to Ahmad Safa, journalist, KRI, the Kurdish uprising in Syria since 2004 has first and foremost been a grassroots youth movement, and the contribution of the Kurdish political parties to the demonstrations and Kurdish cultural manifestations is primarily because the Kurdish political parties do not want to stand on the sideline and be forgotten by the Kurds in Syria.

A representative of a Kurdish human rights organisation (2) stated that the organisation he represents is not affiliated to a specific Kurdish political party. It was added that the majority of young Kurds do not have trust in the Kurdish political parties. This has led to an entire new grassroots movement amongst Kurdish youth in Syria that is not connected to the established political parties. Commenting upon the relationship between the parties and the grassroots movements, the source stated that "when the Kurdish political parties initiate a demonstration the youth support them, but when the youth initiate a demonstration the Kurdish political parties try to suppress them".

With regard to Kurdish political parties and their role in the Kurdish uprising in Syria Salah Badruddin, Head of the Kurdish Kawa Cultural Society, Erbil, Head of the Kurds-Arabs Friendship Association and Founder of the Kurdish Popular Union Party of Syria, stated that classical Kurdish

political parties have lost their influence in the Kurdish inhabited areas in Syria, and a new Kurdish grass-root based form of political opposition has begun taking shape in Syria since 2004. The 16 existing Kurdish political parties in Syria have become very weak in the course of time due to internal disputes and splits. The new young generation of Kurds who has become politically active since 2004 denounces the older generation's way of understanding the Kurdish issue in Syria and wants to follow its own grass root way of struggle against the politics of the Syrian government towards Kurds. The Syrian government today does not show the same sensitivity towards members and leaders of political parties as it does towards many young Kurdish political activists who are arrested and harshly treated in detention because of their activities. It was added that the fact that most of the persons tortured and killed by the security service are poor young Kurds rather than political party members or leaders is a proof of his statement that Kurdish political parties have become weak and lost their importance.

Commenting upon the role of the Kurdish civil society in Syria, Mohammed Rashid, head of outside affairs of the Kurdish Popular Union Party (PUK), explained that political awareness is high among the Kurdish population and that is the reason why a vast majority of Kurds are politically active. However, due to a high rate of infiltration of political parties by the security services and decreasing trust towards party leaders, people do not trust parties any more and rather work independently.

Barezan Bahram Marad, Syrian refugee representative of a refugee camp in Dohuk, KRI, considered that Kurdish demonstrations are not only organised by political parties but also by ordinary people. Sometimes, it even happens that grassroots groups and ordinary Kurds organise a demonstration while the parties oppose to it. It was added that the regime often treats ordinary people who have been arrested in demonstrations harsher than members of political parties. This is due to the fact that the security services have infiltrated the Kurdish political parties and thus have knowledge about the identity of the party members and their activities. Therefore the security services tend to focus on grassroots activists, writers, journalists and students who are not members of the political parties.

According to Mohammed Rashid, PUK, students are kept under particularly strong surveillance and prevented from all kinds of political activity. Furthermore, there have been cases of students who, after acting contrary to this prohibition, have been arrested and prevented from re-inscribing at university or have been dismissed.

Kanju Saeed Suleiman, Syrian refugee representative of a refugee camp in Dohuk, KRI, stated that since 2004 protests have often been organised by a new generation of Kurdish activists instead of political parties. These Kurdish activists want the political parties to depart from their traditional ways of operation and demand more involvement and influence on decision-making of the political grass roots. The source explained the new way of being politically active by describing that since the Qamishli events in 2004 ordinary Kurds gather together and discuss what they should do or not do. The number of these groups has been increasing since 2004 and some have joined together to form larger groups.

Ismail Hasia Alv, Syrian refugee representative of a refugee camp in Dohuk, KRI, stated that he has never been member of a political party but he was active for the Kurdish peoples' cause. It was explained that all Kurdish political parties are under heavy government pressure and members of

the Kurdish political parties are in risk of being arrested. This is the reason why most Kurds would rather be active for the Kurdish cause without being party members.

4. Participants in demonstrations, commemorations and Kurdish festivities (Nowruz and others)

A Western diplomatic source (1) considered that one could roughly distinguish between two groups of Kurds regarding the government's reaction to Kurdish political activism. The first group comprises actual members of Kurdish political parties including party sympathizers who are also political activists. The second group consists of persons who occasionally participate in demonstrations, such as International Workers' Day and International Women's Day, and in Nowruz or other Kurdish festivities. The latter group also includes singers and writers using Kirmanji, traditional Kurdish dancers and musicians and persons who display or manufacture traditional Kurdish clothes or Kurdish flags or banners. The second group comprises most Kurds in Syria.

According to Rachel Raenell Bernu, Managing Director, Kurdish Human Rights Project, London, persons who are arrested during Kurdish cultural events and whose houses are raided by the security forces, usually are not heard from in two weeks time or even longer. Those who are arrested in connection with mass-arrests during Kurdish cultural events are often released the same afternoon or the day after the arrest took place. However, it is difficult to establish a clear pattern concerning the length of detention. The reason for the many arrests during Kurdish cultural events is closely connected to the psychology of torture and the purpose is to create fear and a sense of insecurity amongst those wishing to participate in such events.

Rachel Raenell Bernu, KHRP, explained that the Syrian state basically is built on deep paranoia and this is not only the case regarding the Kurds but it applies to any form of criticism against the state. The Syrian security forces act against anything which is perceived as a security threat at any given moment and these actions are usually disproportionate and the actions of the security forces are often not part of a strategic plan.

According to Amnesty International, many arrests occur when Kurds hold gatherings - for example to mark Nowruz or other culturally significant dates, but most of those detained are generally released without charge within a few days. It is unclear whether persons who are arrested in such circumstances are at greater risk of re-arrest.

Rachel Raenell Bernu, KHRP, added that up to 2007 some Kurdish cultural events were allowed by the authorities to take place as there was a general softening in the Syrian authorities' approach towards the Kurdish population.

A Western diplomatic source (1) stated that even low-level signs of Kurdish cultural events could easily provoke a reaction by the authorities. However, these reactions are not necessarily severe and rather include short term detentions, the obligation to report regularly, visits by security services at the person's work and other repercussions concerning a person's livelihood.

4.1. Nowruz and other festivities

A Kurdish journalist and human rights activist explained that conflicts between the security services and Kurds occur at Nowruz celebrations every year in Kurdish cities. In cities such as Qamishli security service officers are present in large numbers. The security services try to

interrupt the festivities by extinguishing bonfires that have been lit as a part of the celebration. The security services respond differently to the Nowruz festivities from one year to another and even the same security service sometimes respond quite harshly in one city but not in another city in the same year which could be considered as a part of the security agencies' policies. Generally, arrests at Nowruz festivities are conducted arbitrarily and regardless of whether or not Kurdish symbols and manifestations e.g. waving of a Kurdish flag or chanting of Kurdish slogans are openly displayed.

A Western diplomatic source (1) estimated that the number of members and sympathizers of Kurdish political parties is approximately 60,000. These 60,000 persons are able to mobilize thousands more in connection with Kurdish cultural activities such as Nowruz. In 2009 Nowruz was celebrated in 18 different locations in the Kurdish inhabited regions of Syria and between 20,000 and 40,000 persons participated at each location. Many Kurdish political parties participate actively in the Nowruz festivities. When people go to the countryside to celebrate Nowruz the parties arrange stages at the location where they promote their party's messages.

A representative of a Kurdish human rights organisation (2) stated that arrests are often conducted randomly during demonstrations and Nowruz celebrations. The persons who have mobilised and organised the events are usually arrested afterwards when the security services have collected information from the persons who were initially arrested. This could be after one week. It was added that the security services are more active up to events such as Nowruz, and they often step up the number of arrests of Kurds in the time leading up to important Kurdish events, and in some cases persons are arrested just because they have a Kurdish name.

A Western diplomatic source (2) stated that it does not happen often that ordinary Kurds who participate in Nowruz celebrations and other Kurdish cultural events are kept in prolonged pre-trial detention in the facilities of the security services. Furthermore, there are no reports today of high profile Kurdish activists or prominent political leaders disappearing while in pre-trial detention.

According to a Western diplomatic source (2) the Nowruz celebrations are always potentially dangerous. However, it is difficult to assess the risk facing an individual who participates in the festivities, as it is a fact that almost every Kurd including elderly women and children participate in the celebration. However, security services are present at the gatherings and participation may lead to detention, trial and imprisonment.

According to an international organisation (2) Nowruz and other Kurdish festivities can be perceived as political acts and as a threat to the national unity by the state. If an event is perceived as a threat, the government would crack down hard on the participants, both in terms of the number of arrests and the treatment of the detainees. However, patterns of treatment are often changing, and the security services do not seem to have a systematic approach to participants in Nowruz or other Kurdish festivities. The security forces' response to any perceived form of political expression or cultural events depends mostly on the individual security agents assigned with the task. It was added that the security services sometimes resort to mass arrest in connection with Nowruz and other Kurdish festivities out of fear that large crowds of persons could turn into riots.

Nadim Houry, senior researcher, Human Rights Watch, Beirut, explained that the high level of friction between Kurds and the security services in Aleppo makes the authorities very sensitive towards Kurdish activism as they fear that the Kurdish conflict could step up and spread to other parts of Syria. In addition to that the authorities fear that Kurds would ally with Islamists in Aleppo. Aleppo and its neighbouring regions is traditionally a place where many PKK supporters are found. That is the reason why the security services in Aleppo react very harshly on any kind of Kurdish manifestation in Aleppo.

A representative of a Kurdish human rights organisation (2) highlighted that in recent years, major incidences have occurred at Nowruz. As an example, the source mentioned an incident in Qamishli in 2008 when the security services opened fire on activists distributing sweets in the street. This resulted in the killing of three persons, Mohammad Zaki Ramadan, Mohammad Mahmoud and Mohammad Yahya, and injuring tens of people. In Nowruz 2009 many Kurds were arrested in different places.

Amnesty International stated that tensions have increased in recent years, in particular since there were clashes between members of the Kurdish minority and Syrian security forces in March 2004 in Qamishli. Since then the Syrian authorities have clamped down on Kurdish cultural and social activities for example by dismantling stages set up for Nowruz celebrations in March 2009 in at least two north-eastern cities, al-Qahtaniyah and al-Malkiyah.

Elaborating upon the situation of persons who have participated in mass demonstrations, representatives of a Kurdish human rights organisation (1) explained that during last year's Nowruz celebrations 50 persons were arrested in al-Hasakeh and 200 were arrested in Aleppo. They were held in detention for approximately three months and some of them have been sentenced by the Military Court in Qamishli and Aleppo while others are still awaiting trial and kept in detention. Typically, Kurds who are arrested in connection with mass demonstrations or large celebrations of Nowruz are sentenced between two months and up to three years in prison. While the Military Court in Qamishli would normally sentence persons who have been arrested in connection with mass demonstrations and large Nowruz celebrations to two to three months in prison, the Criminal Court could sentence a participant at a mass demonstration or a large Nowruz celebration up to three years in prison. Finally, sentences by the SSSC could reach up to five years for the same activity. It was added that sentences can even vary from court to court depending on the individual judge presiding in the court.

A Kurdish journalist and human rights activist expressed fear about the coming of March 2010 and the yearly commemoration of the uprising in Qamishli in 2004 and the celebrations of Nowruz. In 2009 the celebrations of Nowruz went relatively peaceful which was ascribed to the fact that a delegation of foreign diplomats went to Qamishli. It was added that the source wished that the diplomatic delegation would be back in Qamishli in March 2010.

According to a representative of a Kurdish human rights organisation (2) in March 2010 security services prevented a delegation of Western embassies from observing the Nowruz celebrations in Qamishli. The delegation, composed of representative from several Western embassies, including the Norwegian, the Swiss, the British, and the European Commission in Damascus, stated that security patrols had been placed at the entrance to the city, and forced them to return to al-Hasakeh where they spent the night. When the delegation tried the next day – in the morning of

Nowruz – to travel to Qamishli the authorities repeatedly denied their access and told them to return to Damascus. A similar delegation attended Nowruz in 2009 and was met warmly by both the Kurdish people and their politicians, which annoyed the Syrian authorities. It was added that neither Nowruz festivities nor Kurdish demonstrations are actively monitored by UN organisations.

A representative of a Kurdish human rights organisation (2) stated that in the morning of Nowruz 2010 in ar-Raqqah the Riot Control forces opened fire randomly on celebrating Kurds, killing at least two, Mohammad Omar Haidar and a five years old girl, whose bodies were seized by the authorities and transferred to a hospital in Aleppo. Among more than fifty injuries, five were seriously injured, of whom two were known, namely Mohammad Khalil and Mohamed Othman who were critically injured and transferred to al-Razi Hospital in Aleppo. Among the injured were also Ibrahim Dawoud, Kaniwar, Mahmoud Mustafa, Hawker Ibrahim, Mohammed Hushek, Khalil Ibrahim Hamrash and Ali Mohammad Nabo. Some of the wounded were transferred to the National Hospital in ar-Raqqah which was cordoned off by the forces of Order Control and Security. Relatives were not allowed to follow up on their conditions, and many of those who came to donate blood or to ask were arrested. Dozens of the wounded rejected to be taken to the hospital, despite the varying injuries they had suffered, in fear of being arrested or ill-treated.

Reporting on the Nowruz in 2010 KurdWatch.org stated in an article published on 8 April 2010: "Although this year's Newroz festivities in al-Hasakeh were comparatively quiet, at least one person died in skirmishes with security forces in the Syrian city of ar-Raqqah (ar-Raqqah province). KurdWatch documents the events in chronological order:

On March 20, 2010, employees of the 'Amudah city hall in the village of Dugir ('Amudah sub-district) destroyed the tents and the stage that had been erected for the Newroz celebration the following day. Eight Syrian-Kurdish parties, united in the Kurdish Political Council since December 2010, had called for the Newroz festivities. The festival itself proceeded without disturbance on March 21.

The Newroz stage in al-Malikiyah (Dêrik) was also destroyed on March 20, 2010. The festivities likewise proceeded peacefully.

Between nine and ten o'clock on the morning of March 21, 2010, clashes between Syrian security forces and Democratic Union Party (PYD) supporters occurred near the PYD's Newroz stage close to the grain silo north of the city of ar-Raqqah. They were triggered by a dispute between a group of Arabs and PYD supporters. The former was bothered by a picture of PKK leader Abdullah Öcalan, which was attached to the stage. The dispute developed into a brawl, with security forces in attendance using water guns. PYD supporters responded by throwing stones at the security forces' vehicles, which in turn provoked the security forces to fire live ammunition into the crowd. Mihemed Heyder Ūmer (b. 1992) was killed by a shot in the head. Others people suffered bullet wounds and were later treated in local hospitals. Members of the security forces are also said to have been injured. Reports that a young woman, Medya Qewas Mesî (reportedly 22 years old), and one another person were killed have not yet been confirmed.

Numerous people were arrested in connection with the events in ar-Raqqah. Some were charged with inciting racial and sectarian strife. Several were released from custody shortly afterwards. Their cases are still pending before the court.

Despite intense research, KurdWatch was unable to obtain further information – in particular verified personal data of those injured or detained. One reason is because the security authorities

in ar-Raqqah have cut access to public hospitals and thus to important eye-witnesses. No official information on the number of dead, wounded, or detained has been released. Since ar-Raqqah lies outside the majority Kurdish areas, research was even more difficult.

On March 21, 2010, several people were arrested in al-Hasakeh on the way to the Newroz festivities including Qehreman Ibrahim Elî (b. 1974) and Nu'man Silêman Ehmed (b. 1971). To date both are still in al-Qamishli prison.

Lezgîn Hesno, Bengîn Hesno, Fêsel Xelîl, Mihemd Xelîl and Kaniwar Xelîl have also been detained. They are charged with inciting racial and sectarian strife and are still in al-Qamishli prison.”⁹

A Western diplomatic source (1) explained that there are differences between different regions regarding the reactions of the security services to cultural activities like Nowruz, depending on the family relationship between the local Kurdish people and members of the security forces, the level of mutual acceptance between the two sides, and also of the attitude of the commanding security service officers towards the Kurdish population. While there for instance has been a harsh reaction to Nowruz in the Aleppo governorate where the security forces are primarily Arabs, there seems to be more tolerance in the north-eastern region where there are family ties between the security forces and the local Kurdish inhabitants. It was added that while dozens were arrested in Aleppo in connection to Nowruz festivities in 2009, there were only four cases of arrest in al-Hasakeh and none in Qamishli the same year.

A prominent Kurdish political leader (1) informed the delegation about an incident at the celebration of the International Women's Day 2009 in Qamishli when about 200 armed men stormed the location of the celebration attended by 250 women, children and Kurdish party members. The armed men broke the equipments and arrested two persons, one of whom was a member of the central committee of the KDP in Syria (Al-Parti), and detained them for three months. Some of those who were employed in the public service were dismissed from their jobs and stripped of their pensions.

4.2. Demonstrations

According to a Kurdish journalist and human rights activist anyone who has attracted the attention of the security service e.g. by participating in demonstrations would be put under surveillance and the security services actually have the capacity to do that despite the large number of demonstrators. In Qamishli for example, the security services have about 1,000 employees and an even larger net of informants, and 6,000 employees only in Damascus.

A Western diplomatic source (4) stated that repression against participants at demonstrations is arbitrary. It is not possible to distinguish a pattern according to which participants are targeted. It was added that from the Syrian state's point of view, this arbitrariness is effective since it makes everyone vulnerable and thereby frightened of eventual consequences of any activity. However, it could as well be the case that this situation of arbitrariness is not intended, but in fact a result of

⁹ KurdWatch.org: Newroz 2010: Destruction of stages, isolated arrests and one death in ar-Raqqah, 8 April 2010 <http://www.kurdwatch.org/pel?aid=514> (accessed 14 April 2010)

the way the security apparatus in Syria is structured i.e. that a number of security services are working without any central coordination and the fact that they compete for power and influence.

According to a Kurdish journalist and human rights activist arrests at demonstrations are conducted arbitrarily and independently from a person's level of activity at a demonstration. At some events specific persons are selectively arrested, while at others a broad number of participants are arrested regardless of their former political activity or position in the event.

A Western diplomatic source (2) considered it unlikely that persons are targeted for their participation in demonstrations or other very low-level activity. However, the whole executive, judicial and intelligence system is marked by a high degree of arbitrariness. Thus, it is possible to become targeted by the authorities after being involved in a private dispute with influential wrong persons.

Regarding the treatment of Kurdish participants in demonstrations and other gatherings, Nadim Houry, HRW, explained that police and security services usually first disperse the crowds and then arrest a number of persons (50 to 100 persons, or even more). A number of demonstrators are released after a couple of days or weeks when the security service has finished investigating possible previous political activities of the arrested persons, and some are requested to work as informants. In cases where the security service already has a file on some of the participants, they will likely be detained for a longer period of time. In detention, humiliation, insults, slapping and beatings are quite common and in some cases amount to torture. It was added that the security service clearly pays particular interest to the organisers of demonstrations or gatherings.

According to Kanju Saeed Suleiman, Syrian refugee representative of a refugee camp in Dohuk, KRI, the security services target persons who participate in protests in three steps: Firstly, they arrest persons randomly, beat them and force them to give information about the organisers of the protests. Secondly, they focus on the organisers whom they apply pressure on for information on political leaders and those who can mobilise protestors and demonstrators. Finally, the security services target the political leaders and the persons who are able to mobilise protestors and demonstrators.

Asked whether persons who have participated in protests somewhere in Syria against the events in Qamishli in 2004 would be at risk of being detained and prosecuted today a prominent Kurdish political leader (1) explained that the authorities would treat a person's participation in any demonstration as follows: Whenever there is a protest, the security services would document the event on their own by filming and making pictures, and they would additionally collect copies of all pictures of the demonstration from photo development shops in the area and thus receive a comprehensive picture file including the faces of as many participants as possible. They would then try to match these faces to the participants' names. Whenever someone attracts the authorities' attention after that, their participation in the demonstration would be used as additional proof of their oppositional activity, even if the demonstration took place five or six years ago. The information would not only be used in case someone shows heightened political activity, but whenever possible, e.g. at job applications when their participation in a demonstration would be held against them and they would be forced to collaborate with security services in order to get the job.

Asked about the situation of critics of Decree No. 49 representatives of a Kurdish human rights organisation (1) stated that persons who have participated in demonstrations to protest against the decree, especially in Damascus, have been arrested and detained for four to five hours. These activists, most of whom were Kurdish party members or otherwise politically active, were exposed to insults but not physical ill-treatment during detention. However, there are reports that demonstrators were beaten during the demonstrations.

Concerning the treatment of critics of the presidential Decree No. 49 a Kurdish journalist and human rights activist referred to a demonstration in Damascus in November 2008 to protest the decree, where a few hundred persons participated and many were arrested when it was dispersed by the security services. The police checked participants' ID cards and specifically arrested persons from al-Hasakeh and Qamishli, among them Arabs who had names that sounded Kurdish. The source himself had previously been arrested solely because of his origin in al-Hasakeh. There have been examples of persons who were arrested during demonstrations because their names were similar to the names of other activists.

A Western diplomatic source (5) stated that systematic prolonged detention for up to several months in connection with demonstrations was only employed after the events in Qamishli in 2004. After that time most ordinary demonstrators who have been detained by the security services have been kept in detention for a few hours and then gradually released.

A Kurdish journalist and human rights activist pointed out that commemorations of the events in Qamishli are under tight surveillance by security services and tear gas is sometimes used to break up such commemorations.

4.2.1 Current situation of former participants in demonstrations following the events in Qamishli in March 2004

A Western diplomatic source (1) assumed that none of the participants in the demonstrations in Aleppo or other places in the northern part of the country in 2004 in connection to the events in Qamishli are detained today. Of the approximately 3,000 demonstrators who were arrested, only persons who acted violently against police officers or members of the security services received prison sentences. It was added that if a person had been out of the country since March 2004 and who had not acted in a violent manner during the demonstrations in Aleppo or elsewhere in connection with the unrest in Qamishli, it is unlikely that he would face any problems upon return to Syria today. The Syrian authorities have tried to close the book concerning the unrest in Qamishli and the focus of the security services is very much on current events and the present day activists. However, if a person returns to Syria and one of the security services has a file on that person and if there is a case on him for some minor incident, he could risk being excluded from any job in the public sector. It was added that it was the PYD who instigated the riots in Qamishli in March 2004, and the security services have especially targeted persons who at that time were considered to be active for PYD.

According to representatives of a Kurdish human rights organisation (1) persons who have participated in demonstrations in the wake of the events in Qamishli in 2004 and afterwards have fled the country before being apprehended by the authorities, could be arrested upon return to Syria. In such cases, what is important for the Syrian security services is whether or not the person

has actually participated in a demonstration rather than whether or not the particular demonstration has taken place recently or years ago. It was emphasized that persons could be arrested for participation in any demonstration, even if it took place outside of Syria. As an example Khalid Kinjo was arrested upon return to Syria and detained for three or four months after participating in a demonstration in front of the Syrian embassy in Germany. The trial of Khalid Kinjo is scheduled to take place at the Qamishli Military Court in September 2010.

A Western diplomatic source (2) stated that nobody is being persecuted anymore for his or her mere participation in the demonstrations held after the event in Qamishli in 2004. Persons who have been outside the country while the amnesty after the events in Qamishli in 2004 was granted would be covered by it as well. However, this would depend on the articles in the criminal code according to which they would be prosecuted. Demonstrators in 2004 were prosecuted according to different legal articles depending on the authority that arrested them. The sentences therefore also varied a lot. Some persons might have been included in the amnesties and others not. It was added that the last trial in connection with those demonstrations took place in 2007 and the beginning of 2008 when between 40 and 50 persons were put on trial before the Criminal Courts and sentenced to about three years in prison for participation in the events in 2004. However, these trials dealt with persons whom the prosecutor claimed had been involved in violent acts against law enforcement officers.

Commenting on the present situation of persons who have participated in Kurdish protests or demonstrations in Aleppo or other places in Syria in relation to the events in Qamishli in March 2004 a Western diplomatic source (4) stated that there have been no recent trials of participants at the 2004 events. However, it was stressed that amnesties are not reliable in Syria and that persons who are on the list of wanted persons remain targeted even after an amnesty. It was emphasized that the key issue is whether or not someone is perceived as a security threat. Besides, there are no legal remedies to enforce an amnesty in court. Finally, it was added that the security services can detain any person they want regardless of any kind of amnesty.

A Western diplomatic source (5) assumed that if a person who has been detained in relation to a demonstration somewhere in Syria in connection with the events in Qamishli in 2004 returns to the country the security services could use the file of this past incident in order to initiate a new investigation against this person. The security services have files on all political activists.

A Western diplomatic source (5) stated that all trials against demonstrators who were involved in the demonstrations following the events in Qamishli in 2004 were finalized two years ago.

5. Kurdish musicians, poets, dancers, writers and journalists, manufactures of Kurdish traditional cloths, banners and flags and persons who publicly display their Kurdish origin

A Western diplomatic source (1) stated that most of the Syrian Kurds are not politically active in the sense that they follow certain political ideologies, but rather through their culture and cultural activities.

An international organisation (1) considered that the Syrian government gradually is taking steps towards recognition of the Kurdish culture though this development is progressing slowly.

However, a Western diplomatic source (1) stated that the government and state security services undoubtedly are quite sensitive to any cultural or political sign of Kurdish nationalism which could be perceived by the state as a threat to the national integrity, or any form of resistance to the state authorities. That is the reason why the government reacts harshly to Kurdish cultural activities.

A Western diplomatic source (1) went on to explain that Kurdish cultural activities are generally perceived as political by the government, and it is therefore difficult to distinguish between political and non-political activities. When Kurdish cultural activities are banned by the authorities, they also politicise ordinary people participating in those activities. Participants in Kurdish cultural activities are therefore at risk of being criminalized and exposed to persecution by the authorities. To underscore this point, the source stated: "You can hold a candle and get five years in prison". It was explained that this phenomenon is a kind of a self-sustaining cycle where repression e.g. banning of language, flags, dancing and certain colours lead to politicization of the issue and in turn to renewed reactions from the population.

An international organisation (2) stated that Kurds may be exposed to arbitrary arrests or ill-treatment in detention, especially if they are suspected of involvement in activities perceived by the government as a threat to the state security.

A Western diplomatic source (4) stressed that the Syrian authorities consider Kurds per se as a security threat. The source added that the Kurds constitute the only ethnic group that is not allowed to be taught in their languages.

Concerning repression against Kurdish artists, such as authors, dancers and singers a Western diplomatic source (4) stressed that what matters is whether or not the authorities perceive such activities to be political and especially separatist. If the authorities perceive such activities to be political the person in question would be detained and brought before a court. It was added that there has been instances where persons have been detained for carrying Kurdish books with them. The length of detention often is not a direct result of the person's activity, but rather arbitrary depending on the situation.

A Western diplomatic source (4) assumed that every action the Syrian authorities perceive as a political activity will lead to repression, regardless of whether it is high-profile or low-profile activity. The authorities would for example see the waving of a Kurdish flag as a Kurdish political manifestation and ultimately as an expression of separatist aspiration. It was concluded that it is

not possible to distinguish between low-profile or high-profile Kurdish activists as regards the risk of persecution by the state due to their activities.

Rachel Raenell Bernu, Managing Director, Kurdish Human Rights Project, London, explained that it is difficult to distinguish between Kurdish cultural activities and Kurdish political activities. In the eyes of the Syrian authorities displaying Kurdish flags or banners or even the Kurdish colours are interpreted as a political activity. Celebration of Nowruz and other Kurdish cultural events are likewise seen as political manifestations. Bernu stated that in some cases it can be said that Kurdish cultural events include elements of political activities because political statements sometimes are made during these events. It was added that in general celebrations of Nowruz in Syria are not inflammatory or provocative as it sometimes can be seen in Turkey, and the attempts to suppress celebration of Nowruz must be ascribed to paranoia in the Syrian state.

Representatives of a Kurdish human rights organisation (1) stated that Kurds who are involved in Kurdish cultural, artistic, political and social activities would invoke the attention of the security services. However, in order to be put under pressure by the authorities, no particular action or pattern of activity is required since it is always possible for the security services to arrest a person without any legally based reason. Sometimes meetings of three to four persons at someone's home are used as pretext by the security services to arrest someone. Although any kind of political activity can lead to arrest, in recent times teachers of the Kurdish language, Kurdish singers and artists and participants in demonstrations have been increasingly targeted by the security services.

Concerning the authorities' reaction toward persons who express their Kurdish origin a Western diplomatic source (4) stated that there is a high degree of arbitrariness in the system and that it is not possible to foresee the reaction of the authorities towards Kurdish cultural expressions.

A prominent member of a Kurdish political party stated that the red lines that define what kind of Kurdish cultural and political activities are allowed are constantly shifting. However, since 2008 and 2009 the Syrian security services have increased the level of repression against the Kurds. The source added that persons who display their Kurdish identity are put under pressure by security services, adding that in 2003, he had been investigated by the security services because of his Kirmanji surname.

According to Rachel Raenell Bernu, KHRP, an increasing number of Kurds are being picked up randomly in the streets by the law enforcement agencies, and it has been observed that Kurdish artists are being targeted e.g. in their homes because of their participation in Kurdish cultural events. They are often held incommunicado for periods from two or three weeks and up to several months.

Mohammed Rashid, head of outside affairs of the Kurdish Popular Union Party in Syria (PUK), stated that Kurds who are culturally active are at risk of being targeted by the Syrian authorities. However, since it is not possible to imprison every cultural activist, it is mainly the more active persons who are arrested. As an example, Rashid stated that in January 2010, a Kurdish singer was arrested for the simple political activity of singing a Kurdish folksong and only released one week later.

Amnesty International stated since March 2004 the Syrian authorities have clamped down on Kurdish cultural and social activities. In October 2009, for example, Syrian security forces arrested four musicians for performing Kurdish songs at a wedding in al-Malkiyah.

A Western diplomatic source (3) found it quite unlikely that Kurds, who have waved the Kurdish flag, publicly displayed the Kurdish colours or produced or displayed other Kurdish cultural artefacts, would be prosecuted in Syria.

However, a Western diplomatic source (2) found it likely that there have been examples of detention by the security services of Kurds who have waved the Kurdish flag, publicly displayed the Kurdish colours or produced or displayed other Kurdish cultural artefacts. However, it is unlikely that such persons are exposed to torture while in detention, but it is very probable that they would receive some beatings and have to go through a short interrogation before being released. The source found it quite unlikely that such persons would be prosecuted when coming back to Syria from abroad.

According to a Western diplomatic source (5) the consequences of displaying in public Kurdish flags, colours or Kurdish names could be job loss in the public sector or maybe arrest for at least 24 hours by one of the security services. In addition such a person would be kept under some surveillance.

Mohammed Rashid, PUK, stated that participation in cultural groups, e.g. dance, drama or folkloric groups that wear Kurdish traditional dress and participate in funerals or other social rites is considered by the authorities to be political and therefore is repressed. Members of these groups can be as young as twelve years, and when one becomes part of one of these groups, the government usually starts surveillance. Years later when this person has to join the military he would be under observation of the Military Security, the most powerful and professional security department amongst the total number of twelve security units in the country.

Regarding the patterns of detention of Kurdish traditional dance groups Nadim Houry, senior researcher, Human Rights Watch, Beirut, explained that security services usually first arrest the main organisers of events and then enquire about other persons in connection to the event (e.g. those who have fabricated their clothes) and arrest them. According to the source, there are cases of arrests of Kurdish traditional dancers, but they are usually released from the security services after a few days. However, if a person is known to be a member of a Kurdish political party or is known to be an activist, the security service could keep the person for a longer time and refer him to an investigative judge. Persons who manufacture Kurdish traditional clothes for Kurdish dance groups could be detained as well and interrogated.

According to representatives of a Kurdish human rights organisation (1) most Kurdish musicians convicted by the Military Court in Qamishli have been sentenced to four to five months of prison after prolonged trials. Two recent cases are the arrests of Jamal Saadun, Nihad Yousef and their comrades who used to sing in Kirmanji at weddings and in restaurants.

According to Nadim Houry, HRW, some Kurdish dance groups are closely allied to certain Kurdish parties.

A Kurdish journalist and human rights activist emphasized that there are red lines for different kinds of oppositional activism and that they define the behaviour or degree of action acceptable to the authorities. There are, for example, different red lines for journalists, writers, bloggers and human rights activists. It was emphasized that the red lines are flexible. Sometimes they move up and sometimes they move down, prohibiting actions that have formerly been acceptable, or vice versa. One can never know when this change takes place.

Describing the red lines for journalists a Kurdish journalist and human rights activist mentioned the case of a journalist who was detained in 2004 by the Syrian counter-intelligence corps after he talked to a foreign delegation on the suspicion of transmitting information to them. In 2008 the journalist had to sign a statement not to meet foreigners any more. One red line for journalists thus relates to meeting foreigners because the Syrian authorities consider journalists to be spies for foreign countries. Furthermore, there are reports of arrest of journalists who have written completely innocent non-political articles. It was added that in December 2006 a journalist was interrogated by security service agents after wishing a human rights activist Merry Christmas in an article. In another case a blogger was arrested for three years for operating an online forum. Another writer was sentenced to six months in prison after writing about gas and electricity shortages. All these arrests were based on the publishing law, according to which every article on Kurds can be used as a justification to arrest writers or journalists. It was emphasized that there is no specific distinguishable pattern concerning arrests of journalists although the source himself felt that he knows where the red line is in his case. It was concluded that journalists, authors and bloggers are at risk of being arrested and accused of spreading false information and of weakening the state. However, it is impossible to state that some persons would be in greater risk than others. Arrests of such persons are conducted on an individual basis by the security services and it seems that the arrests to a large extent are arbitrary.

According to a prominent member of a Kurdish political party journalists who write about Kurdish cultural issues face harsh reactions by the authorities, since the latter reject the mere existence of a Kurdish culture in Syria. Publishers of books about the Kurdish language or Kurdish culture are targeted by the Syrian authorities and there have been cases of publishers being sentenced to heavy fines and even prison sentences of four months. The source added that he knows a person who was arrested because of possessing a book about the Kurds. He was sentenced to one year in prison for being in possession of the book. It was added that there have been many cases where Kurdish singers and dancers have been detained by the security services.

Concerning the treatment of private teachers in the Kurdish language representatives of a Kurdish human rights organisation (1) referred to the case of a group of teachers in Qamishli who organized private teaching in the Kurdish language to children and adults. In January 2009 the group was banned, and some of its members were arrested and put on trial before the Military Court in Qamishli. Two of them, Darwish and Zaki Hassan, were sentenced to two months in prison, while a third person, Fawaz Hussein, is still detained by the security authorities, where he is kept isolated and unable to contact his family or the outside world. His family has received no information about his whereabouts. Prolonged pre-trial detention in Syria can last up to one year before the detainee is tried before a court.

Barezan Bahram Marad, Syrian refugee representative of a refugee camp in Dohuk, KRI, stated that he gave lessons in the Kurdish language secretly twice a week – an activity considered illegal by the Syrian authorities.

A Western diplomatic source (1) stated that Kurdish names and signs are not allowed in Syria. According to the source, if this situation of suppressing Kurdish culture continues, this would create a tense environment, and one could expect to see more politicized Nowruz festivities and consequently tougher reactions from the government.

Barezan Bahram Marad, Syrian refugee representative of a refugee camp in Dohuk, KRI, explained that when he was born, his mother named him Barezan, which is a Kurdish name, but the Syrian government did not accept this name, and he was instead given the Arabic name 'Momtaz' in his ID by the authorities. Thus, although he was commonly known as Barezan, his ID referred to him as Momtaz. This 'double-naming' is very common among Kurds in Syria.

A representative of a Kurdish human rights organisation (2) confirmed that dozens have been arrested based on their Kurdish name and identity, and their fate is still unknown until the moment of this report.

According to a Kurdish journalist and human rights activist persons who openly display their Kurdish culture or origin have been targeted by the authorities. In al-Hasakeh province 10 shops were closed in 2009 because they sold clothes in the colours of the Kurdish flag and the shop owners were arrested but later set free. In the course of the Arabisation of city names, which started in al-Hasakeh province, shops were closed because their names contained Kurdish words.

Rachel Raenell Bernu, KHRP, explained that Kurdish activists and artist who are being targeted e.g. in their homes because of their participation in Kurdish political or cultural events often are held incommunicado in periods from two or three weeks and up to several months. There are now more examples than ever before of relatives to such persons being detained by the authorities solely based on their family ties to detained persons.

6. Risk of reprisals against relatives

A Western diplomatic source (4) stated that in general families of political activists in Syria i.e. someone with close contact to the activists like their wife or husband, their children or another family member living close by, are not targeted in the sense of being detained, but they might be interrogated regularly and face a lot of pressure. They risk losing their jobs as civil servants and their children might be denied access to universities. Furthermore, family members can be contacted by the security services in an attempt to recruit them as informants.

A prominent Kurdish political leader (1) explained that if members of Kurdish political parties refuse to collaborate with the security services and work as informants they are be put under pressure e.g. by losing their job, continuous interrogation of them and their families and by the exertion of pressure on spouses.

According to a Western diplomatic source (2) families of politically active persons would in the first place be subjected to interrogation and economic pressure, including the loss of their jobs in the public service. Furthermore, those who have a business or shop may risk losing their customers due to security service agents lingering in their shops.

To give an example of the pressure applied by members of the security services upon political activists a prominent Kurdish political leader (1) explained that while he has been away from Qamishli, the security services have interrogated his wife, enquiring why her husband is away and what he is doing in Damascus. Additionally, he had to meet with the state security service and with the political security service, all in one week. The security services are exposing Kurdish political party members and activists to pressure by harassing and, to a certain extent, threatening their families in order to prevent them from political activities.

According to Mohammed Rashid, head of outside affairs of the Kurdish Popular Union Party in Syria (PUK), some persons have to leave the country not because of being politically active themselves, but because of being related to political activists. This group of persons may be stripped of their jobs, be forced to report at a security service branch every month and/or be regularly interrogated by security services.

Rachel Raenell Bernu, Managing Director, Kurdish Human Rights Project, London, stated that relatives to persons who have been arrested or detained are often approached by the security forces in an effort to intimidate and instil fear in them. Oftentimes the security forces question the relatives of detained Kurds, but besides the wish for information the security service is even more motivated by the fact that they consider all Kurds as potential threats to the state's security.

A representative of a Kurdish human rights organisation (2) explained that family members of political activists or party members are targeted according to the prominence of the person. The higher the rank of a detained person the more likely is it that the government would target their family. It was stressed that security authorities had been monitoring Mesh'al Tammo's house during the period he disappeared, and it was required from all visitors to show their identities. They subjected Tammo's family to harassment, and they kept on asking about his whereabouts although he already was arrested. It is the norm that the families of detained persons are not informed about the destiny of the detained person until after he or she has been released.

A prominent Kurdish political leader (1) stated that spouses of party leaders, especially spouses who participate in public activities, would be targeted by the security services to some extent. He mentioned the example of his wife who had received an SMS from an anonymous sender, stating that it was known where her children went to school and what their time schedule was. However, as the sources' wife is an educated woman and an active party member, she would specifically be targeted for that reason. Wives to members of Kurdish political parties who are less educated and do not participate in meetings and political activities would be less targeted.

According to a Western diplomatic source (3) only family members of high profile political activists are targeted by the authorities.

Barezan Bahram Marad, Syrian refugee representative of a refugee camp in Dohuk, KRI, was arrested on 15 March 2004 in front of the University of Damascus after the Qamishli 2004 events. He was released the next day because the prisons were at that time severely overcrowded, which made it necessary to release some of the detainees. According to Barezan, most of the arrests took place after the 15 of April. Among the arrested was Barezan's 75-year-old mother who was kept in detention for five days and severely beaten which left her partly paralysed. 20 days after the arrest of Barezan's mother, two of his brothers and one sister, who was pregnant at that time, were arrested by the security forces. Barezan's sister, who according to Barezan was arrested because of his activities, delivered her child in prison and was released after four days. One of the brothers arrested, a teacher by profession, was kept in detention for 22 days. He was a political activist of his own and his arrest was, in contrast to Barezan's sister and other brother, not due to Barezan's political activities. He was in a state of coma when released, and his state only improved after a week of hospitalisation. Barezan's other brother, a law student, was arrested because of Barezan's activities and was kept imprisoned for 2 months and 25 days.

Kanju Saeed Suleiman, Syrian refugee representative of a refugee camp in Dohuk, KRI, stated that he left Syria at the end of 2005. After his brother attended a demonstration in 2004 and subsequently left the country, the pressure on Kanju Saeed Suleiman that had already been exerted upon him because of his human rights work increased significantly and he was called in now and then by the security forces that interrogated him about his brother and wanted him to persuade his brother to return to Syria. Sometimes, the source was summoned by a security service branch and was made to wait for a couple of hours in vain before being sent home again, which he considered to be psychological pressure. The security forces also applied economic pressure by forcing his customers not to buy products from his shop and factory. Altogether, he was arrested three times (one, three and six months after his brother had fled the country) and each time he was kept in detention for one night. When he was detained for the first time he was beaten and insulted. During his second detention he received some slaps in the face while he was not harmed physically during the last detention. At last the security forces requested him to sign a paper stating that he would stop meeting with international human rights organisations and instead cooperate with the security forces. He told the security service that, although he signed the paper, he would disregard the order.

7. Detention

7.1. Detention procedures

A prominent Kurdish political leader (2) stated that there is no clear procedure concerning the treatment in detention of Kurds who are arrested by the security services in connection with mass arrests. Some are kept in prolonged detention while others are tried at court usually on pre-fabricated charges, e.g. affiliating with foreign secret organization to carry out subversive activities with the aim of gaining autonomy for a part of the country and merging it with another country. The length of detention and the treatment of a detainee is arbitrary and depend on the individual security service agent in charge. It was added that the various security services have different policies with regard to handling oppositional activities, and that there are even differences between the regional branches of the same security service.

A representative of a Kurdish human rights organisation (2) explained that the treatment in detention of Kurds who occasionally participate in demonstrations but are not members of any political party usually depends on how soon they confess. There is usually no severe physical harm done to such persons, as long as they willingly answer the security services' questions and sign a confession paper ("Tasrih"). Therein, they have to confirm that they have participated in a demonstration, and that they will restrain from all political activities and/or work as an informant. However, should the person not confess and refuse to sign the confession, he or she would most likely be subjected to some kind of physical ill-treatment, which would increase in severity the longer a person would resist confession, and which could even result in the killing of the detainee. It was added that Kurds who take part in Nowruz celebrations and are detained, could be detained for a short or a longer period of time depending on when they decide to sign the written confession. The duration of stay in the detention facility also depends on whether a person has a previous file with the security service.

According a Kurdish journalist and human rights activist each time Kurdish activists and even high-profile activists such as leaders of Kurdish political parties are arrested they would be requested to work as informants. It was considered unlikely that physical abuse would take place during such talks or questionings though this could not be completely ruled out. Reporting at the security services' branches is usually limited to conversations and the signing of papers.

A Western diplomatic source (2) stated that many questionings at the security service are more of a persuasive nature, and the security service officer is often preoccupied with trying to convince the person in question to stop his or her subversive activities as perceived by the authorities.

According to a Kurdish journalist and human rights activist the security services usually keep track of persons of interest that have once been arrested. At the first arrest the person has to answer in writing a set of questions relating to his or her private and professional background. This information will then be saved either electronically or in paper form and consequently be updated regularly. If the next arrest takes place in another town the security service will contact the respective security branch at the arrested person's former place of residence. This procedure takes some time, and prolonged detention can partly be ascribed to this situation. However, there

is no cooperation on a practical level between the different security services and in reality they are not inclined to assist each other, which is an advantage for Kurdish political activists.

Nadim Houry, senior researcher, Human Rights Watch, Beirut, explained that a person might be interrogated by different security services in connection with the same case, as they do not trust each other and they are all trying to get first-hand information on the cases. This is very common, especially for persons who are expected to have information on political parties.

According to a representative of a Kurdish human rights organisation (2) it is not unusual that the security services arrest persons without arresting their comrades, in an attempt to spread insecurity and instil mistrust amongst the Kurds. In some cases, security services tell the detained persons that their associates have signed incriminating confessions and thus try to make them sign confessions as well.

A Western diplomatic source (4) assumed that prolonged detention is not a rule, but exists in single cases when persons are tried before state security courts. The source added that it is usually a matter of a few weeks before a detainee is brought before a detention judge.

Explaining the situation of low-profile Kurdish political activists in detention a Western diplomatic source (5) stated that detainees are usually either brought before the SSSC or a Military Court. While military courts often deal with less serious cases, the SSSC is tasked with issuing verdicts on high profile political cases. The source knew of examples of persons who had been detained awaiting trial before the SSSC for up to two years. During such prolonged pre-trial detentions, ill-treatment is common in order to extort confessions from the detainees.

According to Amnesty International some Kurdish minority activists who are arrested and charged are referred to the SSSC, whose procedures fall far short of international fair trial standards, and are permitted only limited contact with their lawyer. Before being brought to trial, detainees are usually held incommunicado for prolonged periods, their whereabouts are not disclosed to their families or lawyer, and they are at serious risk of torture or other ill-treatment, particularly during interrogation - trial defendants are often convicted on the basis of "confessions" they allege were obtained under duress in pre-trial detention. Five Kurds arrested on 15 February 2008 and accused of throwing Molotov cocktails at a rally were held for around one year before they were allowed any contact with their families, although one was a youth aged 15 or 16 at the time of arrest. Some families find out where their relatives are being detained by paying bribes.

A Western diplomatic source (2) stated that it does not happen often that ordinary Kurds who participate in Nowruz celebrations and other Kurdish cultural events are kept in prolonged pre-trial detention in the facilities of the security services. Furthermore, there are no reports today of high profile Kurdish activists or prominent political leaders disappearing while in pre-trial detention.

Mohammed Rashid, head of outside affairs of the Kurdish Popular Union Party (PUK), stated that political activists who are arrested for the first time are at higher risk of being treated harshly, as the security services would strive to extort as much information as possible. Rashid mentioned the case of a low-level party colleague, who had been deported from Germany, who was detained and partly kept incommunicado for two years after participating in a number of demonstrations and

Nowruz celebrations in 2001. During interrogation, he refused to give any information and was therefore tortured. After release, he was stripped from his civil rights.

7.2. Treatment in detention

A prominent Kurdish political leader (1) emphasized the complete arbitrariness of the system. Both high-profile and low-profile members of Kurdish political parties as well as sympathizers could be subjected to torture by the security services, who are not bound to any rules. The level of physical ill-treatment could depend on the preferences of the person in charge.

Asked about the prevalence of ill-treatment and torture in detention a Kurdish journalist and human rights activist emphasized that any security service officer could do whatever he wants during his investigation of a detained person, including killing him. The martial law and the Decree No. 59 have provided the security services with unlimited powers and they can act with complete impunity.

Nadim Houry, HRW, stated that torture does take place in the detention facilities of the security services. He explained that whether or not someone is subjected to torture rather than ill-treatment depends very much on the individual security service officer. Security service officers are generally not very disciplined and personal motives definitely play a role, e.g. when an officer tries to teach a Kurdish youth a lesson he should never forget.

Rachel Raenell Bernu, KHRP, stated that ill-treatment and torture while in detention is widespread and has become a routine for the security forces. It was added that numerically more Kurds are detained than Arabs which should be understood in the light of the fact that Kurds only make up seven to nine percent of the population.

Nadim Houry, HRW, explained that arrests of activists and ill-treatment reached a peak in 2004. At that time, torture was widely-used in the detention facilities of the security services. After that, the situation relaxed somewhat and the level of both activism and repression declined. However, the level of activism has overall risen since 2005, and the authorities have accordingly become less tolerant with Kurdish political expressions.

A prominent Kurdish political leader (1) stressed that the use of torture is completely arbitrary, mentioning different forms of abuse and torture of political activists:

- A party member had been detained for 11 days and was forced to stand for the whole time, prevented from sleeping or even from sitting down.
- Sometimes political activists are kept in cells with murder suspects and other criminals in order to frighten them.
- Another method is to bind persons to a stick and spin them like on a roasting stick.
- Men are sometimes tortured by binding their penises to the ceiling with a string forcing them to stand on their toes.

Regarding the methods of torture used a representative of a Kurdish human rights organisation (2) gave an example by describing the so-called 'flying carpet' where a person is tied to a metal board that can be folded. The part of the metal board that his legs are tied to is then raised, and the torturers start beating the soles of his feet with a cable. Another type of ill-treatment is the so-called 'car tire' where the detainee is forced to lie down while his knees are bent and then a car tire is placed around his legs to keep the bottom of his feet exposed for beatings with cables or other items. In a third stress position, a person is forced to sit down in a very small cell (about 1 m²) for a prolonged period of time, while sewage runs on the floor of the cell. The source had once been kept in this kind of cell for approximately two weeks and forced to sit in a crouching position for long periods of time. This particular type of ill-treatment becomes extremely painful after a short time, and causes many chronic and long-term diseases such as spinal cord injuries, mental disorders and hallucinations as well as cancer. It was added that in addition to physical ill-treatment, ordinary members of the Kurdish political parties are subjected to insults and psychological pressure.

A Western diplomatic source (2) found that the use of torture such as 'the flying carpet' in the detention facilities of the security services could be a thing of the past. However, it was added that information about this issue is contradictory.

According to a representative of a Kurdish human rights organisation (2) Kurdish detainees who are under investigations in the facilities of the security services are subjected to heavy psychological and physical torture to the extent that this could even lead to death.

Rachel Raenell Bernu, KHRP, considered that the level of psychological torture of the Kurds in Syria is maybe even more damaging than the physical torture of individual Kurds. The overall purpose of the psychological torture is to scare the Kurdish population and compel them to distance themselves from their Kurdish identity. In fact the Syrian state has been more successful in assimilating Kurds than other states and breaking up the notion of a Kurdish identity, and the state is probably content with the fact that some Kurds leave the country and seek refuge elsewhere.

Representatives of a Kurdish human rights organisation (1) stated that torture is used by the security services during pre-trial detention, specifying torture as beatings, personal insults and interrogations. It was added that serious forms of ill-treatment and torture are used both during pre-trial detention and in prisons especially in `Adra prison close to Damascus. Generally, the prison conditions in Syria are very bad.

A Western diplomatic source (4) expressed surprise that the source "a Kurdish journalist and human rights activist" had stated that he would prefer to stay in a detention centre of the security service for one year rather than being convicted by a court to imprisonment for one month, stating as a reason that a conviction before court would include the loss of his civil rights. The diplomatic source (4) assumed that there must be specific reasons why a person should state that e.g. that civil rights must be absolute paramount for that person.

According to representatives of a Kurdish human rights organisation (1) low-level party members and activists who are not members of any Kurdish political party might be treated harsher while in detention or prison, at least when the security situation in the country is calm. In a tense security situation, the security services would treat all levels of party members and activists equally harsh.

Usually Kurdish political party members are not exposed to prolonged ill-treatment in security service's detention because they can provide at least some information about themselves and their positions to the security service. On the other hand, an ordinary person i.e. a non-party member or a very low-level member cannot reveal any information of interest to the security services that could resort to more severe treatment of the detainee assuming that he has some information.

According to an international organisation (2) the security services tend to treat ordinary Kurds, sympathisers and low-level members of Kurdish political parties harsher during detention than high ranking political activists in order to deter others from any kinds of oppositional activity.

Nadim Houry, HRW, stressed that the lower the rank of a political activist or party member is the higher is the likelihood that he would be ill-treated or tortured if detained by the security service. Political activists are, after arrest, always held incommunicado. After a few days, they are referred to an investigative judge who most likely is a military judge, where they usually are sentenced to a prison term of six months to two years.

A Western diplomatic source (1) stated that most Kurds react passively to ill-treatment in detention by security agents, and that could be the reason why ill-treatment of ordinary Kurds very often is limited to slight beatings. However, if somebody would protest against slight ill-treatment they could be treated very harshly.

Regarding treatment in detention, a Western diplomatic source (4) stated that beatings are quite common, and torture is used in some cases. However, the prevalence of torture in pre-trial detention is unknown. The source assumed that well-monitored high-profile activists are treated better but added that it did not have enough information to establish whether there is a clear pattern regarding the use of ill-treatment or torture. This is due to the fact that only lawyers and family members have access to prisons and that nobody has access to state security detention facilities.

According to Nadim Houry, HRW, senior members of Kurdish political parties are in less risk of being subjected to torture in detention. They are rather subjected to humiliation when detained. However, HRW has not documented recent cases of extreme torture in Syria, since it is very difficult to document torture cases. The persons who are most likely to be subjected to torture are the ones least likely to step forward and talk to human rights organisations as they might have difficulties articulating themselves or might be afraid to speak out.

Regarding treatment in detention, Mohammed Rashid, PUK, stated that high-ranking members of political parties are generally treated less harshly than low-ranking members or non-members. The former are less likely subjected to abuse, i.e. physical torture, and are allowed to sit at a table during interrogation, where professional interrogation methods are applied in addition to insults and humiliation. The treatment of low-profile party members and activists depends on whether and when they are ready to confess. Their statements are then compared with the security agencies' file on them. In case the statement does not match the information in the file, the activist will be subjected to torture. Many detainees who have been released suffer permanent impairments such as disc prolapse, broken ribs, concussion, deafness, epilepsy, insanity as well as

psychological disorders due to ill treatment, torture and harassment. Some of them died under severe torture, which has been registered by human rights organisations.

According to a Western diplomatic source (1) members of the PYD are certainly subjected to torture in an attempt to get information about the party's activities and members.

According to Nadim Houry, HRW, groups that are particularly vulnerable to being subject to torture are members of the PYD and other organisations affiliated with the PKK, low-level activists, persons who refuse to co-operate with the security services, Islamist Kurds, the organisers of demonstrations and generally those who cross the red lines that define the behaviour or degree of action acceptable to the authorities.

A representative of a Kurdish human rights organisation (2) stated that the security services do not distinguish between younger and elder persons in relation to the treatment of detainees. The decisive element is what political ideas or ideologies the person has, who she or he is connected or related to and whether she or he has participated in certain events.

According to a Western diplomatic source (1), none of the 150 persons who were arrested during the Nowruz festivity in Aleppo in 2009 were subjected to torture. The use of torture, defined as a harsher ill-treatment than slight beating, against ordinary Kurds in the detention facilities of the various security services, was not considered the rule by the source.

A Western diplomatic source (4) stated that the risk of being tortured is highest in the detention centres led by the various security agencies. Once a person is transferred to a prison, his or her situation would become easier.

Representatives of a Kurdish human rights organisation (1) emphasized that the situation in Syrian prisons generally is bad and the conditions in the detention facilities of the security services are even worse, especially concerning health and hygiene. Prisoners and detainees only have access to dirty drinking water, they are made to sleep on the floor and overcrowding is highly common.

According to a Western diplomatic source (5) a large number of Kurdish political prisoners are being held at the Sednaya prison and there are indications that some of these prisoners have died while imprisoned, but the source did not know the exact number. It was added that the treatment of prisoners is generally brutal and that the wardens can act with complete impunity. Information about prison conditions and conditions in the security services detention facilities is scarce because nobody is allowed to visit and monitor Syrian prisons or detention facilities. The Sednaya prison had been closed even to family visits from 2008 to 2009. Accounts from persons who have been released from prison exist but many former inmates are too scared to talk about their experiences in prison. Finally, it was stated that Kurds in prisons are subjected to worse treatment than Arab prisoners concerning for example the amount of beatings they receive.

Representatives of a Kurdish human rights organisation (1) stated that during visits, family members and other visitors e.g. human rights organisations, are forced to speak Arabic – instead of Kurdish – to inmates and are prevented from speaking to them in private and without being overheard by a security guard. It was added that in one cases, the wife of an inmate, who could not speak Arabic, was prevented from talking to her husband. In other cases, families were denied

meeting their relatives in prison. In yet other cases, there have been reports on sexual harassment and insults of female family members of detainees during visits in prisons.

7.3. Orders to report regularly after release from detention

According to an international organisation (2) the security services intend to create a general feeling of insecurity in the Kurdish community by arbitrarily detaining Kurds and interrogating them while they are detained. In such cases, before they are released, detainees are often requested to report regularly to the respective security service branch.

According to a Kurdish journalist and human rights activist the requirement to report after being released from prison is very common. The period of time during which reporting would be required of a person is not fixed but rather depends on the individual security service officer in charge.

According to Nadim Houry, HRW, persons who have once been detained by the security services are subjected to the following procedures after their release: Firstly, it is very common to request persons to keep reporting to the security services after being released, usually with a frequency from once every two weeks to once a month. Secondly, once persons are registered in the security services' system, they face a number of economic disadvantages like losing the opportunity of getting jobs in the public sector. Thirdly, in case of future arrests for other reasons, they are interrogated again about the background of their first arrest. Finally, whenever something happens in the area where the persons in question reside, the security services target and interrogate these persons as main suspects.

A Kurdish journalist and human rights activist stated that when Kurdish activists and demonstrators have been arrested or detained even in cases of mass-arrests they are often required to report to the security agencies after they have been released. However, there are different forms of reporting. Persons who have been released from prison or pre-trial detention sometimes have to report at the security service branches to inform about their current location. Furthermore, it is the norm that the security services request released persons to come to the security service branches for further questioning. Ignoring such requests to report for further talks or questioning could lead to arrest. The purpose of these talks or questionings is to persuade the persons to work as informers for the security services. It was added that while some accepted to work with the security forces, others refuse to do so. Those who refuse to work as informers for the security services could be in risk of being arrested again or their family could receive threats and be exposed to pressure, although the latter is not the general rule.

A Western diplomatic source (4) stated that persons who are politically active or active in the field of human rights and targeted as such have to report to the security services regularly. If a person is required to report with increasing frequency, it could be a sign that the person would be in increased risk of being detained soon.

An international organisation (2) considered that any minor offense could lead to detention by the security services. Even low profile Kurdish activist are routinely requested to report to the security services in order to apply pressure on them and on the Kurdish community in general. Sometimes arrests are solely conducted as a pretext to make persons of interest to the security services

report regularly. It was added that the security services in Syria have ample resources. According to a Kurdish journalist and human rights activist, in Qamishli for example, the security services have about 1,000 employees and an even larger net of informants, and 6,000 employees only in Damascus.

According to Mohammed Rashid, PUK, about 1.7 million Syrians are members of the Ba'ath party, and about 170,000 are working for Syrian intelligence agencies. Therefore, the security services are able to infiltrate Kurdish political parties to a high degree. Persons who are asked to collaborate with security services but refuse to do so will be arrested or harassed. Exemplifying the outreach of the Syrian security agencies, Rashid mentioned the case of a party member who had fled the country to Lebanon and was poisoned while residing there. He was saved by his friends and able to flee to Europe.

According to Mohammed Rashid, PUK, some people have to leave the country not because of being politically active themselves but because of being related to political activists. This group of persons may be stripped of their jobs, be forced to report at a security service branch every month and/or be regularly interrogated by security services.

8. Treatment upon return and lists of wanted persons

Nadim Houry, senior researcher, Human Rights Watch, Beirut, stated that returned failed asylum seekers are most likely detained upon return to Syria, although not necessarily for a long period of time. It was added that there is a high likelihood of ill-treatment during their initial detention which can amount to torture if the person is expected to know something of interest to the security service. What will happen to a returnee depends on what is in the file (if there is one) or on whether the security services believe what the returnee tells. Usually, the authorities release returnees after making a file on them and probably refer them to an investigative judge. Upon release persons are very commonly required to report regularly.

A Western diplomatic source (5) stated that failed asylum seekers would be detained upon return to Syria simply because of the fact that he or she has been abroad. The person would be subjected to interrogation by the security services. However, it is unclear how the person would be treated during this detention that in some cases could last for weeks or even longer.

A prominent Kurdish political leader (1) emphasized that anyone deported from a foreign country to Syria would be requested to collaborate with the security services by reporting about his community, or he would be imprisoned.

According to representatives of a Kurdish human rights organisation (1) persons who have left Syria illegally are generally arrested upon return to Syria and investigated to establish whether or not they are wanted by the security services.

Nadim Houry, HRW, added that the immigration service is not necessarily the first instance which returned failed asylum seekers meet at the border, and that they can as well be detained and interrogated by the security services immediately upon arrival. The security service is generally present at the airport. It could happen that the immigration service at the airport contacts the security service in advance informing them about the returnee so that the security service is already waiting for the returnee at the airport.

Regarding the situation for returned failed asylum seekers, Nadim Houry, HRW, stated that every returned failed asylum seeker will automatically be detained and interrogated. He referred to a recently documented case of a Kurdish musician who had left the country in the aftermath of the uprising in March 2004 and asked for asylum in Norway. He was returned from Norway in July 2008 accompanied by two Norwegian police officers. The returnee informed HRW that he had first been detained by the Immigration Service in the airport and had then been referred to the political security service where he was subjected to severe ill-treatment, including Falaka and beatings on the back, hands and feet. After one week his case was referred to an investigative judge who released him and obliged him to report regularly to the political security service branch. However, before his name showed up in the list of wanted persons at the border he fled to Lebanon.

According to a Western diplomatic source (4) persons who have left Syria illegally have been, upon return, subject to investigation by the immigration authorities. This can include detention in the immigration service's own detention centres, which the source considered to be routine if it does not exceed two weeks. It was stressed that in almost all cases known to the source, the detainees

have then been released. According to the source its country has repatriated four Syrian citizens in the past three months, out of which three were first detained but later released, while one person was charged with spreading false information abroad as part of his political activities, although the person's lawyer argued in court that his client had not been politically active at all. The source mentioned that the computer system employed at border controls to screen persons upon their entry into Syria works well. Border guards check whether the name of someone who enters Syria can be found on one of the wanted persons lists of the security services. These lists contain information from the various security services' offices from all parts of the country, including from Qamishli. Immigration authorities are thus able to see whether a returnee has a file with the security services somewhere, and can subsequently inquire about the file's details with the authorities from these cities or municipalities. It was added that there is no single list of wanted persons but that every security agency maintains its own list. If one of the security services has a file concerning a returnee, he or she would be transferred from the immigration services' detention facilities to the security agency's detention centre.

A Western diplomatic source (1) stated that if somebody is called in for interrogation by the security services and the person does not show up, he would be arrested, and if his absence is due to the fact that he has left the country, he would be put on the list of wanted persons. Upon return to Syria, such a person would be arrested and interrogated by the security service. However, it was emphasized that it is very hard to say what exactly would happen in such cases.

A Western diplomatic source (4) stated that amnesties are not reliable in Syria stressing that persons who are on the list of wanted persons remain targeted even after an amnesty.

9. Access to some public services and the labour market

9.1. Access to health care

According to the Syrian Ministry of Health, access to public hospitals is basically free for both Syrians and non-Syrian nationals residing in Syria. However, user fees were introduced some years ago in 10 public hospitals for up to 35 percent of their health services. The user fees are not high and the money gained from them is used by the individual hospitals to improve their services.

According to a representative of the International Federation of Red Cross and Red Crescent Societies (IFRC), in Syria, health treatment is affordable and accessible across the country, despite an urban-rural gap. Furthermore, a referral service is available. Medical drugs are affordable, as 80 percent of them were produced locally.

According to an international organisation (1), the health care system in the rural areas faces structural problems in the form of a lack of doctors in public clinics. It was emphasized that these disparities and structural problems should not be attributed to discrimination against the Kurds by the Syrian government.

The Syrian Ministry of Health acknowledged that there are differences between big cities and rural areas with regard to access to health care, but it was added that the ministry is working on improving health care in the rural areas.

The Syrian Ministry of Health pointed out that the drought has generally badly affected the life of people in the areas affected by it, especially in the north-eastern region, and it has caused migration from this region to urban centres. There is a relative lack of doctors and nurses in the vulnerable areas affected by the drought, but it was stressed that the ministry has focused on this problem and intends to increase spending in the drought affected areas. Asked about whether some villages in the north-eastern region have been completely deserted because of the drought, the ministry found this quite improbable and somehow exaggerated.

According to representatives of the Syrian Arab Red Crescent (SARC) the need for health care in the al-Hasakeh province is greater than in many other places in Syria, due to the long lasting drought in the area.

The Syrian Ministry of Health emphasized that everybody in Syria has access to public health care. Apart from being registered when checking in, there is no precondition for getting treatment at public health care centres in Syria. Nobody is asked to present an ID card in order to receive health care, and the hospitals and health clinics would never deny anybody access to health care, even if they are foreigners or non-Syrian citizens.

Representatives of the Syrian Arab Red Crescent (SARC) stated that public health care is available to any person residing in Syria regardless of his/her nationality, and no one is required to show an ID to get access to public primary health care. It was emphasized that even persons who are born and live permanently in Syria but who are not Syrian citizens, including persons who have no Syrian ID card, will not be rejected if they need public health care or if they approach one of SARC's health clinics.

According to representatives of the UN Development Programme (UNDP), Syria, there is no discrimination of ethnic groups, including Kurds, concerning their access to health or education since the fees for these services are very small and nobody is required to present ID in order to access the services. It was added that stateless Kurds have unconditional access to education and health, as they are not required to show any ID either.

A Western diplomatic source (5) stated that stateless persons are not entitled to free health care except basic health care.

A Kurdish journalist and human rights activist stated that Maktoumeen are severely discriminated against in the health system. In 2007, the Prime Minister issued a regulation according to which only persons in possession of a health book may visit a state hospital. Maktoumeen, who cannot obtain a health book, are severely affected by this regulation, as they belong to the poorest part of the population and depend on state hospitals for medication treatment.

A representative of an international relief organisation stated that since stateless Kurds do not have the necessary ID documents, it is very difficult for them to have access to the public health care, and stateless Kurds have to go through a very complicated procedure to receive treatment at public health care centres. However, in practice nobody is denied urgent medical treatment in a public hospital or clinic. It was added that at SARC clinics ID is not required to receive health service.

According to a Western diplomatic source (5) an ID is required to access health facilities, even on the level of primary health care, which prevent Maktoumeen from accessing public health care. The alternative would be to turn to private health facilities or to make use of bribe or personal connections in order to access the public health care system.

An international organisation (2) pointed out that stateless Kurds are a very vulnerable group in Syria. Stateless Kurds are excluded from owning land, access to basic public health care services and having any public jobs. In practice though, stateless persons have access to the private health care system or to the public health care system if they have the right personal connections and sufficient financial means to pay the necessary bribes.

9.2. Access to the labour market

A representative of an international relief organisation stated that the economy in the north-eastern province is based on unskilled labour and there are no career opportunities for the skilled labour force.

According to a representative of an international relief organisation, the north-eastern region is generally considered as having a low status in Syria, and that is reflected in the low salaries paid there compared to other parts of the country. The source had firsthand knowledge of many young men in the north-eastern region who wish to move from the area as soon as possible.

Rachel Raenell Bernu, Managing Director, Kurdish Human Rights Project, London, stated that the Syrian government has reduced the number of jobs in the administration in the Kurdish dominated regions. That means that many Kurds have lost their income which in turn has further

worsened the economic situation for the Kurdish population in these regions where the situation was already dire.

According to UNDP, Syria, the public sector is overstaffed and the government is currently trying to reduce its role as an employer and thus freezing employment in order to gradually reduce staff costs. Therefore, it might seem as if jobs in the public sector had been reduced in the north-eastern regions but in fact the freezing of employment in the public sector is implemented throughout the country.

A Western diplomatic source (5) stated that Kurds are underrepresented in the public service in al-Hasakeh province where they are the majority of the population. Arabic labourers are specifically moved to al-Hasakeh province by the government to work in the public sector.

Mohammed Rashid, head of outside affairs of the Kurdish Popular Union Party (PUK), stated that Kurds are being discriminated against on the labour market. As examples of this type of discrimination, the source mentioned that as far as he knows, there are only about five Kurdish lecturers carrying a PHD degree in teaching position in Syrian universities, despite the fact that Kurds make up 17 percent of the Syrian population of 21 millions. A similar ratio can be estimated regarding Kurdish officers in the police and the military. There are one or two Kurds who have reached a colonel rank in the police, and not more than three in the military, and they are mostly assigned to administrative positions. There might be others, one here and one there, yet their number in relation to the total number of police and military officers is incomparably lower than the number of Kurds among the Syrian population, which is between 2.5 and 3 millions. Another example is that there is not even one Kurd working in the Syrian diplomatic field, neither on the level of ambassadors, councils, attachés or in administrations, nor as low level employees in embassies. In addition to that, Kurds are not permitted to occupy leading positions in their professions, such as judges, directors or managers. The same is true for Kurds outside the Kurdish area. They are as well refused to work in the security, police, military, air-force and marine units.

Rachel Raenell Bernu, KHRP, stated that the reason why a number of Kurdish lawyers, doctors and bureaucrats can be found in Syria is that they do not openly identify themselves as Kurds. Any person who openly displays his or her Kurdish origin - and certainly anyone who advocates for collective rights - would definitely not reach high positions in the public administration, the political sphere or in public life in general.

According to a prominent Kurdish political leader (1) stateless persons are subjected to various forms of discrimination. Following a new law, it is now prohibited to employ persons who have no ID card in the private sector as has been the case in the public sector. This means that if a stateless Kurd from al-Hassakeh goes to Aleppo, Damascus or other places in Syria, he cannot get employment in restaurants, hotels etc. Stateless persons are restricted in their movement in the country as they cannot check in hotels without permission by the security services.

9.3. Access to education

According to the Syrian Ministry of Education, five and a half million children aged from six to eighteen years are enrolled in one of the 21.500 basic and secondary schools in Syria.

According to the Syrian Ministry of Education the books used for teaching in public Basic schools are free. It was added that there is no school fee in public schools in Syria.

According to the Syrian Ministry of Education, the universities in Syria are open to anyone who is qualified. The fee for university students is approximately 20 US Dollars per year.

The Syrian Ministry of Education added that there is no difference between schools in urban and rural areas in Syria regarding conditions of teaching and the quality of basic education.

A representative of an international relief organisation explained that due to hard living conditions in the North-eastern province the local qualified labour force is inclined to move to other parts of Syria or abroad as soon as the opportunity arises. Since there is no rotation system in Syria where qualified teachers are moved by the state to less developed areas like the North-Eastern province, the schools in this region suffer from lack of educated and qualified staff, and this affects to a high degree the quality of the school system in the province.

An international organisation (1) stated that there are disparities between different regions regarding the level of literacy which is partly due to a lack of qualified teachers in certain areas, especially in the northern and north-eastern part of the country. Besides, many primary schools have been closed in these areas as a result of the drought-induced migration and the thereof lack of pupils.

A Western diplomatic source (5) stressed that generally, the provision of services is weaker in the north-east, which, in terms of quality and access also applies to education. Therefore, the illiteracy and dropout rates in the region are higher compared to other regions in the country, especially among women and children, while the enrolment rates are generally lower.

According to an international organisation (1) failures in the school system may occur especially in rural areas like the north-eastern province. Here one could find cases of temporary shortage of schoolbooks or cases where a school has only one or no teacher for some time. The source added that the best prove for the existence of these failures is that the government has redistributed teachers in the rural areas in the past two years.

The Syrian Ministry of Education stated that all non-Syrian children e.g. Palestinians, Lebanese, and Iraqis have access to the same level of basic education as Syrian children.

According to UNDP, Syria, there is no discrimination of ethnic groups, including Kurds, concerning their access to health or education since the fees for these services are very small and nobody is required to present ID in order to access the services. It was added that stateless Kurds have unconditional access to education and health, as they are not required to show any ID either.

Regarding access to primary education, a Western diplomatic source (5) stated that primary education from grade one to nine is free and compulsory. Everyone, even stateless persons, have the right to access primary education. Secondary education, on the contrary, is not free of charge.

An international organisation (1) emphasized that no Syrian Kurdish child - not even those who are stateless - in Syria would be discriminated against concerning access to school. There are strict laws against discrimination in Syria, and it is an integral part of the Syrian model to provide services to all regardless of their ethnic origin or religious belief. However, enrolment of the

Kurdish stateless children is not monitored by the local authorities, and the children are not actively encouraged by the local authorities to enrol in school.

An international organisation (1) stated that ethnic minorities, despite facing challenges in the Syrian school system such as language barriers, would never be refused enrolment in schools. However, it was stressed that most stateless Kurds face certain socioeconomic difficulties which makes them less likely to enrol their children in school. Furthermore, stateless Kurds have no ID cards and stateless children are not issued school certificates or exam papers.

A Kurdish journalist and human rights activist stated that Maktoumeen are severely discriminated against in the education system. Following a circular by the ministry of education primary schools may not issue school certificates which would enable them to access higher education.

A Western diplomatic source (5) stated that stateless persons are not entitled to enroll at universities in Syria.

A representative of an international relief organisation stated that although education is generally free in Syria, school uniform and books are not free, and there are exam fees in secondary school. This situation makes it very difficult for Kurdish and Iraqi students who are often from poor families to complete their primary education.

According to a representative of an international relief organisation many families in the north-eastern province need the labour of their children due to poverty, which means that many parents are not motivated to enrol their children in school or to let them complete the primary school. The result is that the children very often leave the school to follow in their parents' footsteps as unskilled labour.

In the opinion of an international organisation (1) certain social groups can have difficulties with regard to benefitting from the school system. The source pointed out a pattern of drop-out in poor rural areas such as the north-eastern provinces. In these areas, many boys tend to leave school in order to work and contribute to the families' income, whereas girls' drop-outs are often due to early marriages.

According to an international organisation (1) it is more difficult in rural areas to get access to secondary education than primary education, especially for girls, since it is not compulsory and because secondary schools are usually located far from their homes and require some travel to access.

A representative of an international relief organisation considered that the future does not look promising in the north-eastern province even for those who successfully complete secondary school. There are no universities in the north-eastern province, and young bright persons have to move to larger cities like Aleppo to study. However, because many families in the north-eastern province have very limited financial resources, and distance education does not function properly in Syria, many of these secondary school graduates would never be able to receive higher education.

10. Extent of illiteracy among persons who have finished primary school

The Syrian Ministry of Education stated that according to statistics from the Syrian Ministry of Culture, the average illiteracy rate in Syria concerning persons in the age from 15 years to 45 years is about 18 percent. The overall illiteracy rate is 25 percent for girls and 13 percent for boys.

According to the Syrian Ministry of Education, the curriculum is the same in all schools in Syria. The ministry pointed out that the curriculum is more flexible in the border areas to Turkey and Iraq, and that there are more lessons on reading and writing of Arabic in these areas.

An international organisation (1) stated that since the language spoken in Kurdish families is Kirmanji, it is difficult for children from these families to start at school and to fully benefit from the school teaching where the teaching language is Arabic. It was added that there is a risk of becoming illiterate after dropping out of school after four, five or six years of primary school if the child does not use his or her writing and reading skills for some time. This especially applies to stateless persons and those who use another language at home.

A Kurdish journalist and human rights activist found it quite probable that some young Kurds are illiterate i.e. not being able to read and write in Arabic even though they have attended primary school for four to six years. Kurdish is the language spoken in a vast majority of the Kurdish families in the Kurdish areas, and most of the Kurds are working in professions where they do not need or use the reading and writing skills they have been taught in primary school, e.g. as mechanics, carpenters, etc. When these skills in reading and writing in Arabic have not been practiced for some years they could easily be forgotten. The source informed the delegation that he personally knows of many Kurds in his home town and in his family who cannot read or write Arabic. The source mentioned that according to the Ministry of Education about 25 percent to 35 percent of the population in al-Hasakeh province is illiterate. According to the source, this information has been confirmed by the Education Department in al-Hasakeh town.

According to the Syrian Ministry of Education nine-year basic education is obligatory for all children in Syria. When asked whether a child who has been in basic school for four to five years is able to read and write in Arabic, the ministry stated that a child who has passed the first four years of basic education should be able to read and write in Arabic. The ministry explained that the nine years of obligatory basic education in Syria are divided into two levels: First to fourth grade and fifth to ninth grade. When a child has passed the first level, he or she must be able to read and write in Arabic, and he must even be able to read and write some English words. English is taught in Syrian schools from the first grade, and French is taught from the fifth grade.

A Western diplomatic source (5) considered it to be very unlikely that persons who have finished primary school would not be able to read and write in Arabic. It was added that Syria is a well documented country and even persons who live in predominantly Kirmanji speaking areas would have to fill in forms and the like in Arabic. Besides, in the army conscripts would have to use their Arabic skills including the ability to read and write. The source concluded that it is very difficult to imagine that young persons with four to six years of primary education would not have at least some basic skills regarding reading and writing in Arabic.

When asked about the probability of a Syrian Kurd being completely illiterate in spite of attending primary school for four to five years Salah Badruddin, Head of the Kurdish Kawa Cultural Society, Erbil, Head of the Kurds-Arabs Friendship Association and Founder of the Kurdish Popular Union Party of Syria, stated that if someone has attended primary school for four to five years, he must be expected to have a minimum ability in reading and writing Arabic.

11. Yezidis

Representatives of a Kurdish human rights organisation (1) stated that the Yezidis number around 100,000 in Syria. They adhere to a special religion that is not recognised by the Syrian authorities. In school, Yezidis are taught Islam, and they do not have their own private law including family law as is the case with the Christians. Instead, the Yezidis have to follow the Islamic private law and settle such disputes in Muslim courts.

According to a prominent Kurdish political leader (2) there are about 100,000 Yezidi Kurds living in Syria and especially around Afrin and al-Hassakeh. According to the source, they are not allowed to publicly practice their religion and rite.

According to a Western diplomatic source (4) the Yezidis are regarded as Kurds and Sunni Muslims. Yezidis generally have low incomes, they often lack education and their families generally consist of many persons.

A Western diplomatic source (2) stated that the state is not actively persecuting Yezidis or members of any religion in the country, and that Yezidis are generally facing the same problems that other Kurds face. The source assumed, however, that Yezidis are under pressure and face societal discrimination by the Muslim majority. Besides, Yezidis cannot register marriages at the civil registrar's office as there is no recognised Yezidi church that is entitled to perform marriages. They must therefore turn to Shari'a Courts in order to perform marriages and to be able to have the marriages registered at the civil registry's office. They can practice their religion privately, but not publically.

With regard to the Yezidi Kurds Salah Badruddin, Head of the Kurdish Kawa Cultural Society, Erbil, Head of the Kurds-Arabs Friendship Association and Founder of the Kurdish Popular Union Party of Syria, stated that since the Syrian government does not recognize the Yezidi religion, Yezidis have to present themselves as Muslims or Christians for being enrolled in educational institutions.

A Western diplomatic source (4) stated that the religion of the Yezidis is not prohibited by law and the source had no information concerning restrictions of the Yezidis' freedom of religion. It was added that the Yezidi religion is secret by nature. It was considered that discrimination of Yezidis by other religious groups can be an issue, as they are disliked by a large part of the population. There are no signs of state persecution or state discrimination against Yezidis as such, and the state would make an effort to protect Yezidis against discrimination by the population even though the state might not always be able to do that.

12. Punishment for draft evasion

A Western diplomatic source (1) found it likely that if a person has been drafted for military service while residing abroad, he would be identified by the immigration authorities upon return to Syria as his name will then appear on a list of wanted persons. The immigration authorities will instruct him to report to the military usually within two weeks or up to one month. However, if he does not report to the military within the specified time, he will be called to the Military Court and he will be charged with draft evasion. Any prison sentence issued in absentia by a Military Court will be commuted to an additional three months of service in the army. It was added that in reality nobody goes to prison for draft evasion.

Based on information from a Syrian lawyer the Swedish embassy reported in 2004 that: "Military courts decide penalty for matters related to the defence forces. The punishment for not showing up to service varies between 2-6 months. However, due to the issuance of amnesty decrees regularly and annually by the President it is not applied in practice. In addition, since these sentences are issued in absence, they are subject to objection and then cancellation. In this way, a person would be free within one day of arrest or surrender. Later the trial is repeated at the time when a person is free. The verdict would be either found innocent or the crime is covered by the amnesty law. [...] The period of time for not appearing to the service is not an important factor in choosing the punishment. [...] Since an amnesty is issued almost regularly and annually, the person who did not appear to service, join the service within the period granted to them. Usually the period is three months in case they are abroad. In this case, there is no punishment. Punishment is not applied practically since the sentences are issued in absence and are subject to objection and cancellation as soon as a person is arrested or surrendered. Practically the imposed punishment is not applied and the person is drafted to military service after being arrested. However, in case he has a reason for postponement then the service could be postponed and this cancels punishment."¹⁰

According to Amnesty International men who evade compulsory military service (21 months' duration) reportedly face different levels of penalty according to the circumstances of the case:

- Persons who were abroad and failed to report when summoned for military service face arrest by the military police immediately upon return to Syria and sentence of two to three months of imprisonment (usually at Tadmur Prison);
- Persons who fail to report for military service while in Syria face arrest and a prison term of three months, then further imprisonment for six months if they fail to undertake military service after completing the first term of imprisonment.

¹⁰ The Swedish Embassy in Damascus: Military Service in Syria (as of April 2004), 22 April 2004
http://www.migrationsverket.se/lifos/dok.do?dtyp=&fritext=draft&fritext=%40DOCN&land=Syrien&sidStorlek=10&sorteringsOrdning=-UDAT.-DOKN&mode=&currDokument=5#Anchor_Svar-43465
 (accessed 10 April 2010)

The Swedish embassy reported in 2004 that: “There is no military service for stateless Kurds. There is military service for the Syrian Palestinian at the Palestinian Liberation Army. There is military service for the Kurds holding the Syrian ID card.”¹¹

Rachel Raenell Bernu, Managing Director, Kurdish Human Rights Project, London, doubted that stateless Kurds are obliged to perform military service in Syria.

According to a Kurdish journalist and human rights activist in 2009 20 Kurdish soldiers died while performing their military service. While these incidences were explained to be suicides by the government, the deceased person’s families indicated that they were killed. Some of the families to deceased Kurdish soldiers testified to human rights organisations that the bodies of the dead soldiers showed two or three bullet holes, each of which being lethal.

Amnesty International stated that according to unconfirmed reports, 33 Kurdish conscripts have died during military service since 2004, including 16 in 2009, with all deaths officially attributed to suicide.

According to a Western diplomatic source (5) 34 Kurds have been killed in military service from 2004 to the end of 2009.

Mohammed Rashid, head of outside affairs of the Kurdish Popular Union Party (PUK), stated that 35 Kurdish soldiers have been killed (or, according to the authorities, committed ‘suicide’ or died for other reasons) since 2004 because of various displays of their Kurdish origin, which is in itself regarded as a political expression by the authorities. Some of these persons had probably left their posts to participate in Nowruz festivities, and some had expressed their opinion about the Kurdish issue in front of other conscripts or their superiors. Other Kurdish conscripts were killed because they were already targeted by the government because of being Kurds or for their previous membership in a Kurdish dance group.

Rachel Raenell Bernu, Managing Director, Kurdish Human Rights Project, London, stated that there are many reports of cases of suicide amongst Kurdish men who perform military service in Syria. Within the last eight to nine months of 2009 12 to 13 Kurdish conscripts allegedly committed suicide. Kurdish conscripts are often those who are the first to be under suspicion in cases of breaches of security or other irregularities within the army.

Regarding the list with names of Kurds killed during military service, Siamend Hajo, project manager of KurdWatch.org, stated that it is not proven that each and every person on this list was murdered. The sources referring to this information are in many cases dubious, and while it is traceable that in some cases the conscripts died during or after being tortured or were killed by their superiors or fellow conscripts, some persons on the list seem to have lost their lives in accidents. Kurdish human rights organisations in Syria quickly assume that every one of these deaths is the result of murder. In many cases, however, the human rights organisations cannot state sources to prove these assumptions. Furthermore questionable is the ratio of Arabs killed during military service to Kurds killed: While Kurds who die in the army are with high probability reported upon, deaths of Arabs may go unreported, which might lead to a biased perception of

¹¹ Ibid.

these proportions. Hajo concluded that the situation of Kurds during military service is by far not as thoroughly documented as usually assumed.

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<http://www.un.org/Depts/Cartographic/map/profile/syria.pdf> (accessed 23 April 2010)

Consulted organisations, institutions, agencies and persons

A Kurdish journalist and human rights activist

A prominent Kurdish political leader (1)

A prominent Kurdish political leader (2)

A prominent member of a Kurdish political party

A representative of a humanitarian organisation in KRI

Representatives of a Kurdish human rights organisation (1)

A representative of a Kurdish human rights organisation (2)

A representative of an international relief organisation

A representative of the International Federation of Red Cross and Red Crescent Societies (IFRC)

A Western diplomatic source (1)

A Western diplomatic source (2)

A Western diplomatic source (3)

A Western diplomatic source (4)

A Western diplomatic source (5)

Ahmad Safa, a Kurdish journalist

An international organisation (1)

An international organisation (2)

An international organisation in KRI

Barezan Bahram Marad, Syrian refugee representative of a refugee camp in Dohuk, KRI

Dr. Mohammed Rashid, head of outside affairs of the Kurdish Popular Union Party (PUK)

Ismail Hasia Alv, Syrian refugee representative of a refugee camp in Dohuk, KRI

Kanju Saeed Suleiman, Syrian refugee representative of a refugee camp in Dohuk, KRI

Nadim Houry, senior researcher at Human Rights Watch, Beirut

Rachel Raenell Bernu, Managing Director of the Kurdish Human Rights Project (KHRP), London

Representatives of Amnesty International (AI) in London

Representatives of the Syrian Arab Red Crescent (SARC)

Salah Badruddin, prominent Kurdish political leader and founder of the Kurdish Popular Union Party of Syria

Siamend Hajo, project manager of KurdWatch.org

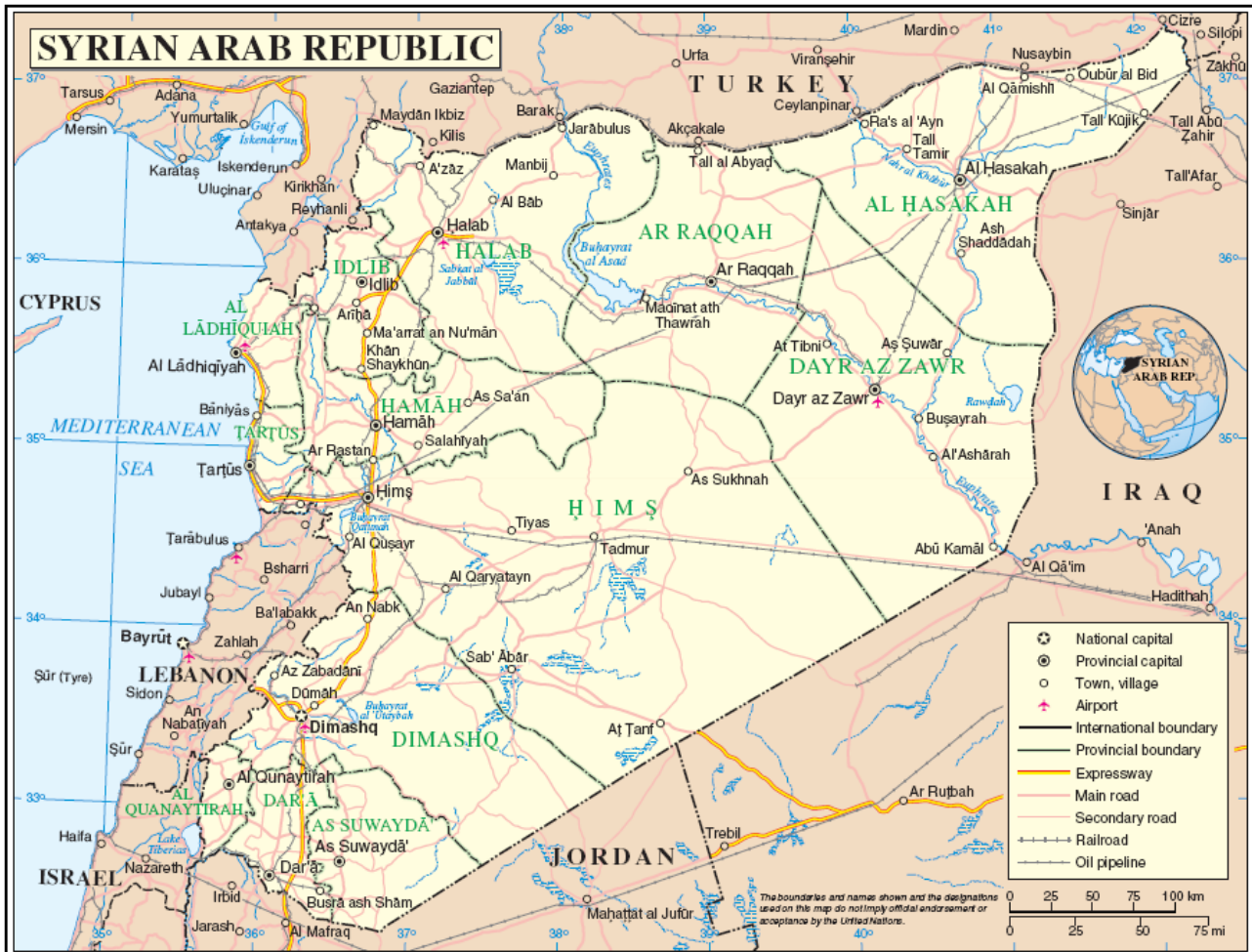
The Syrian Ministry of Education

The Syrian Ministry of Health

UN Development Programme (UNDP) in Syria

UN Office for the Coordination of Humanitarian Affairs (OCHA) in Syria

Annex 1: Map of the Syrian Arab Republic



Syrian Arab Republic, Map No. 4204 Rev. 2¹²

¹² UN – United Nations, Department of Field Support, Cartographic Section: Map No. 4204 Rev. 2, May 2008
<http://www.un.org/Depts/Cartographic/map/profile/syria.pdf> (accessed 23 April 2010)

Annex 2: Decree No. 49

“Syrian Arab Republic

Decree No. 49

The President of the Republic,

pursuant to the provisions of the Constitution,

decrees the following:

Article 1

The following articles of statute no. 41, dated 10/26/2004, are to be changed as follows:

- Article 1:** The acquisition, transfer or modification of any right to property in a border region or the use of such property for rent or other commercial purpose for a period of more than three years in the name of or for the benefit of an individual or legal entity is prohibited, unless prior permission has been given, and regardless of whether or not the property has been developed, or whether or not it lies within the area designated for land use.
- Article 4:** A. Once this law has taken effect, an entry amending the rights regarding the property in the land register will not proceed without the permission named in Article 1. The provisions of Article 31 and Decision No. 186 from 1926 will be taken into consideration.
B. The decisions of the real-estate judge regarding the rights to property in a border region and the written record of such rights are to be implemented. A note shall be attached to the entry in the land register that no deed may be issued, no contract completed and no other measures taken without receipt of permission.
- Article 5:** The acquisition of property in the border region as a result of a forced auction by the Department of Justice enforcement agency requires the permission mentioned in Article 1. If the highest bidder does not receive this permission, the transfer of ownership will, by virtue of the law, be null and void and the property auctioned again.
- Article 6:** If request for permission has not been made within three months of the date of acquisition, transfer or modification of property in a border region or by the date that the property has been used for rent or other commercial purpose for a period of more than three years, the transfer of property or its use is null and void.
- Article 7:** A. Should the use of property in a border region for rent or other commercial purpose take place over a period of no more than three years, the party using the specified property for commercial purposes must inform the appropriate local agency within the time limit specified in Article 6 of this statute.
B. Whoever inherits the right to property or the right to the commercial use of property in a border region, is only obliged to inform the above-mentioned appropriate agency.

C. Whoever employs farmers, laborers or specialists in cases that fall under this statute must inform the appropriate agency of all instances pertaining to this employment pursuant to the provisions in the order of enforcement.

Article 10: The provisions of this statute will not be applied in the following cases:

- A. the transfer of the property or the right to use the property for rent or other commercial purposes for the benefit of official offices;
- B. separation proceedings and amendments to the land register with regard to the characteristics of the property.

Article 2

Any text that contradicts the provisions of this decree is null and void.

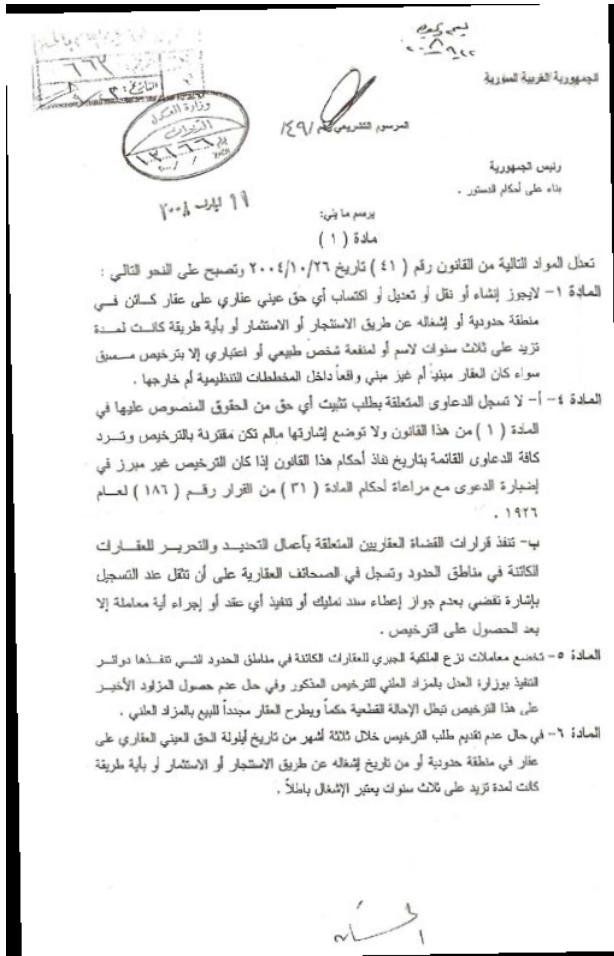
Article 3

This decree is to be published in the official register.

Damascus, 10/9/1429 H, 10/9/2008 AD

The President of the Republic
Bashar al-Assad
[signature]"¹³

¹³ Syrian Arab Republic: Decree No. 49, 10 September 2008 (translated by and published on KurdWatch.org) http://www.kurdwatch.org/pdf/kurdwatch_dekret49_en.pdf (accessed 21 April 2010)



المادة ٧- أ- في حال إشغال عقار في منطقة حدودية عن طريق الاستجاء أو الاستثمار أو بليسة طريق كانت لمدة لا تزيد على ثلاث سنوات يتعين على من شغل العقار المذكور إعلام الجهة الإدارية المختصة في موقع العقار خلال الميلة لمحددة في المادة السادسة من هذا القانون .

ب- لا يخضع اكتساب الحقوق العنقارية على عقار في منطقة حدودية أو حقوق إشغاله عن طريق الإزث أو الانتقال إلا لشروط إعلام الجهة الإدارية المختصة المنصوص عليها في الفقرة السابقة .

ج- على من يستخدم مزارعين أو عمالاً أو خبراء في الحالات المشمولة بهذا القانون إعلام الجهة الإدارية المختصة عن كل ما يتعلق باستخدامهم وفق الإجراءات الواردة في التعليمات التنفيذية .

المادة ١٠- لا تطبق أحكام هذا القانون في الحالات التالية :

أ- ليلولة الحق العنقاري أو حقوق الاستجار أو الاستثمار لصالح لجهات عامة .

ب- معاملات الإزث وتصحيح الأوصاف .

مادة (٢)

- يلغى كل نص مخالف لأحكام هذا المرسوم التشريعي .

مادة (٣)

- ينشر هذا المرسوم التشريعي في الجريدة الرسمية .

دمشق في ١٠ / ٩ / ٢٠٠٨ هـ الموافق لـ ١٠ / ٩ / ٢٠٠٨ م

رئيس الجمهورية
بشار الأسد

١٥٠٥٠٥

سختة لى - وزراء العدل

دستور في ١٠

بمسم ما بني لادة إنبارة لامة لينا
سختة لى لامة لينا
وزير العدل
القاضي محمد الفخرى

١١

Decree No. 49¹⁴

¹⁴ Ibid.

Annex 3: Kurdish Parties in Syria¹⁵

Kurdish Parties in Syria

Political organisation first came to the Kurdish people in Syria in the 1930's, when a group of educated Kurdish immigrants founded the "Khoibun" cultural society in 1938 in "Bihamdun", Lebanon. The society announced that it officially aimed for the liberation and unification of Kurdistan. The society played a prominent role in the growth of Kurdish political awareness, the spread of [Kurdish] culture and the awareness of [Kurdish] nationalists, as it dealt in the promotion of the Kurdish culture and language.

The first Kurdish political organisation was founded under the name of "The Kurdistan Democratic Party – Syria" on the 14th June 1957. The meeting that took place in the Syrian capital Damascus in Autumn 1956, between Nour Al-Din Zaza (a lecturer in the faculty of development in Damascus University), Ossman Subri, Sheikh Muhammad A'isa, Hamzah Nouran and Abdul Hameed Darweesh is counted as effective outburst of the idea for founding the first Kurdish political party in Syria. However, the announcement of the party was delayed to allow discussion of the political program, was placed by "Dr Nour Al-Din Zaza", along with the Kurdish group, on its withdrawal from the Syrian Communist Party. They eventually settled on a final solution for the program and the internal organization for the party, and so the constitutional meeting on 14th June 1957 is considered the anniversary date for the Kurdistan Democratic Party – Syria. It appointed its president, Dr. Nour Al-Din Zaza, and its Secretary, "Ossoman Subri", as well as the issuing of the first Syrian Kurdish newspaper with Roman characters under the name of "Dange Kurd" or 'Voice of the Kurd".

With the beginning of the unity between Syria and Egypt, the party, which was able to gather the broadest swathes of the Kurdish people in Syria with phenomenal speed, the society exposed all of its members to the risk of prosecution. In 1960, the government of 'the unity' started its ferocious opposition to the development of the fledgling party's role in the awakening of the Kurdish political and cultural consciousness, through the detainment of the majority of party members and its leadership. In 1961 they were released. In which time, arguments had begun to creep into the party leadership – a matter which led to the changing of the party name to "The Democratic Kurdish Party in Syria" and the departure of Dr. Nour Al-Din Zaza. The first breakup in the party was seen over 15th-16th February 1962, but the conference on 5th August 1965 is considered as the first overt, official breakup from within the party ranks, when it broke into two wings; one leftist, supporting the fifth August conference

¹⁵ This paper on Kurdish parties in Syria has been handed to the delegation by a Kurdish journalist and human rights activist consulted during the fact-finding mission.

which announced the leadership of Ossman Subri, and the other, rightist, led by Abdul "Hameed Darweesh" refuting the conference.

In 1969, the leftist wing accused its leader Ossman Subri of treachery – collusion with the Turks – because he posed the idea of resisting the "Arab belt" project, (which summoned thousands of poor Arabs to the Syrian "Jazeera" region) by any means possible, even military. Subsequently, they appointed "Salah Badr Al-Din" to replace Ossman Subri.

The Kurdish leader "Al-Mullah Mustafa Al-Barazani" played an important role in the unification of the two wings of the party. In 1970 he held a meeting, attended by representatives of both wings, as well as the cultural elite and independent politicians, which led to the unification of the party as well as the appointment of "Diham Miro" as its leader. However, the newfound unity did not last, for the party fractured into three currents; the right, the left and the middle.

The final split which happened in the Kurdish Democratic Party - "The Party" - was on 15th June 1975, and named its leadership as an interim leadership, appointing Diham Miro as a secretary-general for the party, and "Muhammad Baqi Sheikh Mahmoud" for the breakaway. Meanwhile, "Hameed Sino" led the former part as Diham Miro was imprisoned. The two parties worked under the same name "The Kurdish Democratic Party in Syria" [The Party] for more than three years, although on 12th December 1978 the Sheikh Muhammad Baqi Mullah Mahmoud changed the name of his wing to "The Syrian Kurdish Democratic Party".

As for "The Democratic Kurdish Leftist Party", it saw its first split in 1975 when it appointed Salah Badr Al-Din as secretary-general for the party, following the resignation of Ossman Subri in 1968. The two parties continued working under the same name until Salah Badr Al-Din changed the name of his party to "The Kurdish People's Union in Syria", whilst the wing which both "Ismat Sayedda" and "Youssef Dibo" headed remained under the name "The Kurdish Leftist Party".

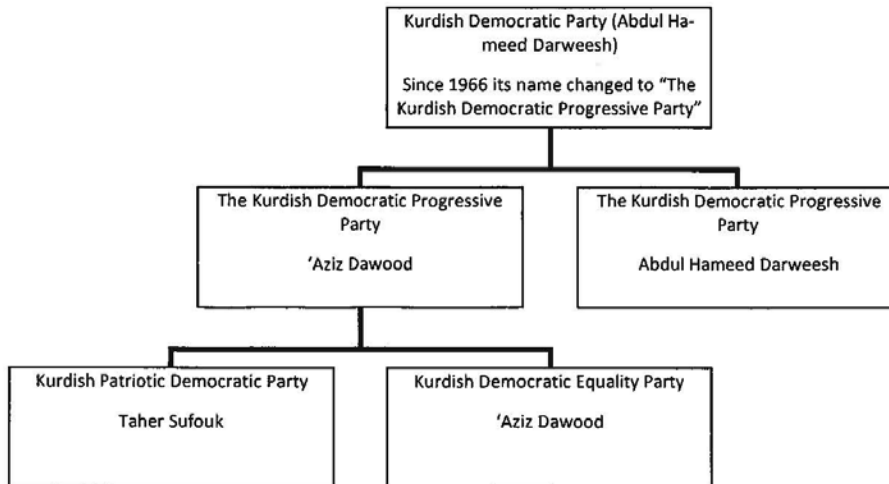
In August 1977 a meeting was held between members of "The Party" and "The Kurdish Democratic Leftist Party", and they announced the formation of a new party called "The Kurdish Socialist Party" under the leadership of "Salah Kadou" to which, in 2002, merged with the Abdul Hameed Darweesh wing to form "The Progressive Democratic Kurdish Party".

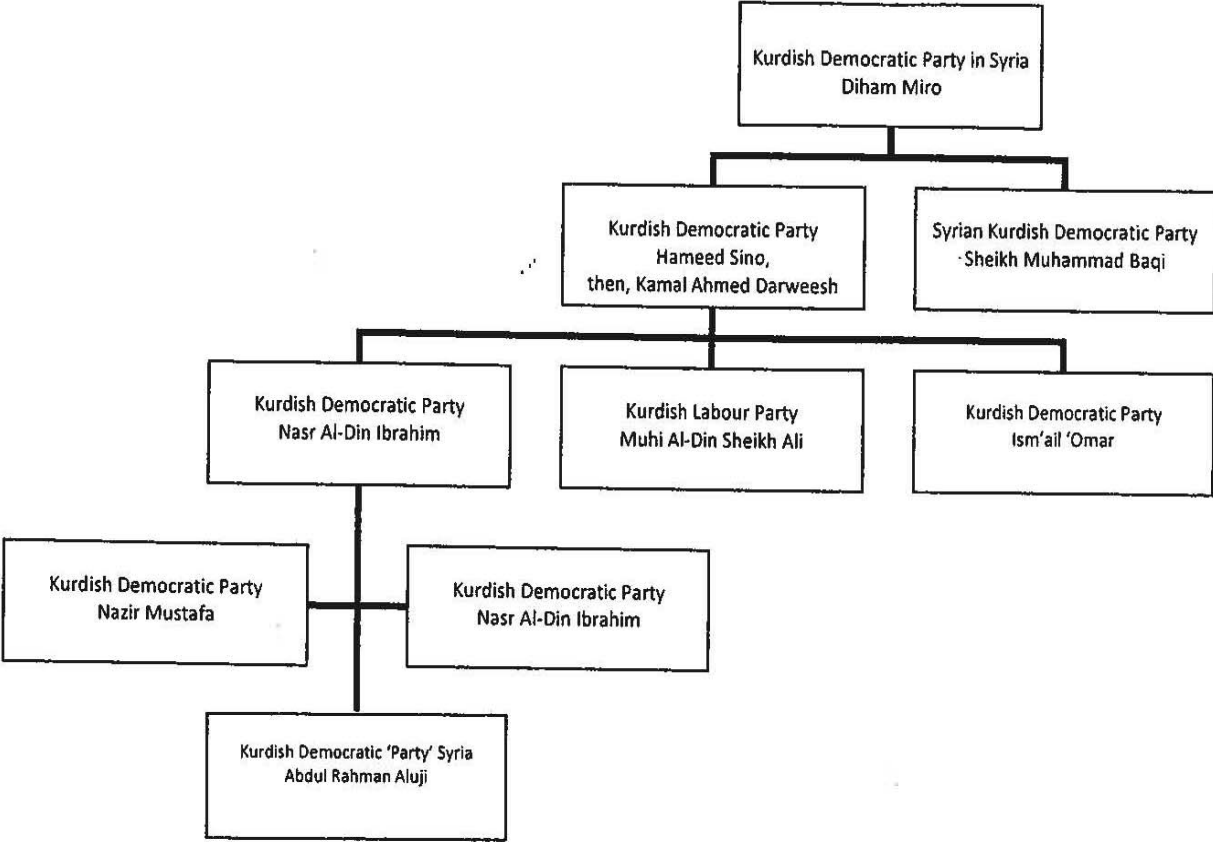
In December 1981 the Kurdish Democratic Party in Syria [KDPS] "The Party" split up, with Muhammad Sheikmous Al-M'arouf Bimhai Al-Din Sheikh Aali leading this breakup. He had led the wing named "The Kurdish Democratic Labour Party", whilst the other side remained under the leadership of "Kemaal Ahmad Darweesh" whom had become secretary-general to the party in 1978 after the succession of "Hameed Sino", "Mustafa Ibrahim" and "Ilyas Ramadan" through Diham Mirou's imprisonment which lasted eight years.

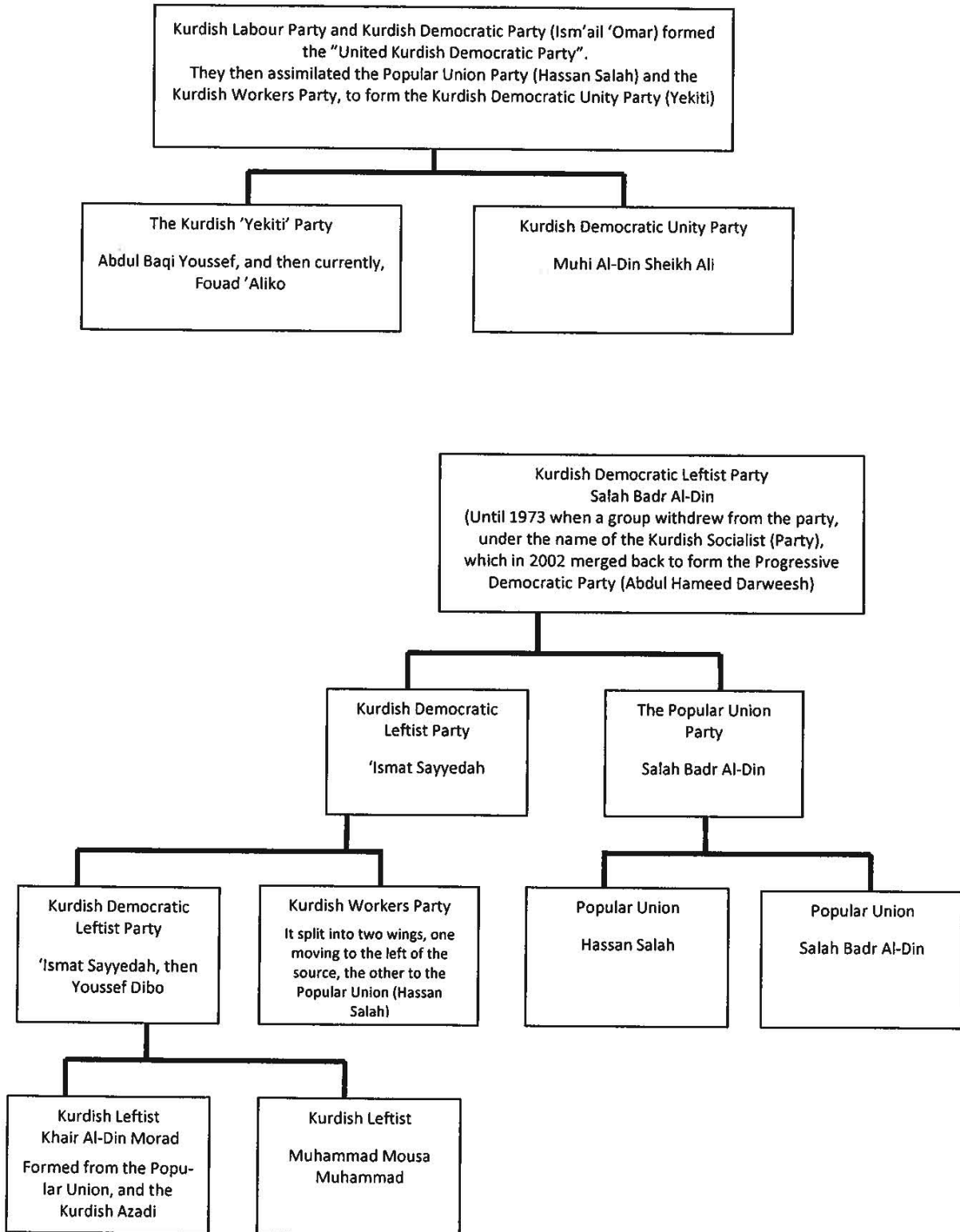
In 1982 the Kurdish Leftist Democratic Party split through “Subghat Allah Sayyedah” and “Abdul Basat Sayeddah” who named their wing “Kurdish Workers Party”, which they formed in what followed from; the two wings of “The United Kurdish Democratic Party” (“Mahei Al-Din Sheikh Ali” and “Isma’il ‘Omar”), “The People’s Union” (“Hassan Salah”) and “The Kurdish Democratic Unity Party” (Yeketi). In the beginning of the 90’s the party split between Mahei Al-Din Sheikh Ali under the name of the Kurdish Democratic Unity Party (Yeketi) and the Kurdish Yeketi Party under the leadership of Abdul Baqi Youssef, and from then Hassan Saleh and currently “Fouad Aliko”.

Whilst “Aziz Dawood” broke away from the Progressive Democratic [Kurdish Party] which stayed under the leadership of Abdul Hameed Darweesh, he formed a party of the same name. It was not long before “Taher Sufouk” broke away from that party, announcing “The Kurdish Patriotic Democratic Party”. And as you shall find, there are a number of political and cultural Kurdish groups and organisations, inside and outside Syria, but have not crystallised into the shape of a political party.

The following diagrams clarify the series of breakups of the Kurdish Movement in Syria







The National Project for The Kurdish Movement in Syria

All the Kurdish parties in Syria are gathered upon Syrian soil, but they are sympathetic with the mass of liberation movements in the other parts of Kurdistan, and with Kurds everywhere. The majority of Kurdish parties do not use the term “Syrian Kurdistan”, and consider themselves a part of the national, political, democratic movement in the country, and consider the Kurdish people a second nationality in Syria, after the Arab nationality. They employ all styles of peaceful civil political struggle, and have not in their history resorted to violence or armed combat.

The Kurdish movement in Syria strives for;

- Securing the national rights of the Kurdish people which follow the model of political, social cultural rights in the framework of the Syrian state, as well as the non-discrimination of citizens on the basis of religion, gender or race.
- Cancellation of the application of extraordinary laws and special decrees and other measures and procedures which lead to the impediment of political, economic, social and cultural advancement of the Kurdish people, in addition to the series of other resolutions and administrative orders.
- Announcement of general democratic freedoms in the state, such as freedom of expression, freedom of the press and up-to-date law for parties, a respect for the basic principles of human rights and their international standards.

Kurdish parties in Syria are prohibited and impermissible because of an absence of law for parties in Syria. They struggle through secret activity, although the majority of political parties (in Syria) – Kurdish too – have worked overtly in recent years. The Kurdish movement in Syria also strives for the sake of national cohesion between all components of the Syrian people, indifferent on their national, religious or denominational affiliations.

The Kurdish parties in Syria see that solving the Kurdish issue in Syria lies is a matter which lies fully within the capital, Damascus, and that it is fundamentally tied to the general situation of the country. They struggle for all spectrums of the Syrian people as a means to building a pluralistic, democratic Syria, which respects all constituents of the Syrian people, indifferent to national, religious and denominational affiliation.

Kurdish alliances in Syria

I – The Kurdish Democratic Alliance in Syria < التحالف الديمقراطي الكردي في سوريا >

1 – The Progressive Democratic Party < الحزب الديمقراطي التقدمي >:

Abdul Hameed Darweesh < عبد الحميد درويش >

The Progressive Democratic Party is considered one of the most prominent Kurdish political parties in Syria, for the party secretary Abdul Hameed Darweesh carries a prudent and moderate political manner and a clear plan from his political work. He distances himself from the forms of struggle which as posed by the other Kurdish political parties, and sees that dialogue with the authorities as the only way to solve the Kurdish issue. The secretary has an excellent, historical relationship with the Iraqi president and leader of the Patriotic Union of Kurdistan (PUK) Party, Jalal Talabani, in addition to his relationship with some symbols of authority in Syria – one of the most famous of them being General Muhammad Mansoura the previous head of the division of political security.

Most prominent figures: Faisal Youssef, Ali Shammadin, Tamr Mustafa, Ahmad Burakaat, Abdul Rahman Koujar

2 – The Kurdish Democratic Party < الحزب الديمقراطي الكردي >:

Nasr Al-Din Ibrahim < نصر الدين إبراهيم >

All wings of the Kurdish Democratic Party follow the path of Al-Barazani in the struggle. Hence, the party has a good relationship with Democratic Kurdistan, and especially with its leader, the head of the Kurdistan region in Iraq, Mas'oud Barazani. Following Barazani's method lends them popularity, as the majority of the 'Kurdish street' in Syria have sympathy for the Barazani family, although feel his activities are minor and he had almost participated in Kurdish rituals.

Most prominent figures: Said Wadi

3 – Kurdish Democratic Unity Party < حزب الوحدة الديمقراطي الكردي >:

Muhi Al-Din Sheikh Ali < محي الدين شيخ ألي > and Ism'ail Omar < إسماعيل عمر >

This party is considered one of the largest Kurdish parties in Syria from an organisational perspective, for it has branches in approximately all Syrian administrative areas, although the bulk of its activity is found in the Aleppo area, especially in the cities of 'Afrin and Kobani, as

well as the Raqqa area. Both Sheikh Ali and party secretary Isma'il 'Omar are considered two important personalities on the Kurdish political 'street'.

Most prominent figures: Habeeb Ibrahim

4 – The Kurdish Leftist Party <الحزب اليساري الكردي>:

Muhammad Mousa Muhammad <محمد موسى محمد>

This is one of the smallest parties, which collects few members from the wane of Marxist culture in Kurdish society. The party's activity is limited to activities in R'as al-'Ain, the city of the secretary. The secretary may have some compatriots in Europe whom undertake some of the propaganda for them, but the truth of the matter is that this party is very basic.

II- The Kurdish Democratic Front <الجبهة الديمقراطية الكردية>

1 – The Kurdish Democratic Party <الحزب الديمقراطي الكردي>:

Dr. Abdul Hakeem Bashar د. عبد الحكيم بشار

With respect to its audiences, this is one of the strongest Kurdish parties, and this is because of its Barazani following. This party is considered as one of the branches of the Kurdistan Democratic Party, and they have excellent relations with the party and president of the Kurdish Iraqi region, Massoud Barazani, and have amended some of the fundamentals in the party, and have begun distancing themselves from the "Troika" stream (Yeketi, Azadi and Future Current). Some of the latest conference elected Dr Abdul Hakeem Bashar as secretary and appointed the deceased Nadir Mustafa as honorary head, considering his efforts in reparation as some of the devoted to the previous secretary general, Kemaal Ahmad Darweesh. He died on 22nd November 2008.

Most prominent figures: Saoud Al-Mullah, Dr. Akram Al-Mullah, Tawfeeq Abdul Majeed, Ameen Kowali

2 – Kurdish Democratic Equality Party <حزب المساواة الديمقراطي الكردي>:

'Aziz Dawood <عزيز داوود>

From the splinters of the Kurdish Progressive Democrativ Party, it is considered one of the microscopically small parties, as its comrades do not exceed roughly 100 people. It is a small

party, in the full sense of the word, which has absolutely no role. Nothing appears to have happened from it, except in the death of the Kurdish poet Sayaddey Kalash , whom in his wake read a eulogy.

3 – The Kurdish Patriotic Democratic Party <الحزب الوطني الديمقراطي الكردي>:

Taher Sofuk <طاهر صفيوك>

This party resembles the Progressive Democratic Party wing of ‘Aziz Dawood. It has no popular ground and its members do not exceed 100.

III – The Kurdish Committee for Coordination <لجنة التنسيق الكردية>

1 – Kurdish Yeketi Party <حزب يكتي الكردي>:

Fouad Aliko <فؤاد عليكو>

An active and strong party, in respect to its audiences, it has thousands of supporters. Its star shone out particularly after is staged a sit-in in front of the UNICEF building in Damascus, and two of its leaders were thrown into jail – Hassan Salah and Marwan ‘Authman. Its current secretary, Fouad Aliko was nicknamed ‘the adolescent politician’ during the time of his candidacy for parliamentary elections in 1991, and he became a parliamentarian, receiving the largest portion of votes. Sometimes Fouad Aliko is considered rash in his decisions, for his party accused him of this behaviour when he announced that he would undertake a demonstration in Qamishli on 5th June 2005 to condemn the assassination of Sheikh Muhammad M’ashouq Al-Khazanawi. The demonstration failed.

Most prominent figures: Hassan Salah, Abdul Baqi Al-Youssef, Abdul Samad Khalaf, Ism’ail Hami

2 – Kurdish Azadi Party <حزب آزادي الكردي>:

Khair Al-Din Morad <خيرالدين مراد>

The party was founded from the merge between Popular Union and the Right Wing of Khair Al-Din Morad, except that this merge suffered many problems, as the whole party ‘tugged the rope in their direction’ and attempted emphasising its previous traits. Hence, this party was not able to merge organisationally, intellectually, or even politically. Despite this, the party is active with the Yeketi party and Future Current. However, its secretary, Khair Al-Din Morad is

accused of abdication of the regime. His comrades announce, from time to time, that he is meeting with the General “Ali Mamluk”, director of the administration of national security, as he took political refuge in Norway, and he lives moving between the two countries. However, this freedom mobility is a under doubt, for the ‘street’ showered questions upon his fellows about the truth to his involvement with one of the aspects of security, especially national security.

Most prominent figures: Bashar Ameen, Mustafa Jam’aa

3 – Kurdish Future Current <تيار المستقبل الكردي>:

Meshal Tammo <مشعل التمو>

The newfound current was announced on 29th May 2005 with the coalescence of figures from different political streams (from the remainders of the Peoples Union Party – and Meshal Al-Tammo was one of its most famous members, the remnants of the PKK and the Communist Labour Party, and other figures). This stream is considered very young as it resulted in choosing youths in the most prominent of its activities, and moreover was the first party in which two women were elected in the council of its administration, which is marked as the highest authority of the party. Now he is at Adra prison, after the first criminal court in Damascus sentenced him in three and half years.

Most prominent figures: Reizan Sheikmous, Harfain Awsi, Khaleel Hussein.

Kurdish Parties outside allegiances

1 – Syrian Democratic Kurdish Party <الحزب الديمقراطي الكردي السوري>:

Jamaal Sheikh Baqi <جمال شيخ باقي>

A small party which does not have any effective participation with the Kurdish street, and it is said that its secretary is associated with ‘security’.

2 – Democratic Union Party <حزب الاتحاد الديمقراطي>:

Fouad ‘Omar <فؤاد عمر>

This party is not considered one of the Kurdish Syrian Parties, and it has a ‘particular’ approach. It is one of the splinters of the PKK, which had excellent relations with the Syrian regime, although they were strained after the Turkish mobilisation on the Syrian border, which

forced Syria to expel their [PKK] leader Abdullah Occalan. This subdued the effectiveness of the party, and from whence, its return to the Kurdish political arena in Syria was imprudent and imbalanced. Sometimes it has entered Kurdish political parties in Syria, in political pockets. On the part of the Kurdish movement, it is regarded as ostracised, and neglected by security and the people, although it has a very popular leadership.

3 – Syrian Kurdish Democratic Harmony (Party) <الوفاق الديمقراطي الكردي السوري>:

Fawzi Shenghal <فوزي شنغال>

This party broke away from the Democratic Union, and most of its members were fighters in the PKK, Problems between them lead to separation of the political bloc from the Kurd in Syria, and resulted in serious solution of political work, forcing itself to become a Syrian Kurdish Party. This action has the problem that most members cannot work for the movement's purposes inside Syria freely, and thus settle in Iraqi Kurdistan. The political work within Syria subsequently depends upon unqualified people, depending upon young faces that lack political experience and maturity. The party also has strained relationships with most Kurdish parties, as they are accused of having 'security relations' through some of their figures in Syria.

Most prominent figures: Naleen Qunbar, Salah Soufi Baro, Talal Muhammad

4 – The Democratic Kurdish 'Party' – Syria <بارتي ديمقراطي كردي - سوريا>:

Dr. Tawfeeq Hamadush <د. توفيق حمدوش> (in Germany)

A small and modern party. Its birth, or breakaway (in the narrowest meaning) is 'Barazani' in thought and method.

Most prominent figures: Hassan Kamil

5 – Kurdistan Liberal Party <الحزب الليبرالي الكردستاني>:

Abdul Baqi Kulo <عبد الباقي كولو> (in Iraqi Kurdistan)

He was a member of the Azadi Party and little is known about him, except that he resides in Iraqi Kurdistan.

TRANSLATION NOTES

TECHNICAL POINTS

- The term “Kurdistani” is used where the Arabic name is although the term ‘Kurdish’ may be more applicable.
- The term ‘Patriotic’ is also synonymous with ‘National’ in Arabic
- The term ‘Yekiti’ is Kurdish for ‘Unity’
- The term ‘Azadi’ is Kurdish for ‘Freedom’
- Arabic names for persons and parties have been included after their transliterated versions

TRANSLATOR’S COMMENTS

- The study was translated on 30th January 2009.

Annex 4: List of Syrian Political Prisoners 2009¹⁶

“Syrian Human Rights Information Link (SHRIL)

List of Syrian Political prisoners 2009

www.shril-sy.info

Dear SHRIL readers,

This year we severely hesitated to issue the Syrian political prisoner list for many reasons which made us believe that the lists would not be as accurate as we would wish them to be.

The effect of the burgeoning power of the state's security on the Syrian human rights movement is reflected in the performance of the whole body of organizations involved; especially, the observing and reporting of arbitrary detention.

Ultimately, we decided to issue only the list of 2009, which includes prisoners of conscience and those of Kurdish background; arrests of those of an Islamic background were poorly covered during this year (only 17 cases were reported by the organizations); this despite the fact that several arrest campaigns have been pursued on those of Islamic background in many cities around the country, without human rights organizations being able to report the names and details.

Losing the very important monthly reports of the Syrian Organization for Human Rights about trials in the SSSC, after the head of the organization, lawyer Muhannad al-Hassani, was arrested this year, makes it much more difficult to follow the cases of that court and the status of the prisoners who are processed in these courts.

Nevertheless, we find it essential not to stop what we started to do a few years ago, while taking into consideration all the obstacles in our way.

In 2009, the majority of observed arbitrary detention cases were those from Kurdish society (243 of total 300 reported arrest cases). It is largely thanks to the Kurdish human rights organizations which carry out great work in observing and reporting arrests among Kurds that we can quote these figures.

144 from the total 300 prisoners of 2009 were released after days, weeks or months.

¹⁶ This undated list of Syrian political prisoners 2009 that has been compiled by the Syrian Human Rights Information Link (SHRIL) has been handed to the delegation by a Western diplomatic source (2) consulted during the fact-finding mission. The text has been scanned and converted into text characters by Optical Character Recognition (OCR). Therefore, it is possible to search the text electronically. However, although every effort has been undertaken to avoid misspellings of names, they may occur due to OCR. An additional column with the names in Arabic provided in the original list had to be removed because of technical incompatibilities.

Also in 2009, 118 prisoners received jail sentences, 73 of them by SSSC, 36 by military judiciary and the others by the ordinary judiciary.

Noteworthy is the following:

- 1- These lists are the result of what human rights organizations and activists could collect, archive and organize.
- 2- Consequently, those names and numbers do not reflect the real numbers of Prisoners in Syria.
- 3- Documenting the charge with which these prisoners are identified is in no way a statement on their guilt or innocence.

Some articles of the penal law which are mentioned in the lists:

-Article 306 which states: 1-every association established with the aim of changing the social or economic state system or the essential social structures through one of the methods which were mentioned in article 304, should be dissolved, and those who belong to it will be sentenced with temporary hard labor.

2-The founders and managers punishment is 7 years at least. (all those who were sentenced on Islamic background were charged according to this article)

-Article 278 stipulates temporary detention for:

- 1-any persons who breaks the providences taken by the state to keep its neutrality in war.
- 2-any persons engaged in actions, writings and speeches which are unauthorized by the government and exposed Syria to hostile actions, or disturbed the state's relationship with foreign countries, or exposed Syrians to vengeful actions that may threaten citizens or their properties;

-Article 285:

whoever in Syria in time of war or time of expecting war, does anything aiming at weakening national sentiments or encouraging racist or sectarian feelings, will be punished with temporary detention.

-Article 286 stipulates temporary detention on:

- 1- any person who transferred news that he knew to be false and would weaken national sentiment as with article 285.
- 2- if the perpetrator thought that the news was correct his punishment will be 3 months at least.

- Article 287 states that:

every Syrian who spreads false or exaggerated information abroad, and which undermines the prestige of the state or its financial state, will be punished by a minimum of six months detainment.

-Article 298 stipulates detention for life for:

anyone who aims to make civil war or sectarian fighting by arming Syrians or encouraging them to carry weapons against each other or to exhort them to killing and raping. If the aggression was done he will be punished to death.

-Article 307:

1- every action or writing or speech which aims for or results in sectarian or racist incitement, or encourages conflict between sects and the nation's different elements, will be punished with prison between 6 months and 2 years.

-Article 376:

Punishment of imprisonment of one to three years for slander if it was directed to the Head of State and the imprisonment of one year at most if the slander was directed to the courts or army or public administrations or to the officer exercising public authority. And the imprisonment of 3 months at most if the slander was direct to any other officer because of his function.

Article 305- 1 conspiracy intended to commit an act or acts of terrorism punishable by hard labor for ten years to twenty years. 2 every terrorist act requires hard labor of fifteen years to twenty years. It requires the death penalty if it results in vandalism even in part to a building or public institution or a ship or industrial installations or other institutions, or disruptions in the ways of intelligence and communications and transport, or if the act causes the death of a human being.

Article 265 -every Syrian who makes intrigues with the enemy or helps him in any way to defeat Syrian troops will be punished with death.

Article 271 -who entered or tried to enter to a place forbidden, to obtain objects or documents or information must remain kept, mindful of the safety of the state, shall be punished by imprisonment of at least one year and if the purpose be espionage the punishment will be temporary imprisonment.

Article 273-1 who has some documents or information such as stated in A11ic1e 271 and revealed them without legitimate reason will be punished of imprisonment of two months to two years. 2 he will be punished by a term of imprisonment with hard labour at least five years if he informed that for the benefit of a foreign state. 3-Ifthe offender kept the reported information and objects as being an employee or employees of the State he will be punished by temporary imprisonment in the case referred to in the first paragraph and hard labour for life in the case referred to in the second paragraph. 4 -If not taken on one of the aforementioned reasons, except an inadvertent error, the penalty is imprisonment of two months to two years.

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Human rights issues concerning Kurds in Syria

Name	Date of Arrest	Background	Details	Trial	Authority of Arrest	Date of Release
Yousef al-Jaboli	01/01/2009	Islamic background	On 7-1-2009 his corpse was delivered to his family who was prevented from having a funeral or seeing the body		State Security Service	
Mahmoud Waled al-Shehabi	01/01/2009	Islamic background			State Security Service	
Mahmoud Emad al-Shehabi	01/01/2009	Islamic background			State Security Service	
Nezar Ghaleb al-Shehabi	01/01/2009	Islamic background			State Security Service	
Khaled Habash	01/01/2009	Islamic background			State Security Service	
Sedo Rashed Ali	03/01/2009	Kurdish	He was kidnapped by security from the street	In December 2009 he was sentenced by SSSC to 6 years in prison	State Security Service	
Ahmad Tajelden	04/01/2009	Kurdish	PYD	His trial is continuing before the military judiciary in Qamishli, accused of belonging to secret organization and awakening sectarian feelings	Political Security Service	26/05/2009

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Mustafa Jurna'a Baker	06/01/2009	Kurdish	Member of the political Committee of Azadi Kurdish party	On 15-11-2009, he was sentenced by the second criminal court in Damascus to three years in prison according to articles 285-307 of Syrian penal law	Military Security Service	
Naser Daqori	11/01/2009	Kurdish			Political Security Service	
Hatem Ahmad al-Omari	12101/2009	Kurdish			State Security Service	
Darwish Ghaleb Darwish	13/01/2009	Kurdish	Cultural Kurdish activities	He was referred to the military judiciary in Oamishli	Political Security Service	25/01/2009
Fawaz Kano	17/01/2009	Kurdish	Cultural Kurdish activities		Political Security Service	
Zaki IsmaelKhalil	17/01/2009	Kurdish	Cultural Kurdish activities	He was referred to the military judiciary in Oamishli	Political Security Service	25/01/2009
Khaled Jamea	22/01/2009	Kurdish	Participating in a demonstration organized by PKK	He was referred to judiciary accused of making riot	Criminal Security	
Serdar Abdulrahim	22/0112009	Kurdish	Participating in a demonstration organized by PKK	He was referred to judiciary accused of making riot	Criminal Security	
Shayar Masud	22/01/2009	Kurdish	Participating in a demonstration organized by PKK	He was referred to judiciary accused of making riot	Criminal Security	
Abdulazez Jamel	22/0112009	Kurdish	Participating in a demonstration organized by PKK	He was referred to judiciary accused of making riot	Criminal Security	

Human rights issues concerning Kurds in Syria

Ali Fawaz	22/01/2009	Kurdish	Participating in a demonstration organized by PKK	He was referred to judiciary accused with making riot	Criminal Security	
Shahen Ibrahim	22/01/2009	Kurdish	Participating in a demonstration organized by PKK	He was referred to judiciary accused of making riot	Criminal Security	
Dal Muhammad	22/01/2009	Kurdish	Participating in a demonstration organized by PKK	He was referred to judiciary accused of making riot	Criminal Security	
BedarAhmad	22/01/2009	Kurdish	Participating in a demonstration organized by PKK	He was referred to judiciary accused of making riot and cheering to PKK	Criminal Security	
Alan Ismael	22/01/2009	Kurdish	Participating in a demonstration organized by PKK	He was referred to judiciary accused of making riot and cheering to PKK	Criminal Security	
Azez Asad	22/01/2009	Kurdish	Participating in a demonstration organized by PKK	He was referred to judiciary accused of making riot and cheering to PKK	Criminal Security	
Ramzi Muhammad	24/01/2009	Kurdish				
Saud Shekhmous Ibrahim	25/01/2009	Kurdish	PYD	On 8-11-2009 he was sentenced by SSSC to six years in prison according to article 267		
Adnan Saleh	26/01/2009	Kurdish				
Jihad Saleh	26/01/2009	Kurdish				
Humam Haddad	27/01/2009	Activist	He was detained for the first time in May 2005		Military security service	He was released few

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			for three months			days later
Abdulqaddos Husain	30/01/2009	Kurdish	PYD	He was referred to the military judicial in Hasaka	Criminal Security	08/08/2009
Jihad Husain	30/01/2009	Kurdish	PYD	He was referred to the military judicial in Hasaka	Criminal Security	08/08/2009
Rebar Kallo	30/01/2009	Kurdish	PYD	He was referred to the military judicial in Hasaka	Criminal Security	08/08/2009
Falmaz Sadon	30/01/2009	Kurdish	PYD	He was referred to the military judicial in Hasaka	Criminal Security	08/08/2009
Samer Husain	30/01/2009	Kurdish	PYD		Criminal Security	few days later
Mohammad al-Matar	January 2009	Islamic background	He was moved to the military hospital because of the tough torture he was subjected to			
Abdultah al-Abod	January 2009	Islamic background				
Ahmad al-Adhan	January 2009	Islamic background				
Sefelden al-Hamod	January 2009	Islamic background				
Abdulghani al-Rawi	January 2009	Islamic background				

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Burhan Tami	04/02/2009	Opinion	Member of the communist party. pro-government wing against the background of collecting signatures protesting on decree 49 regarding estates in the border areas			
Idres Tamosh	04/02/2009	Opinion	Member of the communist party, pro-government wing against the background of collecting signatures protesting on decree 49 regarding estates in the border areas			
Muhammad Bashar	14/02/2009	Kurdish	Member of the Democratic Kurdish Party in Syria	On 7-6-2009 he was sentenced by the individual military judge in Qamishli for three months in prison according to articles 307-288 of Syrian penal law		He was released
Mosa Shnani	17/02/2009	Activist	Member of Syrian Organization for Human Rights, it's believed that his arrest was against the background of an article he posted in some websites	He was sentenced by the military judiciary in Aleppo for one and half year	State Security Service	
Ali Masom Ma'mo	17/02/2009	Kurdish		He was referred to the military judiciary accused of harboring	Political Security Service	20/08/2009

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				members of PKK in his house		
Hasan Sefelden	17/02/2009	Kurdish			Military Security Service	19/02/2009
Hashem Basher Muhammad	17/02/2009	Kurdish			Political Security Service	
Joli Ibrahim Joli	17/02/2009	Kurdish			Political Security Service	
Osama Fawaz Ibrahim	17/02/2009	Kurdish			Political Security Service	
Hozan Ahmad Osi	17/02/2009	Kurdish			Political Security Service	
Zuhair Khania	17/02/2009	Kurdish			Political Security Service	
Idres Shaker	17/02/2009	Kurdish			Political Security Service	
Muhelden Isso	18/02/2009	Activist and journalist	He was arrested in an internet cafee, member of CDF			the same day at night
Taher Abdulqader	23/02/2009	Unkonw			Military Security Service	10/05/2009
Ahmad Mathbot	24/02/2009	Unknown				
Jihad Aliko	28/02/2009	Kurdish	Against the background of standing 10 minutes in silence in protest of decree 49			

Human rights issues concerning Kurds in Syria

Abdulmajed Sabri	28/02/2009	Kurdish	Against the background of standing 10 minutes in silence in protest of decree 49			same day after about 12 hours
Sulaiman Oso	28/02/2009	Kurdish	Against the background of standing 10 minutes in silence in protest of decree 49			same day after about 12 hours
Bafel Ahmad	28/02/2009	Kurdish	Against the background of standing 10 minutes in silence in protest of decree 49			same day after about 12hours
Muhammad Isa Ibrahim	28/02/2009	Kurdish	Against the background of standing 10 minutes in silence in protest of decree 49			same day after about 12hours
Fawaz Hanifa	28/02/2009	Kurdish	Against the background of standing 10 minutes in silence in protest of decree 49			same day after about 12hours
Ibrahim Abas	28/02/2009	Kurdish	Against the background of standing 10 minutes in silence in protest of decree 49			same day after about 12hours
Bahaelden Fatimi	28/02/2009	Kurdish	Against the background of standing 10 minutes in silence in protest of decree 49			same day after about 12hours

Human rights issues concerning Kurds in Syria

Masud Kaso	28/02/2009	Kurdish	Against the background of standing 10 minutes in silence in protest of decree 49			same day after about 12 hours
Kefkhosh Isa	28/02/2009	Kurdish	Against the background of standing 10 minutes in silence in protest of decree 49			same day after about 12hours
Ali Ibrahim	28/02/2009	Kurdish	Against the background of standing 10 minutes in silence in protest of decree 49			same day after about 12hours
Omar Ismael	28/02/2009	Kurdish	Against the background of standing 10 minutes in silence in protest of decree 49			same day after about 12hours
Muhammad Isa	28/02/2009	Kurdish	Against the background of standing 10 minutes in silence in protest of decree 49			same day after about 12hours
Hasan Ismael	28/02/2009	Kurdish	Against the background of standing 10 minutes in silence in protest of decree 49			same day after about 12hours
Muhammad al-Ahmad	28/02/2009	Kurdish	Against the background of standing 10 minutes in silence in protest of decree 49			same day after about 12hours
Mahmoud Omar	28/02/2009	Kurdish	Against the background of standing 10 minutes in silence in protest of			same day after about

Human rights issues concerning Kurds in Syria

			decree 49			12hours
Husain Muhammad	28/02/2009	Kurdish	Against the background of standing 10 minutes in silence in protest of decree 49			same day after about 12hours
Alaelden Ahmad	28/02/2009	Kurdish	Against the background of standing 10 minutes in silence in protest of decree 49			same day after about 12hours
Nasrelden Ahmi	28/02/2009	Kurdish	Against the background of standing 10 minutes in silence in protest of decree 49			same day after about 12hours
Fathallah Muhammad	28/02/2009	Kurdish	Against the background of standing 10 minutes in silence in protest of decree 49			same day after about 12 hours
Abdulsalam Othman	28/02/2009	Kurdish	Against the background of standing 10 minutes in silence in protest of decree 49			same day after about 12hours
Akram Kano'o	28/02/2009	Kurdish	Against the background of standing 10 minutes in silence in protest of decree 49			same day after about 12hours

Human rights issues concerning Kurds in Syria

Othman Ali	28/02/2009	Kurdish	Against the background of standing 10 minutes in silence in protest of decree 49			same day after about 12hours
Hayfa al-Husaini	03/03/2009	Unkonw	Correspondent of al - Fayha TV channel in Damascus			08/03/2009
Faysal Naso	09/03/2009	Kurdish	Memberof the central committee of Kurdish al-Party party, against the background of participation in celebration organized by the party in the occasion of woman day	On 9-8-2009 he was sentenced by military individual judge in Qamishli to three months in prison charged of being a member of a secret association		20/04/2009
Fanar Sadon	09/03/2009	Kurdish	Against the background of participation in celebration organized by al-Party party on the occasion of woman day	On 9-8-2009 he was sentenced by military individual judge in Qamishli to three months in prison charged of being a member of a secret association		20/04/2009
			Memberof the central	On 9-8-2009 he was		
Nasrelden Barhak	09/03/2009	Kurdish	committee of Kurdish at-Party party, against the background of participation in celebration organizedby the party on the occasionof woman day	sentencedby military individual judge in Qamishli to three months in prison chargedof beinga memberof a secret association		20/0412009
Muhammadal-Homsi	09/03/2009	Unknown				
Bassam Hilal	09/03/2009	Unkonwn				

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Ahsonial-Abdullah	09/03/2009	Unkonwn				
Muhammad Balo	10/03/2009	Kurdish	Nayroz celebration			30/0612009
Osama al-Shaidon	11/03/2009	Unkonwn	He was arrestedat the border when he was coming from Amman wherer he lives			26/1 0/2009
Ali Mahmoud	12/03/2009	Kurdish	Against the background ofstanding 10 minutes in siclence on the occasion of March12,2004 memorv			
Abdullah Daqori	12/03/2009	Kurdish			Political Security Service	09/0412009
Abdulmajed Badran	12/03/2009	Kurdish			Political Security Service	
Abdulrahman Ali	12103/2009	Kurdish	Against the background of standing 10 minutes in silence on the occasion of March 12, 2004 memory		Military Security Service	the same day
Dara Ibrahim	12/03/2009	Kurdish	Against the background of standing 10 minutes in silence on the occasion of March 12, 2004 memory		Military Security Service	the same day
Sefen Ibrahim	12/03/2009	Kurdish	Against the background of standing 10 minutes in silence on the occasion of March 12,		Military Security Service	the same day

Human rights issues concerning Kurds in Syria

			2004 memory			
Sefelden Muhammad	12/03/2009	Kurdish	Against the background of standing 10 minutes in silence on the occasion of March 12, 2004 memory		Military Security Service	the same day
Kawa Deko	12/03/2009	Kurdish	Against the background of standing 10 minutes in silence on the occasion of March 12, 2004 memory		Military Security Service	25/03/2009
Rezan Muhammad	12/03/2009	Kurdish	Against the background of standing 10 minutes in silence on the occasion of March 12, 2004 memory		Military Security Service	the same day
Bahzad Muslem	12/03/2009	Kurdish	Against the background of standing 10 minutes in silence on the occasion of March 12, 2004 memory	He was referred to the military individual judge in Aleppo	Military Security Service	02/04/2009
Alan al-Husaini	12/03/2009	Kurdish	Against the background of standing 10 minutes in silence on the occasion of March 12, 2004 memory	He was referred to the military individual judge in Aleppo	Military Security Service	02/04/2009
Jihan Salo	12/03/2009	Kurdish	Against the background of standing 10 minutes in silence on the occasion of March 12,		Military Security Service	the same day

Human rights issues concerning Kurds in Syria

			2004 memory			
Abdi Rami	12/03/2009	Kurdish	Against the background of standing 10 minutes in silence on the occasion of March 12, 2004 memory	He was referred to the military individual judge in Aleppo	Military Security Service	02/04/2009
Roz Ibrahim	12/03/2009	Kurdish	Against the background of standing 10 minutes in silence on the occasion of March 12, 2004 memory		Military Security Service	the same day
Ali Mahmoud	12/03/2009	Kurdish	Against the background of standing 10 minutes in silence on the occasion of March 12, 2004 memory	He was referred to the military individual judge in Aleppo	Military Security Service	02/04/2009
Maryam Kallis	15/03/2009	Unknown			State Security service	07/06/2009
Abdulsalam Mahmoud	16/03/2009	Kurdish	Against the background of standing 10 minutes in silence on the occasion of March 12, 2004 memory	He was referred to the military judicial)' accused of evoking sectarian feeling and making riot	Political Security Service	03/05/2009
Khalil Ibrahim Muhammad	16/03/2009	Kurdish	Hatabjaday	He was referred to the military judicial)' accused of evoking sectarian feeling	Political Security Service	April 2009

Human rights issues concerning Kurds in Syria

Rami Shekhmosal-Hasan	16/03/2009	Kurdish	Halabjaday	He was referred to the military judicial)' accused of evoking sectarian feeling and making riot	Political Security Service	02/05/2009
Muhammad Shekho Isa	16/03/2009	Kurdish	Halabjaday	He was referred to the military judicial)' accused of evoking sectarian feeling and making riot	Political Security Service	April 2009
Fuad Hasan Husain	16/03/2009	Kurdish	Against the background of standing 5 minutes in silence at the anniversary of Halbia			
Maher Satam Husain	16/03/2009	Kurdish	Against the background of standing 5 minutes in silence at the anniversary of Halbia			
Tayfor Ibrahim	17/03/2009	Kurdish			State Security service	
Yaser Ahmad	17/03/2009	Islamic background			State Security service	07/06/2009
Kaniwar Yousef	19/03/2009	Kurdish				
Adel Ahmad	20/03/2009	Kurdish	Against the background of gathering in celebration al-Navroz			
Mustafa Ali	20/03/2009	Kurdish	Against the background of gathering in celebration al-Navroz			
Husain Muhammad	20/03/2009	Kurdish	Against the background of gathering in celebration al-Navroz			

Human rights issues concerning Kurds in Syria

Farzand Ahmad	20/03/2009	Kurdish	Against the background of gathering in celebration al-Navroz			
Mustafa Ahmad	20/03/2009	Kurdish	Against the background of gathering in celebration al-Navroz			
Fcrhad Ahmad	20/03/2009	Kurdish	Against the background of gathering in celebration al-Navroz			
Khaled Abdulhanan	20/03/2009	Kurdish	Against the background of gathering in celebration al-Navroz			
Jan Husain Muhammad	20/03/2009	Kurdish	Against the background of gathering in celebration al-Navroz			
Esmat Ali	20/03/2009	Kurdish	Against the background of gathering in celebration al-Navroz			
Hafand Husain	20/03/2009	Kurdish	Against the background of gathering in celebration al-Navroz			31/05/2009
Ewan Abdullah	20/03/2009	Kurdish	al-Nayroz celebration	He was referred to military judiciary in Aleppo		31/05/2009
Masud Baro	20/03/2009	Kurdish	al-Nayroz celebration	He was referred to military judiciary in Aleppo		31/05/2009
Bendwar Shekhi	20/03/2009	Kurdish	al-Nayroz celebration	He was referred to military judiciary in Aleppo		31/05/2009

Human rights issues concerning Kurds in Syria

Dal Khwaz Muhammad	20/03/2009	Kurdish	al-Nayroz celebration	He was referred to military judiciary in Aleppo		31/05/2009
Salar Abdulrahman	20/03/2009	Kurdish	a1-Nayroz celebration	He was referred to military judiciary in Aleppo		31/05/2009
Sulaiman Oso	20/03/2009	Kurdish	Member of political committee of Yekiti party/al-Nayroz celebration	He was referred to military judiciary in Aleppo		07/05/2009
Riad Hoban	20/03/2009	Kurdish	al-Nayroz celebration	He was referred to military judiciary in Aleppo		31/05/2009
Ayman al-Mahmoud	20/03/2009	Kurdish	al-Nayroz celebration	He was referred to military judiciary in Aleppo		31/05/2009
Abdulkarem Abdo	20/03/2009	Kurdish	al-Nayroz celebration	He was referred to military judiciary in Aleppo		31/05/2009
Riad Ahmad	20/03/2009	Kurdish	al-Nayroz celebration	He was referred to military judiciary in Aleppo		31/05/2009
Daham Shekhi	20/03/2009	Kurdish	al-Nayroz celebration	He was referred to military judiciary in Aleppo		31/05/2009
Rashed Othman	20/03/2009	Kurdish	al-Nayroz celebration	He was referred to military judiciary in Aleppo		31/05/2009
Sewar Shekhi	20/03/2009	Kurdish	al-Nayroz celebration	He was referred to military judiciary in Aleppo		31/05/2009
Abdulkarem al-Muhammad	20/03/2009	Kurdish	al-Nayroz celebration	He is referred to military judiciary in Aleppo		31/03/2009
Jwan Saed	20/03/2009	Kurdish	al-Nayroz celebration	He was referred to juvenile criminal judge in Hasaka		07/05/2009

Human rights issues concerning Kurds in Syria

Rasho Mekhan	20/03/2009	Kurdish	al-Nayroz celebration	He was referred to juvenile criminal judge in Hasaka		31/05/2009
Muhammad Sedo	20/03/2009	Kurdish	al-Nayroz celebration	He was referred to juvenile criminal judge in Hasaka		29/03/2009
Abdulmanan Sualiman	20/03/2009	Kurdish	al-Nayroz celebration	He was referred to juvenile criminal judge in Hasaka		29/03/2009
Muhammad Muradi	20/03/2009	Kurdish	al-Nayroz celebration	He was referred to juvenile criminal judge in Hasaka		29/03/2009
Bashar Khalil	20/03/2009	Kurdish	al-Nayroz celebration	He was referred to juvenile criminal judge in Hasaka		29/03/2009
Bahzad Wali	20/03/2009	Kurdish	al-Nayroz celebration	He was referred to juvenile criminal judge in Hasaka		29/03/2009
Akram Rasho	20/03/2009	Kurdish	al-Nayroz celebration	He was referred to juvenile criminal judge in Hasaka		29/03/2009
Ahmad M'amo	20/03/2009	Kurdish	al-Nayroz celebration	He was referred to juvenile criminal judge in Hasaka		29/03/2009
Rashed Sedo	20/03/2009	Kurdish	al-Nayroz celebration	He was referred to juvenile criminal judge in Hasaka		29/03/2009
Ahmad Naser	20/03/2009	Kurdish	al-Nayroz celebration	He was referred to juvenile criminal judge in Hasaka		29/03/2009
Ezelden Amed	20/03/2009	Kurdish	al-Nayroz celebration	He was referred to juvenile criminal judge in Hasaka		29/03/2009
Ahmad Muhammad Naser	20/03/2009	Kurdish	al-Nayroz celebration	He was referred to juvenile criminal judge in Hasaka		29/03/2009

Human rights issues concerning Kurds in Syria

Khaled Hamo	20/03/2009	Kurdish	al-Nayroz celebration	He was referred to juvenile criminal judge in Hasaka		29/03/2009
Abdo Hamo	20/03/2009	Kurdish	al-Nayroz celebration	He was referred to juvenile criminal judge in Hasaka		29/03/2009
Dal Khwaz Darwish	20/03/2009	Kurdish	al-Nayroz celebration	He was referred to juvenile criminal judge in Hasaka		31/05/2009
Ismael Mahmoud Ibrahim Harsha	22/03/2009	Kurdish	al-Nayroz celebration		Military Security Service	22/06/2009
Riad Ahmad	23/03/2009	Kurdish	Carrying Kurdish flags during celebration al-Nayroz		Political Security Service	
Mazlom Abdulkarem	23/03/2009	Kurdish	Carrying Kurdish flags during celebration al-Nayroz	He was referred to juvenile criminal judge in Hasaka	Security	07/05/2009
Shebal Darwish	23/03/2009	Kurdish	al-Nayroz celebration	He was referred to juvenile criminal judge in Hasaka		07/05/2009
Ismael Ismael	23/03/2009	Kurdish	al-Nayroz celebration	He was referred to juvenile criminal judge in Hasaka		07/05/2009
Malek Shekho	23/03/2009	Kurdish	al-Nayroz celebration	He was referred to juvenile criminal judge in Hasaka		07/05/2009
Rodar Ahmad	23/03/2009	Kurdish	al-Nayroz celebration	He was referred to juvenile criminal judge in Hasaka		07/05/2009
Negervan Ahmad	23/03/2009	Kurdish	al-Nayroz celebration	He was referred to juvenile criminal judge in Hasaka		07/05/2009
Rashed Haso	23/03/2009	Kurdish	Carrying Kurdish flags during celebration al-Nayroz		Political Security Service	

Human rights issues concerning Kurds in Syria

Abdulhamed al-Arbo	23/03/2009	Kurdish	al-Nayroz celebration	He was sentenced on 12-7-2009 by the military individual judge in Qamishli to two months in prison accused of making riot and making sectarian feelings		01/06/2009
Ahmad al-Arbo	23/03/2009	Kurdish	al-Nayroz celebration	He was sentenced on 12-7-2009 by the military individual judge in Qamishli to two months in prison accused of making riot and making sectarian feelings		01/06/2009
Ferhad al-Arabo	23/03/2009	Kurdish	al-Nayroz celebration	He was sentenced on 12-7-2009 by the military individual judge in Qamishli to two months in prison accused of making riot and making sectarian feelings		01/06/2009
Ahmad Ezelden al-Arbo	23/03/2009	Kurdish	al-Nayroz celebration	He was sentenced on 12-7-2009 by the military individual judge in Qamishli to two months in prison accused of making riot and making sectarian feelings		01/06/2009

Human rights issues concerning Kurds in Syria

Jihad Abdulqader al-Arbo	23/03/2009	Kurdish	al-Nayroz celebration	He was sentenced on 12-7-2009 by the military individual judge in Qamishli to two months in prison accused of making riot and making sectarian feelings		01/06/2009
Ahmad Othman al-Arbo	23/03/2009	Kurdish	al-Nayroz celebration	He was sentenced on 12-7-2009 by the military individual judge in Qamishli to two months in prison accused of making riot and making sectarian feelings		01/06/2009
Kameran Sadon al-Arbo	23/03/2009	Kurdish	al-Nayroz celebration	He was sentenced on 12-7-2009 by the military individual judge in Qamishli to two months in prison accused of making riot and making sectarian feelings		01/06/2009
Muhammad al-Dallah	29/03/2009	Unkonw				
Maher al-Karman	29/03/2009	Unkonw				
Shadi Abod	29/03/2009	Unkonw				
Gebrael al-Samra	29/03/2009	Unkonw				
AnwarNaso	30/03/2009	Kurdish			Military Security Service	30/06/2009
Ahmad Kiki	30/03/2009	Kurdish				30/06/2009
Fawaz Muhelden	30/03/2009	Kurdish				30/06/2009
Muhammad Anas al-Azem	01/04/2009	Islamic background				

Human rights issues concerning Kurds in Syria

Reem Nakhla	02/04/2009	Opinion	She was arrested after a report written against her against the background of political debate with her friends at the university, she was referred to the mental hospital later to prove that what she said was under the impact of her illness, since she is mentally ill		Military Security Service	27/06/2009
Faroq Haji Mustafa	05/04/2009	Kurdish		On 31-10-2009 he was sentenced by the individual military judge in Aleppo for five months in prison accused of publishing false news	Political Security Service	17/06/2009
Bafel Ahmad	05/04/2009	Kurdish			Military Security Service	24/05/2009
Kaniwar Eiana	08/04/2009	Kurdish			Military Security Service	16/04/2009
Khalil Hamdi	08/04/2009	Kurdish			Military Security Service	16/04/2009
Amer Ramo	08/04/2009	Kurdish			Military Security Service	16/04/2009
Farhan Saleh	08/04/2009	Kurdish			Military Security Service	16/04/2009
Abdullah Omar Attash	08/04/2009	Kurdish			Military Security Service	16/04/2009

Human rights issues concerning Kurds in Syria

Muhamad Omar Attash	08/04/2009	Kurdish			Military Security Service	16/04/2009
Fahed Salem Sedo	08/04/2009	Kurdish			Military Security Service	16/04/2009
Majed Yousef Darwish	08/04/2009	Kurdish			Military Security Service	16/04/2009
Muhammad Yousef Darwish	08/04/2009	Kurdish			Military Security Service	16/04/2009
Salah Abo Sheko	08/04/2009	Kurdish			Military Security Service	16/04/2009
Mahmoud Mustafa	09/04/2009	Kurdish			Political Security Service	
Jaka Khwen Sedo	09/04/2009	Kurdish			Political Security Service	
Muhammad Yaser Aswad	09/04/2009	Unkown			Military Security Service	05/08/2009
Nuhad Ahmad Arnab	10/04/2009	Kurdish				
Sulaiman Jafar	15/04/2009	Kurdish	During the celebrations of Yezidi sect in the new year	On 25-6-2009 he was sentenced by military judiciary in Aleppo to three months in prison	Political Security Service	He was released
Abdulqader Mahmoud	19/04/2009	Kurdish			Political Security Service	21/04/2009
Mwafaq Noh	20/04/2009	Islamic background			Military security service	
Fawaz Hasan	24/04/2009	Kurdish			Political Security Service	

Human rights issues concerning Kurds in Syria

Mahmoud Keftaro	27/04/2009		He was accused of having contact with foreign embassies		Political Security Service	10/05/2009
Ibrahim baro	29/04/2009	Kurdish	Member of the political Committee of Yakiti Kurdish party	On 21-10-2009 he was sentenced by the individual military judge in Qamishli for 8 months in prison according to article 288	State Security Service	29/12/2009
Ayman al-Khaznawi	April 2009	Kurdish	Insulting the president due to his mental illness	He was referred to the military judiciary in Qamishli accused of insulting the president	Political Security Service	27/06/2009
Nayla Omar	01/05/2009	Kurdish	Conflict with authorities against the background of preventing celebration of Labour Day			
Fatemah Ismael	01/05/2009	Kurdish	Conflict with authorities against the background of preventing celebration of Labour Day			
Saleh Bozan	01/05/2009	Kurdish	Conflict with authorities against the background of preventing celebration of Labour Day			
Dalil Shekh Ahmad	01/05/2009	Kurdish	Conflict with authorities against the background of preventing celebration of Labour Day			
Asad Khayat	01/05/2009	Coming back from exile	He was arrested at the airport		Military Security Service	04/05/2009

Human rights issues concerning Kurds in Syria

Ismael al-Sayah	01/05/2009	Islamic background				
Seraj al-Jarad	01/05/2009	Islamic background				
Hozan Nawaf Rashid	05/05/2009	Kurdish			State Security Service	
Akram Hamdosh	05/05/2009	Kurdish			State Security Service	
Akid Hmadosh	05/05/2009	Kurdish			State Security Service	
Ali Ali	05/05/2009	Kurdish			State Security Service	
Ahmad Hmadosh	05/05/2009	Kurdish			State Security Service	
Bader Muhammad	05/05/2009	Kurdish			State Security Service	
Muhammad Jejak	05/05/2009	Kurdish			State Security Service	
Husain Aibo	05/05/2009	Kurdish			State Security Service	
Farman Rwely	09/05/2009	Islamic background				
Abduljalil Jalal	10/05/2009	Kurdish				
Amjad Abdulrahman Othman	17/05/2009	Kurdish			State Security Service	
Hasan Zahra	21/05/2009	Political	Former political prisoner against the background	He was referred to the SSSC	State Security	

Human rights issues concerning Kurds in Syria

		activist	of the Communist Labour Party between 1978-1980		Service	
Abas Abas	21/05/2009	Political activist	Former political prisoner against the background of the Communist Labour Party between 1978-1980 and between 1982-1997	He was referred to the SSSC	State Security Service	
Ahmad al-Nihawi	21/05/2009	Political activist	Former political prisoner against the background of the Communist Labour Party	He was referred to the SSSC	State Security Service	
Ghassan Hasan	21/05/2009	Political activist	Former political prisoner against the background of the Communist Labour Party	He was referred to the SSSC	State Security Service	
Tawfiq Omran	21/05/2009	Political activist	Former political prisoner against the background of the Communist Labour Party	He was referred to the SSSC	State Security Service	
Akram Alwani	28/05/2009	Unknown	He was arrested at his work place in Raqa city		Military Security Service	
Ruaida Hamod	May 2009		She was arrested after she came to Syria from England where she lives with her family, as a hostage in place of her dissident ex-husband			June 2009

Human rights issues concerning Kurds in Syria

Ezelden al-Omar	May 2009	Kurdish	house was raided by security forces			30/06/2009
			security forces			
Emad Dabdob	10/06/2009		Former Islamic prisoner, was arrested because he was late to the regular monthly forced visits to the security centre			
Jakar Khwen Shekho	20/06/2009	Kurdish	Member of the political committee of the al-Wifaq Kurdish party		Military Security Service	03/10/2009
Abdullah al-Zen	26/06/2009	Unkonw	He was arrested on Syrian Jordanian border while he was entering Syria which he left since he was a kid after his father became wanted in 1980s			
Barzani Karro	27/06/2009	Kurdish	He was arrested at Damascus airport after he was deported from Cyprus where his asylum request was rejected	He was referred to the military judiciary accused of "attempting to sever a part of the Syrian territory and annex it to a foreign state" and involvement in an unauthorized organization.	Political Security Service	
Edris Ibrahim	28/06/2009	Kurdish			Political Security Service	
Muhammad al-Meadad	01/07/2009					06/07/2009
Rodi Shekho	04/07/2009	Kurdish	Carrying photos of Kurdish leaders in his pocket	He was tried before ordinary judiciary	Criminal Security	20/07/2009

Human rights issues concerning Kurds in Syria

			Palestinian journalist works for al-Safer			
Helmi Musa	05/07/2009	Unknown	Lebanese newspaper, arrested during visiting to Syria to participate in conference			09/07/2009
Samer Hesi	09/07/2009	Kurdish			Political Security service	
Abdulhalim Husain	11/07/2009	Opinion	Against the background of writing an article in a pro-government newspaper	He was referred to the military judiciary		15/07/2009
Ali Husain	26/07/2009	Kurdish	He was kidnapped on the street			
Salam al-Shamma'a	26/07/2009					four days later
Muhannad al-Hassani	28/07/2009	Human rights activist		He was referred to the military judiciary	State Security service	
Rogeen Rammo	29/07/2009	Kurdish	PYD	She was referred to the military judiciary	Political Security service	29/12/2009
Shamselden Hammo	29/07/2009	Kurdish	Yekiti party		Political security service	02/08/2009
Aras al-Sayed	July 2009	Kurdish	He was arrested during his military university training camp because he had a photo of kurdish leaders on his			

Human rights issues concerning Kurds in Syria

			mobile			
Muhammad Saed Sabri	July 2009	Kurdish				
Fahed Abbas	July 2009	Kurdish				
Amer Saleh	July 2009	Kurdish				
Falak Naz	03/08/2009	Kurdish		She was referred to the military judiciary	Political Security service	29/12/2009
Afra Muhammad	03/08/2009	Kurdish		She was referred to the military judiciary	Political Security service	29/12/2009
Ayaz Taher	08/08/2009	Kurdish	During training at the military university camp			
Anwar Abdulrahman Ali	10/08/2009	Kurdish			State Security service	
Edris Shekhmous	10/08/2009	Kurdish			State Security service	
Lokan Khuder	10/08/2009	Kurdish			State Security service	
Dalkesh Ahmad	10/08/2009	Kurdish			Political Security Service	
Jameel Abed	16/08/2009	Kurdish	Representative of the communist party in Raselen			
Asma Murad Sami	16/08/2009	Kurdish			Political Security Service	
Ehan Murad Sami	16/08/2009	Kurdish			Political Security Service	

Human rights issues concerning Kurds in Syria

Yusef Sefo	16/08/2009	Kurdish			Political Security Service	
Adnan Demo	16/08/2009	Kurdish			Political Security Service	
Muhammad Musa	19/08/2009	Kurdish	He was arrested to complete his verdict			31/08/2009
Muhammad Ali Sadon	27/08/2009	Kurdish			Political Security Service	
Abdulhamid Hasso	27/08/2009	Kurdish			Political Security Service	
Mahmoud Shekho	04/09/2009	Kurdish			Political Security Service	
Mahmoud Khashman	04/09/2009	Kurdish			Political Security Service	
Mustafa Ibrahim Ali	04/09/2009	Kurdish			Political Security Service	
Jendar Barakat	09/09/2009	Kurdish			Political security service	12/09/2009
Mahmoud Zubair Mahmoud	11/09/2009	Kurdish	He was arrested for having a newsletter of Al-Partv party		Criminal Security	
Zubair Hasan Mahmoud	11/09/2009	Kurdish	Father of Mahmoud who was arrested for having a newsletter of Al-Partv party		Criminal Security	
Abdulwahab al-Fares	11/09/2009	Kurdish			Criminal Security	

Human rights issues concerning Kurds in Syria

Khalid Kanjo	13/09/2009	Kurdish	He was arrested after he was deported from Germany where his asylum request was rejected	He was referred to the military judiciary in Qamishli according to article 287		
Fawaz Hasan	September 2009	Kurdish			Military security service	
Shevan Abdo	September 2009	Kurdish	He was arrested when he arrived to Syria coming back from Kurdistan			
Jamal Sadon	03/10/2009	Kurdish	During a wedding where he was singing Kurdish songs		Political security service	
Nuhad Yousef	03/10/2009	Kurdish	During a wedding where he was singing Kurdish songs		Political Security service	
Haytham al-Maleh	14/10/2009	Human rights activist		He was referred to the military criminal judiciary in Damascus	State Security Service	
Manal Ibrahim	15/10/2009	Kurdish	PYD		Political Security Service	
Bahjat Ibrahim	20/10/2009	Kurdish		He was referred to the military judiciary in Qamishli	Political Security service	
Rojhat Muhammad Muhammad	22/10/2009	Kurdish			Political Security service	
Abdulrahman Koki	22/10/2009	Unknown				
Ahmad Mustafa (Pieer Rustum)	26/10/2009	Kurdish				

Human rights issues concerning Kurds in Syria

Khalaf al-Jabro'	29/10/2009	Opinion	He was arrested at the Syrian Lebanese border after he was prevented from leaving the country	He was referred to the ordinary judiciary accused with spreading false news, belonging to secret association and leaving the country illegally,	Political Security service	
Mahmoudal-Issa	October 2009		He was arrested on the background of insulting the state although he is mentally ill	He is being tried before military judiciary in Qamishli		
Muhammad Salhe Khalil	11/11/2009	Kurdish	Leader in the "al-Party" Kurdish party, and member of DDDNC		Military security service	
Youseftheeb alhamoud	15/11/2009	Opinion	Member of DDDNC and member of the Democratic Islamic trend		Political Security service	
Berevan Faroq Muhammad	17/11/2009	Kurdish	After she was summoned for investigation, she came to Syria on 18-10-2009 from Kurdistan of Iraq, and since then she has			
			been subjected to various security abuses.			
Saleem Azez	17/11/2009	Kurdish	After he was summoned for investigation, he came to Syria on 18-10-2009 from Kurdistan Iraq, and since then he has been subjected to various security abuses.			

Human rights issues concerning Kurds in Syria

Maen Aqel	22/11/2009	Opinion	He was arrested from his work place in al-Thawra newspaper-He is former prisoner for 9 years against the background of being a member of the community labor party		State Security Service	
Hasan Abdulkarem	26/11/2009	Kurdish			Criminal Security	
Ramadan Hasan	26/11/2009	Kurdish			Criminal Security	
Jwan Abdulsalam	26/11/2009	Kurdish			Criminal Security	
Rezan Ibrahim	November 2009	Kurdish	PYD		Political Security Service	
Suod Ibrahim	November 2009	Kurdish	PYD		Political Security Service	
Muhammad Ezeldedn al-Ahmad	November 2009	Kurdish	PYD		Political Security Service	
Mustafa Ismael	12/12/2009	Kurdish			Airforce Security Service	
Hifras Hasan	14/12/2009	Kurdish			Military Security Service	
Hasan Ibrahim Saleh	26/12/2009	Kurdish	Member of the Political Committee of Yekiti Kurdish partv			
Muhammad Ahmad Mustafa	26/12/2009	Kurdish	Member of the Political Committee of Yekiti Kurdish partv			
MarofMalla Ahmad	26/12/2009	Kurdish	Member of the Political Committee of Yekiti			

Human rights issues concerning Kurds in Syria

			Kurdish partv			
Anwar Nasso	26/12/2009	Kurdish				

Annex 5: Syrian Kurds in the Kurdistan Region of Iraq (KRI)

According to an international organisation in KRI, the overall number of cases of Syrian Kurds registered totals 245 families or 1,100 individuals. The majority of Syrian Kurds in KRI arrived in 2004 and 2005, the first group of whom comprised 88 families. They were accommodated at a tented site with a minority of solid buildings in Makoble Dohuk. The government made plans to construct houses for them in Domits to which 88 families moved in November 2007. The number of refugees in Domits has increased to 92 families or 580 individuals. However there were arrivals in KRI from Syria after the first 88 families some of whom remain in Makoble, and whose numbers are 36 families and 34 single men, that is a total of 210 individuals. The rest of the registered Syrian Kurds have found private housing elsewhere in KRI. Dohuk Governorate authorities are responsible for the management of Mokoble Camp and the settlement of 88 houses at Domits. The source added that five Kurdish persons or families from Syria were registered as asylum seekers in KRI in 2009. Among them, two families, though, arrived in 2008, and the remaining three single persons have arrived in KRI before 2008.

According to Ismail Hasia Alv, Syrian refugee representative of a refugee camp in Dohuk, KRI, the Kurds in the refugee camps in KRI originate from different provinces in Syria. Most of the refugees in the camp were displaced during the uprising in Qamishli in 2004 and 2005. It was added that the majority of the families, approximately 130, left Syria in 2004 over a period of five months, but the number of newcomers has gradually decreased since then.

According to an international organisation in KRI, 60 percent of the Syrian Kurds registered as asylum seekers in KRI are Syrian citizens, while 30 percent are Ajanib and 10 percent Maktoumeen.

Salah Badruddin, Head of the Kurdish Kawa Cultural Society, Erbil, Head of the Kurds-Arabs Friendship Association and Founder of the Kurdish Popular Union Party of Syria, added that the Kurdish Syrian immigrants in KRI have different social backgrounds: poor farmers, entrepreneurs, workmen, craftsmen, students, university teachers etc. Salah stated that the poor part of immigrants are mostly employed in restaurants and service sector in KRI. Salah pointed out that asylum seekers residing in the refugee camp in Dohuk live under difficult physical conditions.

According to Ismail Hasia Alv, Syrian refugee representative of a refugee camp in Dohuk, KRI, who has been a farmer by profession in Syria before his flight, there are not many farmers among the refugees in the camps and the residents have all kinds of professional backgrounds, e.g. teachers, doctors, businessmen, workers, factory owners, students and shepherds.

Crossing the border to KRI

According to Salah Badruddin, Head of the Kurdish Kawa Cultural Society, Erbil, Head of the Kurds-Arabs Friendship Association and Founder of the Kurdish Popular Union Party of Syria, the border between Syria and Iraq has always been heavily controlled by the Syrian government who wants to restrict the movement between the Kurdish areas in Syria and the neighbouring countries. Even before the fall of Saddam, the source added, when there was not a good relationship between the Syrian and the Iraqi governments, Fish Khabour River which is the border between the Syrian

Kurdish area in North-east and Iraq was strictly controlled by the Syrian security forces – and not by the border police.

According to a prominent Kurdish political leader (2), although the border is being controlled tightly by Syrian authorities, some manage to bribe the border authorities into allowing them to cross during the night time. Yet, it is difficult for Kurds not living in the border areas to travel to the Kurdistan Region of Iraq if they do not have families or relatives in the border areas who can help them illegally cross the border.

Ismail Hasia Alv, Syrian refugee representative of a refugee camp in Dohuk, KRI, stated that the borders to Turkey and Jordan were well-protected in the aftermath of the Qamishli uprising, and the Syrian Kurds found the nearest possible safe haven in KRI in 2004. The Kurdish refugees residing in KRI have in most cases used people smugglers to travel to Iraq and some to Iran, while a number of families remained within Syria without the opportunity to leave.

Arrival in KRI and registration

According to an international organisation in KRI, upon arrival at the border, potential asylum seekers are interviewed by security service officers who then pass the file to the Governorate Internal Affairs Department in Dohuk. The potential asylum seekers are referred to two institutions, the Directorate of Displacement and Migration and the Directorate of Residency. The Directorate of Displacement and Migration sends the file to UNHCR which interviews and registers them as asylum seekers. Once registration with UNHCR is complete the Directorate of Residency issues them a residency permit that has to be renewed after every six months. Residency enables the asylum seekers to have access to health, education, the Public Distribution System (PDS; a provision of basic commodities), work without restriction, freedom of movement and the option of whether to reside in private accommodation or at Mokoble or Domits. In addition to that, UNHCR provides assistance to those at Mokoble and Domits, non-food items, economic assistance to pay for student transportation and prescribed medicines and tests as well as cash allowances to very vulnerable families.

An international organisation in KRI stated that UNHCR activities with regard to Syrian Kurds include the registration of new arrivals and the provision of a range of assistance to the refugee camp in Makoble. According to the source, some 245 families (1,100 individuals) have been registered with UNHCR as asylum seekers and have submitted through a group petition their preference to undergo individual refugee status determination. To date, in light of the level of protection afforded to the group by national authorities, it is UNHCR's view that individual status determination would not significantly enhance the protection already provided by the national authorities, and has accordingly declined to carry out individual status determination. As persons of concern to UNHCR, however, they may benefit from the full range of legal and other types of assistance that UNHCR provides to asylum seekers and refugees.

According to an international organisation in KRI, the chance of Syrian Kurds arriving in KRI without being registered by UNHCR is very little, as KRI authorities maintain a tight security network that makes it impossible to move around or access support without papers.

A representative of a humanitarian organisation in KRI stated that Syrian Kurds who live in the refugee camps in the Kurdistan region of Iraq are not recognised as refugees but considered to be asylum seekers.

An international organisation in KRI stated that it had no knowledge of cases of refoulement, i.e. cases where Syrian Kurdish asylum seekers have been deported from KRI to Syria.

A representative of a humanitarian organisation in KRI stated that he had no knowledge of cases where Syrian Kurdish asylum seekers in the Kurdistan region of Iraq had been deported to Syria.

Conditions in KRI

According to Ahmad Safa, Kurdish journalist, KRI, Syrian refugees in refugee camps in KRI are living under physically harsh conditions. The KRI government is not a stable and strong government yet, and it is not interested in having tension with its neighbouring countries like Syria. On this basis, the source added, the KRI government is not willing to provide good conditions for Syrian Kurdish refugees coming to KRI and thereby damages its relationship with the Syrian government. The source informed the delegation that these refugees are settled in the camp in Dohuk because Kurdish refugees from Syria are culturally and linguistically familiar with the Badini-speaking people in Dohuk (Badini is a Kurdish dialect).

Salah Badruddin, Head of the Kurdish Kawa Cultural Society, Erbil, Head of the Kurds-Arabs Friendship Association and Founder of the Kurdish Popular Union Party of Syria, stated that KRI does not offer Syrian Kurds leaving Syria an extra help or better conditions compared to other foreigners coming to KRI, and Kurds from Syria have to show travel documents for entering KRI like anybody else and apply for asylum. However, Iraqi Kurds tend to help Syrian Kurdish refugees with for instance getting job etc.

According to a representative of a humanitarian organisation in KRI, there is no systematic discrimination against Syrian Kurds in KRI, although discrimination might occur in some instances.

Factors behind the migration to KRI

A delegation of Syrian refugee representatives of a refugee camp in Dohuk, KRI, stated that the majority of the refugees in the camps left Syria in the wake of the Qamishli events in 2004 and the subsequent protests against the Syrian government's policy against the Kurdish population. The government randomly arrested or killed people during those events, regardless of whether or not they actually participated in them. It was added that most of the persons living in the camp had participated in the demonstrations and were therefore deprived of all job opportunities by the authorities.

According to Salah Badruddin, Head of the Kurdish Kawa Cultural Society, Erbil, Head of the Kurds-Arabs Friendship Association and Founder of the Kurdish Popular Union Party of Syria, there are both political and economic reasons behind the immigration of Syrian Kurds to KRI in recent years. As regards economic reasons, the source mentioned the combination of drought in the Kurdish inhabited areas in Syria on the one hand and booming economy and increasing demand for workforce in KRI on the other as the main economic factors.

Salah Badruddin stated that although the economic effects of the drought still plays the major role concerning the large number of Syrian Kurds seeking asylum in KRI the increasing political pressure from the Syrian government on the Kurdish population since 2004 can also be pointed to as an important factor. Cracking down on demonstrations, arbitrary disturbing and attacking cultural activities like Nowruz, killing and torturing of young men, women and students, kidnapping and disappearance of activists, banning of participants in cultural and political activities from employment in the public sector are all signs of increasing pressure on Kurds since 2004 which has made many Kurds to flee the country.

A prominent Kurdish political leader (2) pointed out that only few Kurds want to migrate to the Kurdistan Region of Iraq where the employment opportunities are few. Instead Kurds would opt to migrate to Europe where they would learn the language and find better work opportunities. The racial politics of the current Syrian regime is one of the main reasons for Kurds' emigration out of Syria.

Asked about the reasons why many Syrian Kurds migrate to Europe instead of the KRI a representative of a humanitarian organisation in KRI stated that since many Syrian Kurds do not have the skills and education necessary to compete on the labour market in the KRI, they are inclined to leave for Europe. In addition to that the better living conditions in Europe further motivate refugees to leave for Europe.