



Submission to the UN Universal Periodic Review of the Republic of Syria

For consideration by the Office of the UN High Commissioner for Human Rights for submission to the 12th session of the Working Group on the UPR (3-14 October 2011), submitted by International Support Kurds in Syria Association – SKS.

International Support Kurds in Syria Association – SKS began in September 2009 and is based in UK. Our particular concern is that Kurds in Syria experience continuing, and increasing human rights abuses whilst living in their homelands, and at the same time, the doors of the international community are opening to the Syrian Government. We aim to work in collaboration with individuals and organisations to bring about improvement for Kurds in Syria until they have their basic human rights.

SKS submission to the UN universal periodic review of the Republic of Syria

Introduction

Our submission focuses on a holistic combination of deliberate, frequent, long-term human rights abuses that amount to a systematic violation of the Kurdish people in Syria by state agents¹. It is clear to us that the aim of the Syrian Government is to drive Kurds away from their ancient homelands, or to force them to leave the country. Syria co-operates with the Governments of Turkey, Iran and to some extent with Iraq to maintain the suppression of Kurds.

There are probably three million Kurds living in Syria, although this is an estimate as 120,000 Kurds were denied citizenship of Syria in the census of 1962. Their children have inherited statelessness, so these people do not appear in national statistics. We are aware that the Kurdish Human Rights Project has submitted a report for your consideration that concentrates on the human rights violations experienced by stateless Kurds in Syria, and we share their deep concern about this most vulnerable group of people.

This report considers:

- A. Widespread discrimination and human-rights violations of Kurds in Syria; and
- B. the criminalisation and intimidation of Kurds who are penalised for exercising and promoting their basic rights - rights that are recognised in UN Conventions to which Syria is a signatory - and for maintain their Kurdishness, also called Kurdiety, through celebration of their culture. These issues are linked, as celebrating Kurdiety leads to exposure to the criminal system, and death.

¹ Lowe, R. (2011, February 16). *Paper presented at Kurdocide Watch Conference, Stockholm, 12 February 2011*. Retrieved March 12, 2011, from International Support kurds in Syria Association - SKS:

<http://supportkurds.org/reports/paper-presented-at-kurdocide-watch-conference-stockholm-12-february-2011>

A. Widespread discrimination and human-rights violations

1. Kurds in Syria are subjected to discrimination and abuse using the State of Emergency that has been in existence since 1963. Their rights and freedoms are limited, and they are punished for engaging in political comment regarding human rights abuses; for engaging in cultural activity such as celebrating Newroz, which is the New Year; for using the Kurdish language to name a child, or a shop, in education, or in a formal setting; and whilst performing military service; and in respect of land use. Their rights are infringed by omission in relation to basic healthcare, food rights, employment and the means to feed the family.

2. The Government uses various means to intimidate and control Kurds:

Civil rights campaigners have told the Guardian that intimidation tactics have escalated to include visits from agents of the Mukhabarat – intelligence services – as well as close monitoring of internet and telephone conversations. Some activists have been warned not to leave the country.²

3. Activists suffer arbitrary arrests without a warrant or judicial oversight by officers of the many branches of state security; night-time raids on homes; long-term imprisonment without recourse to solicitors, courts, or being charged with an offence; lack of information for family members about detainees who simply vanish for months and even years; a detainee may be simply released after months of confinement; the military and other special courts bring detainees to courts where the judiciary is not impartial; disproportionate and unjust sentencing is given for those accused of activism, including political activists, human rights defenders, singers, poets, internet bloggers, and students³; those held in detention suffer torture, inhumane and degrading treatment, and denial of access to appropriate medical attention⁴; political figures are prevented from leaving the country legally; and suffer intimidation and harassment through frequent interviews by security services.

4. Kurds live in a climate of fear that has been deliberately created by the Ba'athist regime. Anyone, not just political leaders can be subjected to arbitrary arrest and imprisonment with the threat of being one of the disappeared, or of causing family members to suffer. Kurds have been discouraged from celebrating their New Year. The authorities fired on people celebrating Newroz in both 2008 in Qamishli, and 2010 in al-Raqqa. Young men who are conscripted to their national service are dying in suspicious circumstances, amounting to at least forty-five whose

² Williams, L. (2011, February 24). *Syria clamps down on dissent with beatings and arrests*. Retrieved March 12, 2011: <http://www.guardian.co.uk/world/2011/feb/24/syria-crackdown-protest-arrests-beatings>

³ SKS. (2011, January 16). *Kurdish students sentenced to ten years imprisonment in Syria*. Retrieved March 12, 2011 <http://supportkurds.org/news/kurdish-students-sentenced-to-ten-years-imprisonment-in-syria>

⁴ SKS. (2010, December 30). *Prison conditions for Kurds in Sednaya Prison*. Retrieved March 12, 2011, from <http://supportkurds.org/news/prison-conditions-for-kurds-in-sednaya-prison>

families have been given implausible explanations for their deaths. This has been addressed in the KHRP report. It creates fear in families whose sons have to spent time in military service.

5. Kurds living in their historic homelands have suffered abuses of their landrights which have impacted on their ability to feed their families. Many were displaced by the deliberate government policy to 'Arabise' parts of their area, those who are stateless are not permitted to own land; the use of the law Decree 49 creates a requirement that permission is granted by the state for any kind of exchange or development of land in the Kurdish area, and there is no evidence of Kurds having been granted permission. This has led to the general decline of the construction industry which has sustained the area over the years, and this is forcing Kurds to leave in search of employment or the means to feed the family. Many families have already moved out of the area.

6. The other major provider for Kurdish families has been agriculture but this has been decimated by the lack of rain, and also by the relatively recent action of the Turkish Government in drilling bore holes to prevent the water leaving their country. This water was essential, and the decimation of agricultural opportunities has also forced families to leave the Kurdish area in search of a means to exist. The ruling Ba'ath Party has a good relationship with the Turkish Government to the extent that visa restrictions have been relaxed on the borders, and they work together to keep the Kurds in their place, but this relationship has not been utilised in relation to the water issue, nor has the Government sought to help its own people.

7. The UN Special Rapporteur for food visited Syria last year has asked for evidence that Kurds have access to the international food aid that is being donated to Syria⁵. We have been told that despite the numbers who are suffering poverty and unemployment, an insignificant number of families in the Kurdish area have benefitted from small donations of a few basic essentials. Only those with Syrian citizenship will qualify for food aid, which excludes stateless Kurds. It suits the Government to let the area die, so that the people will leave. A numbers of Kurdish children can now be seen begging and shoe shining in the streets of Damascus.

8. Stateless Kurds are majorly disadvantaged as a particular social group. The Special Rapporteur for health who visited Syria last year was very concerned to find discrimination against stateless Kurds in essential healthcare provision⁶.

5 OHCHR. (2010, September 12). "Two to three million Syrians face food insecurity," according to UN food expert. Retrieved from <http://supportkurds.org/news/%E2%80%9Ctwo-to-three-million-syrians-face-food-insecurity%E2%80%9D-according-to-un-food-expert>

6 Grover, A. (2010, November 14). UN Special Rapporteur – stateless Kurds denied the right to health in Syria. Retrieved March 12, 2011 <http://supportkurds.org/reports/un-special-rapporteur-stateless-kurds-denied-the-right-to-health-in-syria>

B. The criminalisation and intimidation of Kurds

9. The Syrian Government stated in 2006 that: *the Emergency Act is implemented in the Syrian Arab Republic in the narrowest of circumstances and under very special conditions.*⁷ It is in fact continually used against Kurds to excuse the criminalisation of political activists who are accused of offences under the Penal Code, such as Article 267, 307 and 308⁸. Amnesty International: *“It is unacceptable that authorities continue to use the national state of emergency to suppress dissenting voices.”*⁹

10. Arrests are not confined to political leaders. We receive regular reports of arrests from a variety of human rights organizations such as Kurdish Organization for Defending Human Rights and Public Freedoms in Syria – DAD, Kurdish Committee for Human Rights in Syria – al-Rased, Committees for the Defence of Democratic Freedoms and Human Rights in Syria – CDF, Syrian Committee for Human Rights – MAD, Human Rights Organization in Syria – MAF, and Media Institute of West Kurdistan Society:

*Syrian Committee for Human Rights – MAD reports that the security services have launched a campaign of night raids and arrests in the cities of Aleppo and Damascus, which has included breaking down doors, searching homes, tearing mattresses and pillows, and the use of beatings and violence during the inspection and detention.*¹⁰

11. We have reported the disappearance of Tahsein Mamo¹¹, a concern that has been shared by KHRP, Amnesty International, the Kurdish Yekiti Party and Lord Hyton¹². Tahsein Mamo was arrested with four others in January 2007. The others have appeared in Court, but Tahsein has not been seen since the killings that took place in Sednya prison in July 2008. We spoke with his cousin, Yaseen Mamo on 11 March 2011 and he described the on-going misery that the family is experiencing as a result not knowing what has happened to Tahsein, and if he is still alive. The international calls for information have yielded no answer from the Syrian authorities.

12. We have been informed by human rights groups in Syria of a surge in the arrests of politically active women who belong to the Sittar Women’s Federation

⁷ Syria (2006, September 12). *Comments by the Government of Syria on the concluding observations of the Human Rights Committee : Syrian Arab Republic. CCPR/CO/84/SYR/Add.1.* [http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/340783c4e967b9c5c12572140047aa75/\\$FILE/G0644279.pdf](http://www.unhcr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/340783c4e967b9c5c12572140047aa75/$FILE/G0644279.pdf)

⁸ SKS. (2011, January 16). *Kurdish students sentenced to ten years imprisonment in Syria.* Retrieved March 12, 2011 <http://supportkurds.org/news/kurdish-students-sentenced-to-ten-years-imprisonment-in-syria>

⁹ Amnesty International (2011, March 9). *Syria must release all prisoners of conscience after human rights lawyer freed.* Retrieved March 12, 2011 : <http://supportkurds.org/news/kurdish-prisoners-on-hunger-strike-in-syria>

¹⁰ (SKS, Night raids and arrests of Kurds in Aleppo and Damascus, 2011)

¹¹ Kurdish Yekiti Party (2010, October 10). *An urgent appeal to the public opinion about the detainee Tahsein Khairi Mamo.* Retrieved March 12, 2011 <http://supportkurds.org/news/an-urgent-appeal-to-the-public-opinion-about-the-detainee-tahsein-khairi-mamo>

¹² UK Parliament (2011, March 8). *Syria – questions in UK Parliament asked by Lord Hylton.* Retrieved March 11, 2011 <http://supportkurds.org/syria/syria-questions-in-uk-parliament-asked-by-lord-hylton/#more-4376>

including Fatima Hawool¹³. One of these females is fifteen years old¹⁴. Children were also arrested in February 2011¹⁵

13. Amnesty International reports that Hassan Saleh, Ma'rouf Mulla Ahmed and Muhammad Ahmed Mustafa, all senior members of the unauthorized Kurdish Yekiti Party in Syria, are on trial before the Supreme State Security Court (SSSC), an exceptional court whose proceedings fall far short of international fair trial standards. They are charged with "aiming at separating part of the Syrian lands" and "joining an international political or social organization", apparently after calling for the Kurdish areas of Syria to be granted autonomy during their party's conference on 3 December 2009. Amnesty International records that these men are being denied a fair trial.¹⁶

14. The authorities use a variety of tactics to threaten activists. Their families may be at risk:

*... threatened a number of activists that their children and family members will be kidnapped and taken hostage if they continue in their civilian opposition. They have also threatened to kill the activists and members of their families in order to dissuade them from continuing their work.*¹⁷

15. We have heard from people in Syria that the authorities have warn political leaders to keep their supporters indoors during the traditional time of Newroz celebrations; mysteriously there are no tents for hire for their picnics; and staging set up for theatre and dance displays is bulldozed. Following the Newroz shooting of Kurds during 2010 in al-Raqqa there were many arrests in the region¹⁸.

16. Former Political Police Chief, Mohammed Talib Hilal provided suggestions for controlling Kurds in 1963¹⁹ which are reflected in the policies and activists of the Syrian authorities. The Ba'ath Party under the leadership of President al-Assad has demonstrated little respect for UN Conventions or of being held to account other than for the purposes of bargaining in the international community.

¹³ SKS. (2010, December 18). *Kurdish woman Fatima Hawool sentenced in Syria*. Retrieved March 12, 2011, from <http://supportkurds.org/news/kurdish-woman-fatima-hawool-sentenced-in-syria>

¹⁴ SKS (2011, March 10). *Campaign of arrests against Kurdish women in Syria*. Retrieved March 12, 2011 <http://supportkurds.org/news/campaign-of-arrests-against-kurdish-women-in-syria>

¹⁵ SKS. (2011, February 20). *35 PYD supporters including students and children arrested by Syrian authorities*. Retrieved March 12, 2011, from <http://supportkurds.org/news/35-pyd-supporters-including-students-and-children-arrested-by-syrian-authorities>

¹⁶ International, A. (2011, March 11). *Kurds denied access to lawyers ahead of trial*. Retrieved March 12, 2011, from International Support Kurds in Syria - SKS: <http://supportkurds.org/syria/kurds-denied-access-to-lawyers-ahead-of-trial/#more-4429>

¹⁷ SKS. (2011, February 27). *Syrian intelligence threatens to kidnap the children of dissidents*. Retrieved March 12, 2011, from <http://supportkurds.org/news/syrian-intelligence-threatens-to-kidnap-the-children-of-dissidents>

¹⁸ SKS. (2010, October 30). *Forty-Eight Kurds appear in Court in Syria*. Retrieved March 12, 2011, from <http://supportkurds.org/news/3515>

¹⁹ Hasanpour, A. (2010, October 9). *Mohammed Talib Hilal project 1963 – ethnic cleansing of Kurds in Syria*. Retrieved March 12, 2011, from <http://supportkurds.org/reports/mohammed-talib-hilal-project-1963-ethnic-cleansing-of-kurds-in-syria>



Annexed information

International Support Kurds in Syria contributed a report to the Committee for Torture's CAT 44 review of Syria's adherence to the Convention in May 2010. This can be found at <http://www2.ohchr.org/english/bodies/cat/docs/ngos/SKS.pdf>

We wish to draw your attention to the UK Home Office Country of Origin Information Service report of September 2010 regarding Syria at http://rds.homeoffice.gov.uk/rds/country_reports.html#countries. We contributed to the information contained therein and there are two references to our website as being a source for updated information. We invite you to consider looking at <http://supportkurds.org>

A more detailed examination of these issues can be found on the SKS website: <http://supportkurds.org/news/denial-of-rights-and-identity-or-the-ethnic-cleansing-of-kurds-in-syria-discussed-in-the-uk-house-of-lords>

Sheila Mosley and Khalaf Dahowd
Co-Chairs: International Support Kurds in Syria Association – SKS

<http://supportkurds.org>

Email: info@supportkurds.org

13 March 2011