

Query response a-6814 of 9 July 2009

Syria: treatment of former members of the Iraqi Ba'ath party on return to Syria; treatment of children of political opponents of the regime on return after exile

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This response was prepared after researching publicly accessible information currently available to ACCORD within time constraints and in accordance with ACCORD's methodological standards and the *Common EU Guidelines for processing Country of Origin Information (COI)*.

This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status, asylum or other form of international protection.

Please read in full all documents referred to.

Non-English language information is comprehensively summarised in English. Original language quotations are provided for reference.

Among the sources consulted by ACCORD within time constraints no specific information could be found on the treatment of children of political regime opponents or of former members of the Iraqi Ba'ath party on return to Syria. The following information refers to the treatment of Syrians on return in general, and especially to returnees from Iraq:

The US Department of State (USDOS) states in its Country Report on Human Rights Practices published in February 2009 that the government routinely arrested both dissidents and former citizens with no known political affiliation who tried to return to the country after years or even decades in exile:

"The law provides for the prosecution of any person who attempts to seek refuge in another country to escape a penalty in Syria. Persons who have unsuccessfully sought asylum in other countries and who have past connections with the MB [Muslim Brotherhood] have been prosecuted upon their return to Syria. The government routinely arrested both dissidents and former citizens with no known political affiliation who tried to return to the country after years or even decades in exile." (USDOS, 25 February 2009, Section 2.d)

In its Annual Report on Human Rights Status in Syria published in January 2009, the Syrian Human Rights Committee (SHRC) refers to Syrians in exile in connection with law 49 (regulating the ban of the Muslim Brotherhood):

"Tens of thousands of Syrians have been forced to live in exile in neighbouring and foreign countries to escape persecution and law 49/1980. Up to three generations of some Syrian families could be living in exile under very grim living conditions, the alternative being¹

returning to Syria and facing trial and law 49/1980. Life has become increasingly difficult for Syrians living in neighbouring countries. Many of those living in Iraq have been persecuted by US and Iraqi forces or died at the hands of sectarian militias simply because they were Syrian. As a result, most have been forced to leave Iraq. Those who had returned to Syria were arrested on arrival and put on trial in accordance with law 49/1980. The families that headed to Yemen are surviving under very hard conditions. All this misery is compounded by the difficulty of attaining residency in any country. A large number of Syrians in exile have not been able to obtain passports for themselves and their family members, especially those in Baghdad, because Syrian embassies have very strict conditions that are almost impossible to meet. The year 2008 witnessed the deportation of a large number of Syrians living in exile in neighbouring countries. Tougher restrictions have made it increasingly difficult for them to obtain residency in those countries. Many have lost their jobs as a result while others are seriously considering leaving but have nowhere to go. It is believed the Syrian regime has had a hand in creating those insufferable conditions for Syrians abroad. The summer vacation introduced a different kind of suffering. Many women and children who could visit Syria were subjected to unprecedented sessions of interrogation. In addition to being stopped at border checks, many were ordered to local security and intelligence offices in their provinces. There, they were subjected to fresh rounds of interrogation to force them to divulge information about a husband, a son or a brother. Some were issued permits to leave the country while others were not." (SHRC, January 2009, p. 16-17)

"The Syrian Human Rights Committee has documented the cases of hundreds of Syrian women who were prevented from leaving the country at the end of the summer vacation to return and join their husbands in neighbouring and Gulf countries. Most of these women are the wives of Syrian men forced to live in exile." (SHRC, January 2009, p. 41)

An article published by United Press International (UPI) on 9 January 2007 quotes the group "Syrian Human Rights Monitor" saying that the Syrian regime refuses to heed appeals to issue an amnesty for Syrian refugees in Iraq which would allow them to return:

„A London-based Syrian human rights group is blaming the Syrian regime for the abuse and murder of scores of Syrian refugees in Iraq. The Syrian Human Rights Monitor said in a statement Tuesday the reason why many Syrians in Iraq have been killed by death squads and others thrown in prisons in Baghdad is because the Damascus regime refuses to heed appeals to issue an amnesty for Syrian refugees in Iraq. The group again called on President Bashar Assad to quickly issue an amnesty and allow them to return to their homes "because their conditions have reached a crucial and dangerous point that threatens their entire existence." It added that Iraqi "death squads" Tuesday arrested several prominent Syrian dissidents in central Baghdad, including the head of the opposition Syrian Committee for Democratic Action, Mohammad Bakour, who also heads the Syrian refugees' affairs in Iraq. The group said these people "have nothing to do with armed activities," and that their arrest was linked to Bakour's statements last week that eight Syrian refugees were killed by death squads in Baghdad. The rights organization also appealed to the U.N. High Commission for Refugees and international rights groups to carry out their moral responsibilities towards the Syrian refugees in Iraq by pressuring the

"concerned parties to find quick solutions before more innocent people fall." Dozens of Syrian families sought refuge in neighboring Iraq after the Baath Party split into two rival groups in 1966, just as many Iraqis sought asylum in Syria, where the Baathists continue to rule today. The Baath Party in Iraq collapsed with Saddam Hussein's regime in April 2003, less than a month after U.S.-led forces invaded the country. The targeting of Syrian refugees in Iraq today is widely seen as acts of vengeance against former regime supporters." (UPI, 9 January 2007)

The same day, the Syrian Human Rights Committee (SHRC) blamed the Syrian regime for the detention of Syrian citizens in Iraq because they deny them the right of return to Syria:

"The Syrian Human Rights Committee learnt from closely related sources that a new wave of arrests took place among the deported Syrians living in Baghdad for decades. SHRC also learnt that armed people in Iraqi military uniforms unjustifiably arrested the secretary general of the Syrian Committee for Democratic Action, lawyer Mohammed Ahmad Bakkour, Mr. Mohammed Badawi, Dr. Ibrahim Ahmad Jarkas and Mr. Othman Basbaseh on the morning of (9/1/2007). SHRC urgently appeals to the Iraqi authorities to intervene and immediately release the four mentioned Syrian citizens as well as all Syrians detained in the Interior Ministry and American prisons. SHRC repeats that the Syrian regime is to blame for this ongoing tragedy because of its denying them the right of peaceful return to Syria. Finally, SHRC appeals again to all human rights organisations including the UN High Commission of refugees and the UN human rights council to carry out an immediate action to provide the Syrian families living in Iraq with alternative safe havens before it is too late." (SHRC, 9 January 2007)

Two years earlier, the SHRC had also issued a statement concerning Syrian refugees living in Iraq from the late 1970s and early 1980s. SHRC appealed to UNHCR to offer protection to Syrian refugees who might be in danger of being arrested and tortured in case of being deported to Syria:

"SHRC has learnt from closely related sources that the Syrian refugees living in Iraq as such from late 1970s and early 1980s are caught in imminent dangers at present. Forces from Iraqi police raided the office of the licensed Al-Fayha society for social welfare on Monday 29/11/2004 and arrested all the people present at that time. They are Mohammad Amin Al-Haffar, Ahmad Mohammad Darwich, Ahmad Hussein Al-Kaba'a, Mohammad Ayach Mohammad, Amer Mustafa Ji'an, Abdulwahab Mohammad Sankari, Abdulla Saleem Jolaque, Ahmad Ibrahim Al-Shatti, Hamad Saleh Al-Ojail, Mohammad Dhia-uddin Assaf, Mustafa Ahmad Modlej (70 years) and Yaser Nafi Al-Sayel. SHRC has learnt that the above mentioned are being held at the criminal security in the Interior Ministry. During mid-November 2004, the Iraqi Police and the American troops arrested Mohammad Abdul-Ghani Al-Najjar and Hasan Obeid Shasho. SHRC has learnt that they are currently being held at Baghdad Airport Prison.

Iraqi Police arrested at the end of October 2004 three students from their residence. They are Mos'ab Mohammad Al-Khalaf, Mohammad Chamsi Haj Bakeer and Mo'ayad Mohammad Ali Sawan. SHRC has learnt that they are being held at Um Kassr prison. Five

months ago, Iraqi Police arrested Abdul Hakeem Issa Tweyesh, and whose fate or whereabouts are not known.

Families of the first 12 persons mentioned above visited authorised officials at the Interior Ministry to ask about them, and they have been promised that they will be released soon as there is nothing against them. But in a serious development, SHRC has learnt that the said detainees have been moved to the Deportation Section at the Ministry. Informed sources told SHRC that they are about to be removed to Syria at any time. This means they will be arrested, subjected to torture and prosecuted pursuant to Law 49/1980 which condemns to death mere affiliation or having sympathy with the Muslim Brotherhood Movement.

SHRC requests the Interim Iraqi Government to stop all serious deportation arrangements against the said group, to immediately release them and offer them protection pursuant to the International treaties relating to refugees and those who have been forcibly deported. SHRC would like also to refer this issue to the UN High Commission of Refugees concerning the risky and serious situation of this Syrian group who have been residing in Iraq as refugees for over quarter of a century. It is worth mentioning that SHRC has been in touch with UNHCR in Geneva in the aftermath of appeals sent by Syrians living in Iraq, and following the interruption between the group and UNHCR after the bombing of UN headquarters in Baghdad. Therefore, SHRC appeals again to UNHCR to act quickly to offer protection to those refugees who are exposed at present at least to two dangers: The possibility of being arrested by the Iraqi Police for being Syrians and the possibility of being arrested and tortured in case of being deported to Syria. Some 200 persons of this sizeable group were arrested upon their voluntary return fleeing the war in the spring of 2003; most of them are still being held in Syrian prisons. SHRC also appeals to all Human Rights Organisations to immediately act to stop the arrangements of removing the above mentioned to Syria, to immediately release them to offer them protection and to stop all sorts of harassments against them." (SHRC, 5 January 2005)

An article published by the Integrated Regional Information Network (IRIN) in January 2004 quotes a Syrian refugee in Iraq who says that many of his Syrian neighbours chose to leave Iraq after the war and were detained by the Syrian authorities on return:

"Syrian refugees in Iraq are facing tough times following the fall of Saddam Hussein's regime. Mahmoud Abdalla has lived in Iraq since 1968 after being forced to flee Syria in fear of persecution, but now he says he feels like he is being persecuted in Iraq, due to resentment from local people. "We face a lot of threats from different political parties. I was imprisoned last month for three weeks because of false reports being made against me as a Saddam loyalist," Abdalla told IRIN in Baghdad. He explained that Iraqis viewed the Syrians as supporters of the former regime because they received support from the deposed leader as did Palestinian refugees. Under Saddam, Syrian exiles were provided with ID cards, flats and a small monthly allowance. They were able to work and earn small amounts of cash, but now many are frightened and are living in misery. He added that many of his Syrian neighbours chose to leave Iraq after the war and head to Syria. "They are now detained by the Syrian authorities," he claimed. The privileges that the refugees

enjoyed created resentment among many Iraqis. The Syrians are now barricading themselves indoors by installing iron doors at the entrance of their homes and some have even been evicted.." (IRIN, 29 January 2004)

Two sources report on the return of Former Syrian President Amin al-Hafez in 2003 after his exile in Iraq. ArabicNews.com reports in November 2003 that al-Hafez was received in Damascus, although the Syrian authorities had prevented him to get into the country with other Syrian asylum seekers in April 2003:

"Former Syrian President Amin al-Hafez (83 year old) returned back to Syria after 36 years he spent in exile, mostly in Iraq. The director of al-Hafez office during his presidency in Syria, Nunzir al-Mousilli, said that the current President is currently at the house of his family in al-Bayyadah quarters in Aleppo, west Syria. Al-Mousilli said that al-Hafez arrived in Damascus from Iraq through the Syrian- Iraqi borders and "he was received appropriately in a notable welcome." He indicated that al-Hafez's return comes in the course of the decisions taken by the Syrian government "to open the doors before most Syrians abroad on the ground of the policy of openness and deepening national unity in the country to withstand risks." Al-Mousilli, a former member in the Syrian parliament said that al-Hafez enjoys "good health and that he is married and has six children living in the USA." Following a coupe held in 1966 by the leftist wing of the Baath party at the party's national leadership, al-Hafez resorted to Lebanon and then to Iraq after the Baath party there assumed Power in Baghdad. In 1971 he was sentenced to death in Syria. In April this year after the collapse of the Iraqi regime, al-Hafez tried to return back to Syria through the Iraqi- Syrian forces but the Syrian authorities prevented him to get into the country with other Syrian (asylum seekers.)." (ArabicNews.com, 11 November 2003)

The Arabic weekly Al-Ahram also mentions that ex- president Amin Al-Hafez returned to Syria in 2003:

"The man who crushed Alwan's rebellion in 1963, ex- president Amin Al-Hafez, was himself arrested, then released, sentenced to death, then exiled in 1967. He returned in 2003, having spent two decades in Saddam Hussein's Iraq. He now lives in his native Aleppo and receives a government pension despite critical views of the current regime, expressed in an interview with Al-Jazeera TV in 2001." (Al-Ahram, 12 - 18 May 2005)

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