



## Syrian Arab Republic

### Submission to the UN Universal Periodic Review 26<sup>th</sup> Session of the UPR Working Group

Submitted 24 March 2016

Joint submission by CIVICUS: World Alliance for Citizen Participation, and the  
Syrian Center for Media and Freedom of Expression - NGOs in General  
Consultative Status with ECOSOC

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## 1. (A) Introduction

- CIVICUS: World Alliance for Citizen Participation is an international movement with over 3,000 members in more than 170 countries worldwide. Established in 1993, CIVICUS nurtures the foundation, growth and protection of citizen action throughout the world, especially in areas where participatory democracy and citizens' freedom of association are threatened.
- The Syrian Center for Media and Freedom of Expression (SCM) is a Syrian civil society organisation established in 2004 to promote the right to free expression and defend journalists and the media against attack. CIVICUS and SCM have consultative status at the Economic and Social Council at the United Nations.
- In this document, CIVICUS and SCM outline shared concerns related to the environment in which civil society organisations, activists, journalists and others operate in the Syrian Arab Republic (Syria), and highlight threats faced by them in the exercise of the rights to freedom of association, expression and peaceful assembly.
- CIVICUS and SCM recognise that the conflict in Syria has its roots in significant violations of civic space committed by the authorities in the years preceding and during the peaceful citizen uprising of 2011, and that those violations have become more serious and more widespread in the years since. We call on all parties to this conflict to acknowledge that it is only through ensuring full respect for citizens' basic rights to freely associate, express dissent and assemble peacefully will Syrians find a path to securing a sustainable peace. We strongly condemn the widespread human rights violations carried out during the conflict and call for all sides to immediately respect Syrians' fundamental rights to freedom of association, peaceful assembly and expression by adhering fully to basic human rights principles enshrined in international treaties to which Syria is a party.
- CIVICUS and SCM acknowledge the courageous work of Syrian human rights defenders, including human rights activists, medical personnel, journalists and humanitarian workers, who, despite the huge risks involved, continue to operate on the ground in Syria, documenting violations, saving lives, providing vital relief to the neediest and advocating for a peaceful resolution of the conflict. We salute their bravery, commend their spirit in the face of terrible dangers, and support their firmly-held belief that a better future for all Syrians will come about through respect on all sides for universally-accepted human rights principles.
- CIVICUS and SCM call on all sides to the conflict to respect the work of these peaceful, non-partisan CSOs and citizen activists who continue to be unlawfully

detained, violently attacked, forcibly disappeared, tortured and executed. We call on the Syrian Government and all armed groups to immediately stop attacks targeting the civilian population particularly activists, journalists, lawyers, medical personnel and humanitarian workers.

- CIVICUS and SCM call on the United Nations and the international community to support these efforts by taking practical measures to implement repeated recommendations made by the Independent International Commission of Inquiry on the Syrian Arab Republic in order to ensure that the Syrian Government meets its commitments under international law to put an immediate end to the widespread and systematic human rights abuses taking place in Syria.<sup>1</sup>
  - In Section B, CIVICUS and SCM highlight concerns related to the freedom of association and restrictions on civil society activities.
  - In Section C, CIVICUS and SCM express concerns involving harassment and arbitrary detention of human rights defenders.
  - In Section D, CIVICUS and SCM highlight concerns relating to the freedom of expression, independence of the media and restrictions on access to information.
  - In Section E, CIVICUS and SCM highlight concerns regarding the freedom of peaceful assembly.
  - In Section F, CIVICUS and SCM make a number of recommendations to address the concerns listed.

## **2. (B) Restrictions on freedom of association and impediments to civil society activities**

- Article 10 of the Syrian Constitution (as amended in 2012) states that ‘associations shall be bodies that group citizens in order to develop society and attain the interests of its members. The State shall guarantee the independence of these bodies and the right to exercise public control and participation in various sectors and councils defined in laws’. Article 45 provides for the freedom of associations to be formed ‘on a national basis, for lawful purposes and by peaceful means which are guaranteed in accordance with the terms and conditions prescribed by law.’<sup>2</sup> Syria also has an obligation under international law to protect the freedom of association, through Article 22 of the International Covenant on Civil and Political Rights, to which Syria is a State Party.<sup>3</sup>

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<sup>1</sup> All of the Commission’s reports can be found here:

<http://www.ohchr.org/EN/HRBodies/HRC/IIICISyria/Pages/Documentation.aspx>. Accessed 18<sup>th</sup> March, 2016.

<sup>2</sup> From an English version of the Syrian constitution sourced on the online library of the International Centre for Not-for-profit Law (ICNL): <http://www.icnl.org/research/library/files/Syria/Constitution2012.pdf>. Accessed 30th January, 2016.

<sup>3</sup> Full text of the ICCPR can be accessed here: <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> Accessed 22nd February, 2016.

- Rules governing the formation and operation of associations in Syria are codified in Law 93 on Associations and Private Institutions Law 1958 and subsequent implementing regulations, ministerial decisions and amendments.<sup>4</sup> The law grants full authority to the government to decide if an association can be registered or not, and the government can decide to deregister an organisation if the Ministry of Social Affairs and Labour decides that it could harm ‘public morals’ or if the Ministry ‘sees that there is no need for the services provided by the association’.<sup>5</sup> Article 21 prohibits the receipt of foreign funding without prior permission from the government. A 1971 Fundraising Regulation (issued under resolution No. 1347 of 30/12/1971) states that associations wishing to raise funds (even domestically) should obtain permission to do so from the Ministry of Social Affairs and Labor.<sup>6</sup> Article 23 of the 1958 Law grants the government the power to have its representative present at annual general meetings and Article 26(2) provides that the government can nominate a person to sit on the board of any association.
- In practice, the government has used the wide discretion granted to it by the 1958 law to completely deny Syrian citizens the right to freedom of association. As a result, today, independent associations are unable to operate without the explicit permission of the government. Consequently, the only associations that are formally established, and which receive the protection of the law, represent an extension of the state itself. Countless others, which provide critical services in the midst of the conflict are forced to operate clandestinely, and with the threat of sanction, rather than the support of the state, behind them.
- The handful of organisations which courageously continue to champion human rights and document human rights abuses either take enormous risks within Syria, or operate from bases in neighbouring countries, where they also face risks to their personal safety and impediments to implementing their activities. Civil society organisations operating in areas of the country controlled by government forces have virtually no freedom in which to operate – their basic freedoms to organise having been denied for decades before the current conflict. In areas of the country controlled by the Syrian opposition (excluding areas controlled by Islamist groups) civil society organisations have relatively more scope in which to operate, however their role is largely limited to mitigating the effects of the conflict.<sup>7</sup>

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<sup>4</sup> Also sourced on the ICNL library: <http://www.icnl.org/research/library/files/Syria/93-1958-En.pdf>. Accessed 30th January, 2016.

<sup>5</sup> See Articles 9-11 and Article 36.4 and 36.7 of the 1958 Law.

<sup>6</sup> See Article (4) of the 1971 Regulation on Fundraising.

<sup>7</sup> For more on the conditions faced by CSOs in different parts of the country, see an interview with Mansour Omari from the Syrian Centre for Media and Freedom of Expression in Year in Review section of the State of Civic Society Report 2015, pp. 11-13: <http://www.civicus.org/images/SOCS2015YearInReviewFinal.pdf>. Accessed 22<sup>nd</sup> February, 2016.

- Air and ground strikes have targeted civil society organisations, foreign and domestic alike. While indiscriminate attacks on populated areas have so far resulted in tens of thousands of civilian casualties<sup>8</sup>, civil society organisations providing support to those communities have also been targeted in airstrikes by the Syrian Government, its affiliated militias and its international allies. Recent examples of such attacks include the bombing in November 2015 of a bakery run by a Turkish nongovernmental organisation in Idlib.<sup>9</sup> In February, 2016, Médecins Sans Frontières reported that, in 2015, 94 of its facilities had been hit in aerial or shelling attacks.<sup>10</sup>
- Women in Syria have had their right to freely associate either severely curtailed or completely denied. Civil society groups advancing the causes of women in Syria since the 1940s, have continued to campaign and organise in increasingly desperate circumstances throughout the conflict.<sup>11</sup> Women's rights are routinely abused across Syria, including areas controlled by the Islamic State and other Islamist groups, where restrictions on fundamental freedoms have been most rigidly applied to women.

### 3. (C) Concerns involving of human rights defenders and civil society activists

- Article 53 of the Syrian Constitution guarantees that a person cannot be arrested without the involvement of a competent judicial body, that 'no one may be tortured or treated in a humiliating manner' and that detainees have the right to be told why they have been arrested.<sup>12</sup> Article 12 of the UN Declaration on Human Rights Defenders mandates States to take necessary measures to ensure protection of human rights defenders, while the International Covenant on Civil and Political Rights guarantees their freedoms of expression, association and peaceful assembly.<sup>13</sup> Syria is also state party to the United Nations Convention

<sup>8</sup> The website of the Violations Documenting Centre, an independent civil society group, reports that 93,105 civilians were killed since the beginning of 2011: <http://www.vdc-sy.info/index.php/en/> Accessed 22<sup>nd</sup> February, 2016.

<sup>9</sup> Reported by several sources: <http://www.aljazeera.com/news/2015/11/turkish-group-russians-targeted-bakery-syria-151130060654874.html>, <http://thinkpol.ca/2015/11/29/russian-airstrikes-destroys-turkish-ngos-bakery-that-feeds-50000-people-daily-in-syria-video-footage-alleges/>, <http://www.dailysabah.com/nation/2015/11/29/russian-airstrikes-hit-turkish-aid-agency-ihhs-bread-bakery-in-syrias-idlib>, <http://www.ibtimes.co.uk/russia-bombs-turkish-aid-agencys-bakery-syrias-idlib-province-1531069>. Accessed 22<sup>nd</sup> February, 2016.

<sup>10</sup> 'MSF President: "Syria is a Kill Box"', 18<sup>th</sup> February, 2016: <http://www.msf.org.uk/article/msf-president-syria-is-a-kill-box> Accessed 22<sup>nd</sup> February, 2016.

<sup>11</sup> Here is an interview in 2013 Rajaa Altalli, co-founder and Public Relations Director from the [Center for Civil Society and Democracy in Syria](#) (CCSDS) about the impacts of Syria's humanitarian crisis on women: <http://news.trust.org/item/20130705155822-kqita/>. Accessed 18<sup>th</sup> March, 2016.

<sup>12</sup> See the English text of the constitution here, courtesy of ICNL: <http://www.icnl.org/research/library/files/Syria/Constitution2012.pdf>. Accessed on 30<sup>th</sup> January, 2016.

<sup>13</sup> Full text of the UN Declaration on Human Rights Defenders here: <http://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>. Accessed 18<sup>th</sup> March, 2016.

against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 2 of which makes clear that ‘No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture’.<sup>14</sup>

- Despite these clear domestic and international legal prohibitions, individuals, including activists and civil society workers in the custody of the Syrian security forces face unlawful arrest, enforced disappearance, inhumane prison conditions, cruelty, torture and death in detention.<sup>15</sup> A 2015 report by Human Rights Watch, which is based largely on a review of photographic evidence of tens of thousands of victims’ bodies, describes the terrible starvation, overcrowding, disease and abuse faced by civilian detainees. Methods of torture used on the victims in these photographs include ‘suspending detainees by their wrists for hours or days; beating detainees on their heads or chests with PVC pipes, whipping with steel cables, electrocution, and burning.’<sup>16</sup> An earlier report had documented the geographical dispersal of torture sites in Syria, confirming that these practices were not confined to one part of the security forces, but a regime-wide policy.<sup>17</sup>
- This brutal treatment of thousands of civilians, including human right defenders, is confirmed in a February 2016 report from the United Nations, ‘Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic.’<sup>18</sup> The report confirms that, due to ‘massive and systematized violence’, thousands have died in detention, their bodies buried in mass graves.<sup>19</sup> The authorities in Syria have done this by blatantly violating well-established principles of domestic and international law, which outlaw arbitrary arrest, denial of legal representation, secret trials, the use of military courts on a civilian population and execution without due process.
- Many violations of the right to a fair trial and due process take place through Military Field Courts, which are used by the authorities to impose death sentences

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<sup>14</sup> Full text of the convention here: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>. Accessed on 8<sup>th</sup> February, 2016. Syria is also party to the International Covenant on Civil and Political Rights (ICCPR) and the Arab Charter on Human Rights, both of which also contain prohibitions on the use of torture and other forms of ill treatment.

<sup>15</sup> An August 2015 report from the Syrian Network for Human Rights (SN4HR) documents the names of 58,148 civilians subjected to enforced disappearance between March 2011 and August 2015: [http://sn4hr.org/wp-content/pdf/english/Dahaya-EUROMID\\_en.pdf](http://sn4hr.org/wp-content/pdf/english/Dahaya-EUROMID_en.pdf). Accessed 22<sup>nd</sup> February, 2016.

<sup>16</sup> Human Rights Watch, ‘If the dead could speak – mass deaths and torture in Syria’s detention facilities’, 2015, at p.9. Available here: <https://www.hrw.org/report/2015/12/16/if-dead-could-speak/mass-deaths-and-torture-syrias-detention-facilities>. Accessed 8<sup>th</sup> February, 2016.

<sup>17</sup> Human Rights Watch, ‘Torture Archipelago - Arbitrary Arrests, Torture, and Enforced Disappearances in Syria’s Underground Prisons since March 2011’, Available here: <https://www.hrw.org/report/2012/07/03/torture-archipelago/arbitrary-arrests-torture-and-enforced-disappearances-syrias> Accessed 22<sup>nd</sup> February, 2016.

<sup>18</sup> Report A/HRC/31/CRP.1 from 3<sup>rd</sup> February, 2016 Available at [http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-31-CRP1\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/A-HRC-31-CRP1_en.pdf). Accessed 22<sup>nd</sup> February, 2016.

<sup>19</sup> Ibid., paragraphs 52, 56, and 93 of the report reference findings on the use of mass graves.

on civilian detainees. These processes take place in secret, accused persons are not provided legal representation and they are unable to mount any defence to the charges against them. While in many cases it is unclear what laws are used to charge detainees, Article 8 of the widely-criticised anti-terrorism legislation introduced in 2012 has been used widely to impose severe sentences for innocuous activities, including 'distributing written materials or information'.<sup>20</sup> Nor is there any public record of these Military Field Court sessions, obscuring the true scale of executions officially sanctioned through these processes.

- While these tactics have been used on a huge scale to instill fear into the civilian population, the Syrian authorities have also used these unlawful tactics to target specific categories of human rights defenders including civil society activists, journalists, lawyers and medical personnel.
- Many civil society activists and organisations, who were at the centre of peaceful efforts to denounce Syria's brutal dictatorship in 2011, have either been forcibly disappeared, killed or forced into exile since the start of the armed conflict. Those that remain in Syria take enormous risks on a daily basis to carry out vital work, which includes documenting human rights abuses, providing legal support to victims of unlawful detention and their families, sending impartial reports on the situation to the outside world and otherwise providing vital front line support to local communities affected by the war.
- As of the end of 2016, many prominent human rights defenders including Khalil Ma'touq, Bassel Khartabil, Mohamed Zaza, Hussein 'Essou, Yahia Al Sharbaji, Samar Kokash, Zaki Kordillo and his son Mehyar and Ibrahim Hajji Al Halabi remained unlawfully detained or disappeared – their whereabouts unknown to even their own families.<sup>21</sup> They were all detained clearly because of their work to promote human rights or defend the rights of the most vulnerable people in Syria's conflict.
- Individual lawyers, doctors and journalists also play a vital role in the defence of human rights in war-torn Syria. Their work on a daily basis to seek the release of detainees or disappeared people<sup>22</sup>, to treat people wounded by indiscriminate

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<sup>20</sup> See reference to this in Paragraphs 149-151 of the 10<sup>th</sup> Report of the Independent International Commission on Syria, here:

<http://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/IndependentInternationalCommission.aspx>

Accessed 18th March, 2016.

<sup>21</sup> The website of the Free Syria's Silenced Voices campaign provides information on Syrian activists' arrest and detention or disappearance. Khalil Ma'touq and Mohamed Zaza: <http://free-syrian-voices.org/joint-statement-urging-release-of-human-rights-lawyer-khalil-matouq/> Bassel Khartabil: <http://free-syrian-voices.org/bassel-khartabil/> Yahya Shubaji: <http://free-syrian-voices.org/abd-al-hadi-cheikh-awad-2/> Hussein 'Essou: <http://free-syrian-voices.org/hussein-essou/>, Samar Kokash: <http://free-syrian-voices.org/samar-kokash/>, Zaki and Mehyar Kordillo:

[http://www.internationaleonline.org/research/real\\_democracy/20\\_syria\\_as\\_a\\_global\\_metaphor](http://www.internationaleonline.org/research/real_democracy/20_syria_as_a_global_metaphor) Ibrahim Hajji Al Halabi [http://www.ecoi.net/local\\_link/218515/325385\\_en.html](http://www.ecoi.net/local_link/218515/325385_en.html) Accessed 8<sup>th</sup> March, 2016.

<sup>22</sup> This recent article from a human rights lawyer in Syria documents the reality of this kind of work: <http://dchrs.org/english/news.php?id=1670&idC=3> Accessed 22<sup>nd</sup> February, 2016.



attacks on civilian population<sup>23</sup> and to report impartially on the conflict<sup>24</sup> makes them especially susceptible to targeting by the authorities.<sup>25</sup> CIVICUS and SCM are concerned that there appears to be no easing of the campaign to arrest and detain these activists. As fewer and fewer activists are able to operate on the ground in Syria, the level of risk that each of them is exposed to increases, making more urgent than even the need to put an end to the state's campaign of unlawful arrest and detention.

#### **4. (D) Concerns regarding freedom of expression, independence of the media, and restrictions on access to information**

- Syria has now become the most dangerous place on Earth to be a journalist. The Committee for the Protection of Journalists has documented 93 journalists who were killed as a direct result of their media work in Syria between 2011 and 2015. Many more have been killed in circumstances that researchers could not directly link to their work as journalists.<sup>26</sup> The United Nations has also repeatedly acknowledged and called for an end to the targeting of journalists in Syria.<sup>27</sup>
- Article 42(2) of the Syrian Constitution states that 'every citizen shall have the right to freely and openly express his views whether in writing or orally or by all other means of expression.'<sup>28</sup> Syria is also a state party to the International Covenant on Civil and Political Rights, Article 19 of which protects the right to hold opinions without interference. Article 20 of ICCPR also prohibits the use of propaganda for war.<sup>29</sup> Syria has also signed the Arab Charter on Human Rights, which protects the 'right to seek, receive and impart information and ideas

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<sup>23</sup> This Physicians for Human Rights monitoring project documented 705 medical personnel killed following strikes by the Syrian security forces between April 2011 and December 2015:

[https://s3.amazonaws.com/PHR\\_syria\\_map/web/index.html](https://s3.amazonaws.com/PHR_syria_map/web/index.html) Accessed 18th March, 2016.

<sup>24</sup> The Syrian Network for Human Rights (SN4HR) documented the deaths of 399 media personnel at the hands of the Syrian authorities between 2011 and 2015: <http://sn4hr.org/wp-content/pdf/english/In-the-Depth-of-the-Abyss.pdf> Accessed, 22<sup>nd</sup> February, 2016.

<sup>25</sup> This campaign website provides information on the cases of dozens of doctors, lawyers and journalists detained, disappeared and killed in Syria: <http://free-syrian-voices.org/> Accessed 22<sup>nd</sup> February 2016.

<sup>26</sup> Committee for the Protection of Journalists, searchable database of journalists killed is available here: <https://cpj.org/killed/2015/> Accessed 22<sup>nd</sup> February, 2016.

<sup>27</sup> See, for example, this UNSC Resolution from December 2015:

[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2258%282015%29](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2258%282015%29). Accessed 18<sup>th</sup> March 2016.

<sup>28</sup> English translation of the Syrian constitution courtesy of ICNL here:

<http://www.icnl.org/research/library/files/Syria/Constitution2012.pdf>. Accessed 22<sup>nd</sup> February, 2016.

<sup>29</sup> Full text of the ICCPR can be accessed here: <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> Accessed 22<sup>nd</sup> February, 2016.



through any medium'.<sup>30</sup> The provisions of UN Security Council Resolution 2222 on the protection of journalists in 2015 also apply to Syria.<sup>31</sup>

- In addition, journalists are protected as civilians under international humanitarian law. UN Security Council Resolution 1738 on the safety of journalists in conflict situations, adopted in December 2006, condemns attacks on journalists in armed conflicts.<sup>32</sup> UN General Assembly Resolution 69/185 on the safety of journalists and the issue of impunity, adopted in December 2014, “condemns unequivocally all attacks and violence against journalists and media workers, such as torture, extrajudicial killings, enforced disappearances and arbitrary detention.”<sup>33</sup> It also urges “member States to do their utmost to prevent violence against journalists and media workers (...) and to bring the perpetrators of such crimes to justice.”
- Despite these international laws, resolutions and reports, journalists continue to face serious dangers in Syria and subjected to abuses with total impunity. The Syrian authorities have not taken any meaningful steps to ensure accountability for past and ongoing grave human rights violations. The failure to hold perpetrators responsible for these violations has only fuelled further atrocities by all sides.
- Many people in Syria – journalists and others – have paid with their life for attempting to express opinions, share ideas and access information. The Syrian Network for Human Rights documented the deaths of 399 media personnel at the hands of the Syrian authorities between 2011 and 2015.<sup>34</sup> Many more remain in prison or have been forcibly disappeared. These media personnel were subjected to the usual pattern of unlawful arrest, enforced disappearance, torture and death that have befallen so many individuals accused of ‘terrorism’ or plotting to destabilise the state and its regime. International journalists have also become victims.<sup>35</sup>
- Counter-Terrorism Law No.19 has been used by the Syrian State to justify widespread campaign of arrests and detention targeting civilians and activists, being described by the Violations Documentation Centre as a ‘tool for war

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<sup>30</sup> Arab Charter on Human Rights, Article 32(1): [http://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/Revised\\_Arab\\_Charter\\_Human\\_Rights\\_2014\\_EN.pdf](http://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/Revised_Arab_Charter_Human_Rights_2014_EN.pdf) Accessed 22nd February 2016.

<sup>31</sup> Text of the resolution here:

[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2222%282015%29](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2222%282015%29) Accessed 18<sup>th</sup> March, 2016.

<sup>32</sup> The full text of UNSC Resolution 1738 here: <http://unscr.com/en/resolutions/doc/1738> Accessed 8th March, 2016.

<sup>33</sup> The full text of UNGA Resolution 69/185 here:

[http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/69/185](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/69/185) Accessed 8th March, 2016.

<sup>34</sup> SN4HR report ‘In the depths of the abyss’ available here: <http://sn4hr.org/wp-content/pdf/english/In-the-Depth-of-the-Abyss.pdf> Accessed, 22<sup>nd</sup> February, 2016.

<sup>35</sup> In 2012 Marie Colvin and Remi Ochlik were killed in an airstrike while covering the conflict in Homs: <http://www.bbc.co.uk/news/world-middle-east-17124786>. Accessed 18<sup>th</sup> March, 2016.

crimes'.<sup>36</sup> Anti-terror provisions were used in 2012, when free-expression advocates Hussein Ghrer, Hani Al-Zaytani and Mazen Darwish were arrested at the Syrian Center for Media and Freedom of Expression in 2012. They were charged with “publicizing terrorist acts” and ‘promoting terrorist activities’ under article 8 of the law. The three were held in appalling conditions for over three years, before their release in 2015. Charges brought under the counter-terrorism law remain against all three, as well as the threat of further time in custody. The law also provides for the creation of a Counter-Terrorism court based in Damascus, which reportedly handled hundreds of cases per month.<sup>37</sup>

- The cases of television director Bilal Ahmad Bilal, software engineer and internet freedom advocate Bassel Khartabil, Nabil Shurbaji and citizen journalist Mohammed Abdel-Mawla Al-Hariri are emblematic of the government’s brutal repression of the right to free expression in Syria.<sup>38</sup>
- The effects of this campaign of violence on free expression are widespread self-censorship, the closure of most independent news sources in Syria and the imposition of propaganda designed to advance the violent causes of the Syrian government and other armed groups in the country. Although people in Syria can sometimes access news sources from outside the country, and they also communicate through the Internet, this remains a heavily censored and closely monitored medium, with many relying heavily on Internet proxies to access independent reporting on the situation inside Syria. Although social media sites like Facebook remain accessible in Syria, the Internet is being used by the government as a tool to track down activists and carry out mass surveillance over the Syrian population.<sup>39</sup>

## 5. (E) Concerns regarding freedom of peaceful assembly

- The Syrian Constitution, in Article 44, grants Syrian citizens the right to freely assemble and peacefully demonstrate.<sup>40</sup> The right to gather peacefully in public is also supported by Article 24(6) of the Arab Charter on Human Rights and Article

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<sup>36</sup> Special Report on Counter-Terrorism Law No. 19 and the Counter-Terrorism Court in Syria Counter-Terrorism Court: a Tool for War Crimes, Violations Documentation Center in Syria – VDC, April 2015: <http://www.vdc-sy.info/pdf/reports/1430186775-English.pdf>. Accessed 18<sup>th</sup> March, 2016.

<sup>37</sup> The Violations Documentation Centre reports that over 1,200 cases per month were handled by the court in 2014: <http://www.vdc-sy.info/index.php/en/reports/1430186775> Accessed 18th March, 2016.

<sup>38</sup> Brief summaries of these cases can be found at the following links: Bilal Ahmad Bilal: <http://free-syrian-voices.org/bilal-ahmad-bilal/>, Bassel Khartabil <http://free-syrian-voices.org/bassel-khartabil/>, Mohammed Adelmawla Al-Hariri <http://free-syrian-voices.org/mohammed-abdelmawla-al-hariri/>, Nabil Shurbaji <http://free-syrian-voices.org/nabil-shurbaji/>. Accessed 8<sup>th</sup> March, 2016.

<sup>39</sup> A report from 2014 documents the extent and nature of Internet censorship, filtering and surveillance by the Syrian state: <http://arxiv.org/pdf/1402.3401v2.pdf>. Accessed 22<sup>nd</sup> February, 2016.

<sup>40</sup> See note 20 above.

21 of the International Covenant on Civil and Political Rights, to which Syria is a State party.<sup>41</sup>

- When Syrian citizens attempted to exercise their right to peaceful assembly in order to communicate their unhappiness with the absence of democratic freedoms in 2011, they did so having endured decades of oppression under the Emergency Law introduced following the Ba'ath Party coup in 1963. The government reacted with force, precipitating a spiral of violence, which continues today despite the removal of the Emergency Law in April 2011. Despite this apparent concession to demonstrators, protest organisers were some of the first to be rounded up through illegal arrests and enforced disappearances, later brought up on spurious charges under the State of Emergency Law that included “weakening national sentiment” and “causing sectarian and racial strife”.<sup>42</sup>
- In today’s Syria, the right to freedom of peaceful assembly is all but completely denied. Activists describe conditions of enormous fear, in which any public gatherings, of even two or three people, are not tolerated. People attempting to gather publicly risk immediate arrest and disappearance at the hands of security forces. Even meetings in private houses carry huge risks for activists or ordinary citizens. The realities of war, and constant bombardment of some urban areas, has made gathering in public extremely dangerous.
- CIVICUS and SCM welcome international efforts that brought about a ceasefire agreement in late February, 2016. While violations of the ceasefire agreement by the Syrian government continued on a daily bases up to the time of writing, the ceasefire has resulted in a reduction in the number of airstrikes on civilian areas.<sup>43</sup> This provided a rare opportunity for Syrians to exercise their freedom to gather in public, as peaceful assemblies took place in a number of places in early March.<sup>44</sup> CIVICUS commends this demonstration of the value of peaceful citizen mobilisation and the commitment of Syrians to nonviolence even after enduring five years of armed conflict.

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<sup>41</sup> See notes 21 and 22 above for links to these texts. See here for status of Syria’s ratification of international treaties: <http://indicators.ohchr.org/>. Accessed 18<sup>th</sup> March, 2016.

<sup>42</sup> This urgent action release from Amnesty International describes one wave of the arrests of protestors in mid 2011: <https://www.amnesty.org/en/documents/mde24/014/2011/en/> Accessed 22<sup>nd</sup> February, 2016.

<sup>43</sup> This civil society monitoring website provides updates on reports of violations of the ceasefire: <http://www.syriaceasefiremonitor.org/> Accessed 8<sup>th</sup> March, 2016.

<sup>44</sup> Reports of these demonstrations here: [http://www.nytimes.com/2016/03/05/world/middleeast/bashar-al-assad-protesters-syria-truce.html?\\_r=0](http://www.nytimes.com/2016/03/05/world/middleeast/bashar-al-assad-protesters-syria-truce.html?_r=0), here: <http://english.aawsat.com/2016/03/article55348172/syrian-opposition-protests-against-assad-after-ceasefire> and here: <http://www.usatoday.com/story/news/world/2016/03/04/syria-cease-fire-anti-bashar-assad-protests/81320460/>. Accessed 8<sup>th</sup> March, 2016.

## 6. (F) Recommendations to the Government of Syria

CIVICUS calls on the Government of the Syrian Arab Republic to live up to promises made during the last round of the UPR review, where it committed to initiate reforms that would see it becoming 'a model for democracy, with a multiparty system and full respect for human rights.'<sup>45</sup> The following specific recommendations are made:

- **Regarding restrictions on the freedom of association**
  - Attacks, including airstrikes, on the legitimate and peaceful activities of domestic and international civil society organisations in all parts of Syria should stop immediately. Offices, distribution centres, bakeries, schools and other buildings used by civil society organisations to carry out their work should no longer be targeted by the Syrian government.
  - Syrian and international civil society organisations should be granted special permits to operate freely within Syrian territory under the auspices of the United Nations. Damascus and all regional capitals should be declared green zones where these organisations and their staff are guaranteed protection and safety. This protection should also be extended to journalists and personnel of Syrian and international media organisations.
  - The Syrian state should adhere to its domestic and International legal obligations by ensuring that citizens have the right to form associations and operate them without interference from the state in pursuit of the full range of legitimate goals, including the promotion of democracy and human rights.
  - Law 93 on Associations and Private institutions should be repealed, to bring Syria's laws in line with its international commitments under the ICCPR and with the recommendations made by the UN Special Rapporteur on the Freedoms of Peaceful Assembly and of Association.<sup>46</sup>
  - Women's organisations in Syria should be protected and enabled by the state to associate in order to advance the rights of women, monitor the treatment of women by all sides in the conflict and provide essential services to women and girls in all parts of the country.

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<sup>45</sup> A/HRC/19/11, Report of the Working Group on the Universal Periodic Review – Syrian Arab Republic, 24<sup>th</sup> January, 2012, at para. 99.

<sup>46</sup> The Report of the UN Special Rapporteur on best practices in the sector can be found here: [report on Best Practices \(pages 19-22\) \[http://freeassembly.net/wp-content/uploads/2013/10/A-HRC-20-27\\\_en-annual-report-May-2012.pdf\]\(http://freeassembly.net/wp-content/uploads/2013/10/A-HRC-20-27\_en-annual-report-May-2012.pdf\)](http://freeassembly.net/wp-content/uploads/2013/10/A-HRC-20-27_en-annual-report-May-2012.pdf). See pages 19-22 for a summary of his recommendations. Accessed 21<sup>st</sup> March, 2015.

- **Regarding the treatment of human rights defenders and civil society activists**
  - The government, its international allies and affiliated militias should immediately cease indiscriminate attacks upon civilians, civil society activists, journalists, human rights lawyers, doctors and humanitarian workers and release all of those arbitrarily detained or detained simply because of their beliefs.
  - The Syrian security and intelligence services should put an immediate stop to their practice of putting civilians on trial in secret before Military Field Courts where the execution of so many has been ordered.
  - The Syrian government should immediately end the rampant torture and ill treatment taking place within its official, unofficial and secret detention centres across the country, including those located on military sites. Violations of international human rights law as documented by the United Nations and others should be recognised and immediate steps taken to improve the conditions of prisoners by providing access to health care, proper sanitation and food. The government should also ratify the Optional Protocol to the Convention against Torture (OPCAT), and invite the Sub-Committee of the OPCAT to visit and inspect Syria's places of detention.
  - The Syrian government should publish a list of all people, including human rights defenders, medical personnel, journalists, lawyers and others who have died in unlawful detention and a list of those that have been unlawfully arrested and remain in detention. Those lists should provide details of the reasons for their arrest and the exact location of their detention.
  - The government should immediately grant the International Committee of the Red Cross unfettered access to all detention sites **without prior notification** so that victims of unlawful detention and disappearance can be located and receive medical treatment, legal representation and other support as necessary. The government should deliver the deceased's bodies to their families, so that they can receive decent funerals and burials.
  - As recommended by others during the last Universal Periodic Review of Syria, the government, working together with the international community, Syrian civil society organisations and the families of victims should establish an independent national body tasked with uncovering the truth about the fate of the thousands of disappeared people, including activists, in Syria. The body should also be given sufficient powers to ensure that those responsible for war crimes and crimes against humanity be brought to justice and held accountable for their actions.
  - The government should suspend all arrest warrants and travel ban orders issued by the Damascus Counterterrorism Court, National Security Bureau and all

security agencies against political dissidents, social actors and civilian activists, and should guarantee freedom of political and peaceful civilian activity.

- The government should unconditionally release all those who are currently arbitrarily detained because they are human rights defenders, because of their peaceful political activism, because they are journalists or have otherwise worked with the media, or because they have provided civilians with humanitarian or medical support.
- The government should not use the expansive powers of the country's Anti-Terrorism Law to detain and prosecute individuals as a result of their peaceful activism, promotion and protection of human rights or humanitarian or media work; and to ensure that any prosecutions are only for internationally recognisable criminal acts in proceedings which comply with international fair trial standards.
- **Regarding freedom of expression, independence of the media, and restrictions on access to information**
  - The Syrian government should put an immediate halt to its attacks against independent journalists and the media, including assassinations, physical attacks, enforced disappearances and torture.
  - The Syrian government should also broadly respect the right to free expression by refraining from the use of criminal defamation charges and spreading false news designed to mislead members of the public.
  - The Syrian government should allow access for foreign journalists to operate without restrictions, preconditions or differentiation.
  - The Syrian government should refrain from collaborating with companies and governments of other UN Member states to obtain products, services, training and technical assistance designed to further its capability to conduct mass surveillance of citizens, as well as targeted tracking and interception of communications of human rights defenders. Technologies that are highly likely to be used to commit human rights violations should not be sold to the Syrian government.
- **Regarding restrictions on freedom of peaceful assembly**
  - The Syrian government should accept that all Syrians have the right to gather peacefully in public to express collective views and positions, including those related to political issues and the future direction of the country. During a transition to peace in Syria, and for the process of transition to have any chance of success, the right to free, peaceful assembly should be fully respected and

protected.

- The Syrian government should adhere to the provisions of ceasefire agreements, and in particular refraining from conducting airstrikes which pose a direct and lethal threat to the right of free, peaceful assembly.
- The Syrian government should provide adequate training to security forces so that all future peaceful public gatherings are policed in a manner that ensures the safety of participants and adheres to international law and standards on freedom of peaceful assembly, including the UN Basic Principles on the Use of Force and Firearms.<sup>47</sup>
- Laws governing peaceful assemblies in Syria should be repealed to bring them into line with Syria's international legal commitments, including with the provisions of the ICCPR and recommendations made by the UN Special Rapporteur on the Freedoms of Peaceful Assembly and of Association.<sup>48</sup>
- **Regarding compliances with intergovernmental institutions, processes and expert bodies.**
- The government should cooperate with all internationally-mandated bodies focussed on bringing an end to the conflict in Syria and ensuring the safety of all Syrians, including humanitarian workers, civil society activists and civilians.
- The government should fully respect the terms and conditions of the internationally-brokered ceasefire agreement and work to ensure a successful outcome to negotiations led by the United Nations Special Envoy for Syria.
- The government should respect the mandate of the Independent International Commission of Inquiry on the Syrian Arab Republic by implementing their recommendations and facilitating their safe access to all areas of Syria, as repeatedly requested.
- The government should also cooperate fully with the UN Security Council, and the UN Human Rights Council to give effect to their repeated resolutions and recommendations aimed at bringing a peaceful end to the conflict in Syria.
- The government should extend an open invitation to all UN Special Rapporteurs

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<sup>47</sup> The text of the basic principles are available here:

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/UseOfForceAndFirearms.aspx>. Accessed 21<sup>st</sup> March, 2016.

<sup>48</sup> See footnote 49.



and Special Representatives to assist in the restoration of rights to the Syrian people.