



SYRIA

PRESENTATION

This review is part of a larger two-part study on **freedom of assembly in the Euro-Mediterranean region**.

Following an overview of the international standards relating to the freedom of assembly, Part I examines the legal frameworks in 11 countries of the Mediterranean and in the European Union and their compliance with international human rights standards. Part II examines the implementation of laws and the exercise of the freedom of assembly and demonstration in practice.

In order to assess the compliance of national legislations with international standards relating to the exercise of freedom of assembly, objective indicators were used as a reference throughout this study. A gender-sensitive approach was incorporated to determine whether women enjoy freedom of assembly to the same extent as men or face more restrictions.

This study was conducted in consultation with members of the Euro-Mediterranean Human Rights Network (EMHRN), which includes 80 human rights organizations in 30 countries. It thus reflects the active involvement of EMHRN's working group members on freedom of association and assembly, as well as other civil society organizations and experts.

The study is meant to provide human rights defenders, civil society organizations, international organizations, and state institutions with an analysis that allows them to compare national laws and policies with those of other countries and assess their conformity with international conventions, with a view to advocating for reforms and guaranteeing freedom of assembly across Euro-Mediterranean area.

The chapters are also available separately: Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco and Western Sahara, Palestine, Syria, Tunisia, Turkey, and the EU.

Introduction

In March 2011, unprecedented peaceful protests emerged in Syria to demand economic, social and political reforms, in the wake of the democratic uprisings in other Arab countries. State response was brutal and deadly. While women, men and children were exercising their right of peaceful assembly, grave human rights violations amounting to international crimes, including murders of peaceful protesters, large scale arbitrary detentions, enforced disappearances, torture and other inhumane acts, were widely and systematically committed by State authorities against civilians. The repression triggered an escalation which resulted in a military conflict, dire humanitarian crisis and grave human rights violations on a wide scale.

The United Nations' Independent International Commission of Inquiry on Syria, established in August 2011, stated as early as November 2011 that crimes against humanity had likely been committed in different locations of the country, particularly in the context of the repression of public protests.¹ The Syrian crisis is therefore directly related to the constant refusal of the Syrian authorities to tolerate freedoms of expression and peaceful assembly, and reflects the inability of the Syrian regime to provide a political rather than a security response to the demands expressed by protesters.

As of 2014, the country is war-torn and the conflict is resulting in a large scale destabilization of the MENA region. Peaceful protests have almost ceased while armed groups, including foreign-backed extremist entities have taken over a large part of the Syrian territory. Meanwhile, a great number of those who have bravely exercised their legitimate right to demand democratic reforms have been routinely exposed to serious human rights violations. Dozens of thousands of Syrians who joined anti-governmental protests only saved their lives by joining the ranks of millions of refugees in neighbouring countries, without any perspective of return over the short run. As a result of the dramatic evolution of the situation in Syria, peaceful dissenting voices which played a critical part in structuring the movement of protest are facing huge challenges to be heard beyond the rumble of the conflict.

1. The Repression of Peaceful Protests between Human Rights Violations and International Crimes

Between 2011 and 2014, the situation in Syria has evolved from a situation where State authorities made excessive use of force against peaceful protesters to an internal armed conflict. As a result, domestic regulations, international human rights law and international humanitarian law principles may be relevant to qualify violations and international crimes committed against peaceful protesters.

Since the Baath party took over in Syria in the 1960's, a set of authoritarian regulations and practices severely restricts the possibility for individuals to exercise their fundamental freedoms, including freedom of peaceful assembly. Legal reforms² enacted at domestic level since 2011, including lifting the state of emergency, adoption of a new constitution and a revised law on peaceful assembly, did not genuinely result in changes in practice. Draconian security control on public freedoms has been maintained and the disproportionate use of force by governmental security forces against peaceful protesters has continued to take place. Systematic violations of freedom of assembly also constitute blatant violations of international human rights commitments of the Syrian government voluntarily.

The use of excessive force by State security apparatus and their affiliated militias - known in Syria as 'Shabiha' - against the overwhelmingly peaceful protest movement did not prevent it from rapidly spreading to a number of regions in the country. Between March and September 2011, the repeated use of live bullets against unarmed crowds, without warning, resulted in the killing of hundreds of

1 1st report of the Commission of Inquiry on the Syrian Arab Republic, 23 November 2011, A/HRC/S-17/2/Add.1.

2 See the first part of this Euro-Mediterranean Human Rights Network (EMHRN) regional study on freedom of peaceful assembly, 2013, available at: http://www.euromedrights.org/eng/wp-content/uploads/2013/11/FOA2013_EN_FULL-REPORT_WEB_26NOV2013.pdf; See also the EMHRN Annual Reports on Freedom of Association in the Euro-Mediterranean Region, available at: <http://www.euromedrights.org/eng/2012/10/19/annual-reviews-on-freedom-of-association-in-the-euro-mediterranean-region/>



demonstrators. The emergence of patterns of violations against peaceful protestors across the country clearly indicates that those were largely committed under instigation or at least with the consent of the State authorities.³ A number of members in the military and security forces decided to defect – often publicly-, and started self-organizing in order to protect protesters.

International human rights law clearly states that even where acts of sporadic violence might have erupted during a protest, it is the State authorities' duty to remove the violent demonstrator(s) from the gathering, as sporadic violence "does not deprive peaceful individuals of their right to freedom of peaceful assembly".⁴

In summer 2012 the situation reached a point where the constitutive items of an armed conflict were met according to the International Committee of the Red Cross (ICRC).⁵ Under international law, a situation of internal armed conflict triggers obligations for all warring parties to uphold International Humanitarian Law. However, this qualification does not suspend international commitments of the State, meaning that the Syrian government remains bound by international human rights law principles⁶.

While deliberately violating the right to life of civilians⁷ involved in peaceful protests in a widespread and systematic manner, Syrian officials, members of security forces and supporting militias not only engage the responsibility of the government at international level, but they also render themselves accountable for war crimes and crimes against humanity. Any person involved in international crimes should be held accountable in the future and prosecuted as individual throughout relevant mechanisms at domestic or international level such as International Courts.

2. Facilitation of Pro Governmental Demonstrations

The development of the situation in Syria evidences the politically-motivated scheme according to which the Syrian authorities would facilitate or repress public assemblies. Before and after 2011, the authorities have been facilitating mass demonstrations in support of the government.

The organization of pro-governmental demonstrations is channelled through a wide range of State-controlled groups including state administrations, Baath party and professional corporations (workers unions, students unions etc.), schools, universities, mosques and churches. During the "massirat"⁸ marches, participants are gathered in "waves" according to the organization they belong to, which facilitates the counting and monitoring by the authorities of persons who attended – and retaliation against those who do not. The preparation and coverage of these marches is ensured by powerful means of communication, through State media, supportive private media, and social networks. The day of the rally, State-controlled media broadcast patriotic songs and programs and live coverage of the event.

Pro-governmental "massirat" marches are organized in areas where governmental forces are able to ensure a strong security set-up, in regions known to be areas where the population is supportive of the government. It must also be noted that the Syrian authorities do not only organize "massirat" in Syria, but

3 Committee Against Torture, *Consideration by the Committee against Torture of the implementation of the Convention in the Syrian Arab Republic in the absence of a special report requested pursuant to article 19, paragraph 1, in fine*, 29 June 2012, CAT/C/SYR/CO/1/Add.2 para .18.

4 UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, 21 May 2012, A/HRC/20/27 para. 25

5 See: <http://www.reuters.com/article/2012/07/14/us-syria-crisis-icrc-idUSBRE86D09H20120714>

6 According to the International Court of Justice, human rights law continues to apply in armed conflict, while the laws governing armed conflict apply as *lex specialis* in relation to the conduct of hostilities. See: International Court of Justice, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion of 9 July 2004, para. 106. See also: 3rd report of the Commission of Inquiry on the Syrian Arab Republic, 15 August 2012, A/HRC/21/50.

7 See the Report A/HRC/17/28 of the Special Rapporteur on extrajudicial, summary or arbitrary executions, "Protecting the right to life in the context of policing assemblies", 23 May 2011.

8 Syrians use two different wordings to refer to pro- and anti-governmental protests. "Massirat" are protests in favour of the government, while "Mozaharat" are known to be anti-governmental protests.

use similar means to make sure that a number of Syrian citizens based abroad organize pro-regime protests as it is notably the case in most European countries.

3. Levelled Repression against Anti-Governmental Protests

While most anti-governmental protests in Syria have been met with excessive and often lethal force, the government's repression was not totally indiscriminate. Reports from diverse regions in Syria indicate that the level of repression was differentiated according to a political strategy. The government seemingly chose to heavily target certain communities in areas considered as opposition strongholds, while softer means (such as non-lethal tear gas) were used in areas believed to be reluctant to regime change (in particular in areas where religious minority groups are dominant).

This strategy seems to have been used by the government in order to avoid multiplying opposition fronts for instance in areas such as Golan and Soueidah (where the Druze community is an important component of the population). The situation in the predominantly Kurdish-populated region of Hasakeh provides another example of this strategy.

The region of Hasakeh has an historical record of anti-governmental protests due to the denial of cultural, economic and social rights of this Kurdish community by the Baath party since its accession to power. In 2011, the Hasakeh region has been the theatre of important anti-governmental protests, but State authorities refrained from harshly repressing protesters. The mobilization was mainly fostered by youth and informal groups, at the expense of Kurdish political organizations despite their strong rooting in the region. In October 2011, the assassination of Kurdish opposition leader Meshaal Tammo by an unidentified armed group resulted in immense popular protests, and several protestors were killed by governmental forces. The government subsequently decided to withdraw from most of the area, offering Kurdish political forces the chance to exert their control upon this territory. In particular, the Union Democratic Party (PYD) progressively took over security control and took measures to curtail protests, such as a prior permission system, using arbitrary arrests and non-lethal force to discourage protestors. Protests have nonetheless continued to take place with little interference from the de facto local authorities. In 2014, the area turned into a battlefield for armed groups trying to impose their political and military grip. Very few protests consequently take place in this region, except for traditional ceremonies or specific events as it was the case after activist Mohamed Mohamed was killed by the Islamic State in Irak and the Levant (ISIL) in May 2014.

In other regions clearly siding with the peaceful opposition movement, the authorities from the beginning argued they were fighting 'terrorists' and deliberately fired at unarmed protesters, massively arrested activists, and escalated retaliations in the form of extreme collective punishment such as aircraft bombings and the use of chemical weapons on civil areas. This situation prevailed in areas such as Damascus outskirts, Hama and Homs. For instance, organized protest movements in Homs and Aleppo universities in 2012 were met with fierce repression.⁹

⁹ See Syrian Network for Human Rights, *Syrian Government Violations Against University Student like Kill, Torture to Death, Arrest, Threaten, and Expelled of University*, http://sn4hr.org/public_html/wp-content/pdf/english/university%20student%20like%20kill.pdf; see also HRW, *Safe No More: Students and Schools Under Attack in Syria*, June 2013, <http://www.hrw.org/sites/default/files/reports/syria0613webwcover.pdf>

4. Main Patterns of Violations Exerted by Governmental Forces and Affiliated Militias

Specific patterns of violations committed against peaceful protestors over the different stages of the conflict must therefore be considered in the wider context of crimes perpetrated by the warring parties in Syria, a number of those amounting to war crimes and crimes against humanity. This report will mainly emphasize patterns of violations directly committed against peaceful protestors, but it must be noted that most of the gravest crimes committed against the civilian population since 2011 have targeted communities who took part in anti-governmental protests.

Use of lethal force against peaceful protestors

One of the gravest patterns of violations committed between 2011 and 2013 lies in the systematic and indiscriminate use of lethal force against unarmed protestors in areas under the control of the regime. In March 2011, when the first protests emerged in the governorate of Deraa (South), State security forces and affiliated militias conducted coordinated actions to end protests by using most violent means.¹⁰ In April 2011, Amnesty International estimated that a majority amongst the 171 cases of extra judicial killings documented during demonstrations seemed to have been caused by live ammunition fired by the security forces.¹¹ Between March and December 2011, the Syrian NGO Violations Documentation Center documented 3754 civilians killed by shooting during protests and gatherings. The number includes 144 persons shot by snipers, 343 children (including 50 girls) and more than 130 women.¹²

By killing and injuring unarmed protestors in a widespread and systematic manner, Syrian State authorities blatantly violated norms related to peaceful assembly, including the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which affirm that the use of lethal force is only permissible as a last resort in exceptional and narrowly-defined circumstances to protect life.¹³

In November 2011, the UN Independent International Commission of Inquiry on Syria reported the orders that were given to an army battalion on 1 May 2011:

"Our commanding officer told us that there were armed conspirators and terrorists attacking civilians and burning Government buildings. We went into Telbisa on that day. We did not see any armed group. The protestors called for freedom. They carried olive branches and marched with their children. We were ordered to either disperse the crowd or eliminate everybody, including children. The orders were to fire in the air and immediately after to shoot at people. No time was allowed between one action and the other. We opened fire; I was there. We used machine guns and other weapons. There were many people on the ground, injured or killed," one soldier said.¹⁴

10 See <http://www.hrw.org/news/2011/03/24/syria-security-forces-kill-dozens-protesters>; See also the testimony of activist Ayman al-Aswad (in French) at: <http://syrie.blog.lemonde.fr/2014/03/10/syrie-temoignage-de-lactiviste-ayman-al-aswad-sur-le-debut-de-la-revolution-syrienne-a-daraa/>

11 <http://www.amnesty.org/en/for-media/press-releases/death-toll-rises-amid-fresh-syrian-protests-2011-04-08>; See also <http://www.amnesty.org/en/news-and-updates/syria-video-points-%E2%80%98shoot-kill%E2%80%99-policy-security-forces-2011-05-26>

12 See <http://www.vdc-sy.info/>

13 Principle 9 of the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials provides that: "Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury (...) In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life."

14 1st report of the Commission of Inquiry on the Syrian Arab Republic, *op. cit.*, para. 43.

Large scale policy of arbitrary detention

As the first protests started, an important number of individuals calling for, participating in, or simply monitoring the demonstrations became under State surveillance, threats and persecution.

Human rights organisations have documented countless cases of civilians who were arbitrarily deprived of their liberty in the first weeks of the uprising.¹⁵ A man, who defected from the political security branch of Aleppo in March 2012, told the UN Commission of Inquiry that “officers received orders to arrest every young male and adolescent between 16 and 40 years old that participated in demonstrations”,¹⁶ revealing systematic and indiscriminate attacks against civilians, in blatant violation of international human rights law.

While protests spread across the country, home and office raids were conducted in a very large scale and thousands of individuals were subjected to enforced disappearances, arbitrary arrests and detention without charges or with politically motivated criminal charges. In the same time, Syrian authorities exerted all efforts to stifle independent civil society groups monitoring the events and to black out news on the repression carried out. Bloggers, lawyers, civil society activists, journalists and opposition figures were arrested.¹⁷

Syrian civil society groups estimate that more than 53000 persons were arbitrarily detained¹⁸ since the beginning of the uprising, thousands of them still being detained. In most cases, suspects were held incommunicado without their families being notified about their arrest or whereabouts, in violation of international human rights law. By 16 April 2011, less than one month after the protest in Deraa, the EMHRN was able to record the names of 700 persons who were arbitrarily detained.¹⁹ The UN Commission of Inquiry stated that “enforced disappearances [have been] employed by the Government to silence the opposition and spread fear amongst relatives and friends of demonstrators, activists and bloggers.”²⁰

One of the most emblematic cases of arbitrary detention of civil society activists is the arrest of prominent human rights activist Mazen Darwish, head of the Syrian Centre for Media and Freedom of Expression (SCM), who was arrested on 16 February 2012 along with members of the Centre during a raid of the Syrian security apparatus on SCM premises. While several activists were released before their trial, M. Darwish and his colleagues Hani Zitani and Hussein Ghreer were kept for more than a year *incommunicado* in an unknown location. Since its transfer to the Adraa central prison of Damascus, the group is being prosecuted in front of the Anti-terrorist court in relation with the Centre’s activities of documentation and advocacy. Lawyers were also heavily targeted, particularly those defending prisoners of conscience and peaceful protesters, as the case of prominent lawyer Khalil Maatouk, arrested by governmental security forces in October 2012 and disappeared since then.

The campaign ‘Free Syria’s silenced voices’²¹ initiated by a group of international human rights organizations monitors more than 50 cases of civil activists, aid workers, journalists and HRDs detained either by governmental or non-governmental actors, sometimes incommunicado. It is believed that a number of these activists have been extensively tortured, and that some may have been killed in custody.

15 See <http://www.euromedrights.org/eng/page/5/?cat=534>;

See also <http://www.amnesty.org/en/library/info/MDE24/019/2011/en>, 6 May 2011; and <https://www.hrw.org/news/2011/07/20/syria-mass-arrest-campaign-intensifies>, 20 July 2011.

16 7th Report of the Commission of Inquiry on the Syrian Arab Republic, 12 February 2014, A/HRC/25/65, Annex IV, para. 16.

17 EMHRN statement, 5 May 2011, <http://www.euromedrights.org/eng/2011/05/05/syria-put-an-end-now-to-arbitrary-detentions-and-enforced-disappearances/>

18 See the Violations Documentation Center, statistics of detainees <http://www.vdc-sy.info/index.php/en/detainees>

19 EMHRN statement, 15 April 2011, <http://www.euromedrights.org/eng/2011/04/15/syria-call-for-an-independent-and-impartial-investigation-into-severe-human-rights-violations/>; See also joint urgent appeal by UN special rapporteurs, 17 June 2011, https://spdb.ohchr.org/hrdb/19th/UA_Syria_17.06.11_%287.2011%29.pdf

20 7th Report of Commission of Inquiry on Syria, *op. cit.*, Annex IV, para. 12.

21 The campaign is a joint initiative of Amnesty International, the Euro-Mediterranean Human Rights Network, the FIDH, Frontline Defenders, Human Rights Watch and Reporters without Borders; see <http://free-syrian-voices.org/>



Systematic and widespread use of torture

Torture and other forms of ill-treatment, including severe beatings, electroshocks, deprivation of sleep, water and food, and sexual violence has been rampant in official and unofficial detention facilities, at checkpoints and during house raids. Syrian and international human rights organisations have documented hundreds of cases of torture and ill-treatment committed by governmental security forces and affiliated militias.²²

The Violations Documentation Center documented more than 4000 persons killed under torture. VDC estimated that a majority of those were arrested in relation with their participation in or support to peaceful anti-governmental protests.²³

Hamza Al Khateeb, aged 13, who was tortured to death in detention in May 2011 and whose body was returned to his family with broken bones, burn marks, gunshot wounds and mutilated genitals became the dreadful symbol of the cruelties practiced in detention facilities. In February 2013, the UN Commission of Inquiry on Syria expressed “grave concern that, in the majority of cases reported, beatings were a prelude to executions.”²⁴

Sexual torture against men, women and children has also been reportedly committed on a large scale. Sexual assaults, which have been used as a weapon of war,²⁵ will have a long-lasting effect of psychological trauma on victims and their communities.²⁶

One year after the start of the protests, the UN Committee against Torture stated that “the Committee is deeply concerned at consistent, credible, documented and corroborated allegations about the existence of widespread and systematic violations of the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment against the civilian population of the Syrian Arab Republic committed by the authorities of the State party and by militias (e.g. shabiha) acting at the instigation or with the consent or the acquiescence of the authorities of the State party.”²⁷

Targeting medical workers

Another disturbing pattern lies in the repression of medical and aid workers by the Syrian government. Arbitrary arrests, torture and unfair trials of medical workers suspected to treat persons wounded during protests were conducted by governmental authorities in a systematic manner since 2011 on the basis of alleged “support to terrorist organizations”.²⁸

“[The interrogator] asked: ‘do you want to be tortured or do you want to talk?’ ... He accused me and my colleagues of treating the wounded without reporting them to the authorities, and asked me for the names of the wounded,” one nurse reported.

Furthermore, according to the UN Independent International Commission of Inquiry on Syria, dated 23 November 2011, “A number of cases were documented of injured people who were taken to military hospitals, where they were beaten and tortured during interrogation. Torture and killings reportedly

22 3rd Report of the Commission of Inquiry on the Syrian Arab Republic, *op. cit.*, Annex VIII, para. 8-22; and <https://www.hrw.org/news/2011/04/15/syria-rampant-torture-protesters>

23 See <http://www.vdc-sy.info/>

24 4th Report of the Commission of Inquiry on the Syrian Arab Republic, 5 February 2013, A/HRC/22/59, para. 95.

25 See also a comprehensive report from the newspaper Le Monde, 6 March 2013, (in French), http://www.lemonde.fr/proche-orient/article/2014/03/04/syrie-le-viol-arme-de-destruction-massive_4377603_3218.html

26 3rd report of the Commission of Inquiry on the Syrian Arab Republic, *op. cit.*, Annex IV.

27 Committee Against Torture, 29 June 2012, *op. cit.*, para. 18.

28 Amnesty International, *Health crisis: Syrian government targets the wounded and health workers*, 24 October 2011.

notably took place in the Homs Military Hospital by security forces dressed as doctors and allegedly acting with the complicity of medical personnel.”²⁹

Over the course of the conflict, the deliberate targeting of medical facilities caused the devastation of the health system in Syria and prevented a great number of persons from accessing vital health care. Hundreds of field hospitals set by civil society groups to rescue victims of the repression were deliberately targeted in a widespread and systematic manner by governmental forces.³⁰

Gender-based violence

Women have played an important role in the movement of protests and were often at the forefront of protests, especially in 2011. Women were not spared by the repression and faced similar violations as men, but also gender-specific abuses. In a report³¹ published in 2013, the EMHRN unfolded the main patterns of violations against women, particularly in detention centres, including sexual assaults. Research conducted clearly indicates that gender-specific patterns have emerged in certain security branches detention facilities under the jurisdiction of the Syrian government, particularly after summer 2012. The report documented grave offences ranging from sexual violence, including rapes, to summary executions.

“Lina stayed for about a month in the house of her abductors in a Homs neighbourhood, where she was tortured with burning cigarette butts, severely beaten and raped by her abductors and their friends. Lina underwent abortion and still receives intensive psychological treatment, as she suffers from severe post-traumatic stress.”³²

5. Judicial Sanctions against Organisers and Participants in Assemblies

Dozens of thousands of protesters have been arrested since 2011, of which many remain in custody. Many human rights defenders and peaceful activists have also been arrested for their work in documenting and monitoring protests and abuses. Although many detainees are kept incommunicado for long periods, a number of protesters were prosecuted before military courts which fall short of international fair trial principles such as the Anti-terrorism court or field courts.

International human rights groups have monitored some cases of prominent human rights defenders condemned by such courts. In several cases, the defence lawyers had no opportunity to present arguments or evidence, no witnesses were heard, and sentences were established based on testimonies obtained under torture. Some defendants were not even informed of the charges and the sentence pronounced against them and remained in detention while their families were refused the right to visit them.

6. Syrian Civil Society Initiatives

Despite the fact that the Syrian government never allowed civil society groups to operate in an independent manner, Syrian civil society has demonstrated an extraordinary capacity to develop innovative means of mobilization both at domestic and international levels. As soon as the repression

29 1st report of the Commission of Inquiry on the Syrian Arab Republic, *op. cit.*, para. 50.

30 Physicians for Human Rights (PHR) stated that government forces committed 90 percent of the confirmed 150 attacks on 124 facilities between March 2011 and March 2014, which have devastated the country's health system. See PHR statement: <http://physiciansforhumanrights.org/press/press-releases/new-map-shows-government-forces-deliberately-attacking-syrias-medical-system.html#sthash.uqXvmVyB.dpuf> and interactive map tracking these violations.

31 EMHRN, *Violence against women, bleeding wound in the Syrian conflict*, November 2013 <http://www.euromedrights.org/eng/wp-content/uploads/2013/11/Doc-report-VAW-Syria.pdf>

32 *Ibid.*

started, a number of groups emerged to report on events and document violations against protesters and civilians.

Since the beginning of the uprising, protests have been organized on Fridays after the prayer, as these venues were the only place where people could gather without intervention of the security forces. The Syrian government reacted by imposing heavy security set-up to prevent demonstrations. In this context, protesters developed practices to pursue the movement while protecting themselves, as notably exposed in the “Guidebook of the Syrian protester”³³ issued in 2011.

New practices such as “**sudden protests**”, consisting in flash-gatherings of a limited group of reliable people spread in the country.

An activist recalls organizing a ‘sudden protest’ in May 2012 in Berze, Damascus after the “Houla massacre” took place. *“The starting signal was a Quran Surah that I would recite after the Friday prayer in the mosque. Others were supposed to repeat it and start the demonstration. After the prayer, I recited the surah we had chosen, and complete silence fell on the place. At this moment, I recognized someone in the crowd I knew was an activist and it gave me some courage, so I repeated the surah in a loud voice. Silence became heavier, and I saw someone getting out quickly with a mobile phone. I was ready to escape, thinking he would call security forces. Then a group of people started chanting ‘Allah Akbar’ and the crowd went out of the mosque brandishing signs such as “the people are standing in the streets” and “Bashar must give in”. We marched for an hour, until I received a text message giving signal for dispersion and we all vanished according to our plan. No one was hurt nor arrested that day thanks to the good coordination amongst activists”*³⁴

Another practice developed by civil activists was that of ‘**colored protests**’. As major security measures were taken in Damascus to prevent any protest, civil activists decided to meet in a discrete and silent way, by wearing an outfit of the same color and passing in a designated area at a defined time. However security forces soon started targeting these gatherings as well.³⁵ In 2011 in Damascus and Aleppo activists also have repeatedly dropped red color in some fountains to symbolize the bloodshed committed by the regime. **Slogans and cartoons** are another distinctive feature in the mobilization in Syria, as great creativity and humor have been deployed. Groups were created on social media to discuss names to be given for every Friday protest, and some places such as the village of Kafar Nobel in Idlib province or Deir el Zor became famous with producing humorous slogans and signs which they published on Facebook and other social media.³⁶

Graphic and symbolic re-appropriation of public space has gradually been used as a means to spread political messages in the public sphere, by painting graffiti over the cities walls or symbolically changing the names of streets and squares to honor key figures or symbolic events of the “revolution”.

Women demonstrations were also organized in the early stage of the movement in a bid to defeat the regime’s propaganda about “Salafists” conducting the protests. Later on, in 2012 as the repression did not allow these gatherings to take place in safe conditions, a group of women from Damascus, called “The Sham Free Women”, filmed a demonstration at home – with their faces covered, published the video on YouTube and were imitated by others.³⁷ In other instances, women have openly demonstrated in small groups for example in Raqaa against the ISIL in April 2014.

It must eventually be emphasized that immense efforts have been developed from the early days of the uprising to **document demonstrations and the repression they faced**. While the organizers of the

33 The guidebook was published at *Al Ahrar* and *Al Moudass* blogs.

34 Testimony collected by the EMHRN with a Damascus activist who chose to remain anonymous for security reasons, May 2014.

35 The practice ended in 2011, after the arrest of one activist who was wearing a violet shirt on one of the colored reunion’s day.

36 Facebook .com/pages/kartoneh-From-Deir-Eezoar

37 Other groups that performed Women’s home demonstrations were “The coalition of Damascus free women”, “The female revolutionaries of Daraa”, “The Syrian female revolutionaries”, etc.

protests organized systematic video footage of the protests, emerging groups started collecting all data in relation with violations committed. Local human rights groups such as the Violation Documentation Center in Syria (VDC), set up in April 2011 by prominent human rights lawyer Razan Zaitouneh, or the Syrian Network for Human Rights (SNHR) provide daily information on casualties and human rights violations, in Arabic and English³⁸ and have become a primary source of information on the situation in Syria for international human rights organizations and decision makers.

7. The Lack of Accountability, Major Fuel of Violations

More than three years after the start of the protests, the use of torture on a large scale, summary executions, arbitrary arrests and enforced disappearances appears as a deliberate State policy aimed to deter, punish and radicalize protesters and entire communities. None of these grave human rights violations have been subject to an impartial investigation at any level, and international human rights bodies such as the UN Independent International Commission of Inquiry were not allowed to access the country to investigate independently.

The Syrian authorities have been denying abuses or crimes committed by security forces, while repeatedly stating all human rights violations are carried out by “terrorist armed groups”. On the contrary, those who legitimately refused to execute illegal orders were subjected to reprisals, which also target families. In June 2011, the Syrian government claimed it had unfolded a mass grave with the remains of around ten security personnel who were allegedly killed by “armed gangs”. This statement was questioned by the UN High Commissioner for Human Rights, which estimated that “these might be the bodies of military deserters or officers who disobeyed orders.”³⁹

The Syrian authorities have constantly failed to combat impunity and investigate grave human rights violations, despite extensive documentation published by Syrian and international human rights groups, including the COI. The principle of complementarity of international criminal jurisdictions to domestic prosecution entails that the international community should take steps to ensure accountability for the crimes committed since 2011. At this date however, the referral of the situation in Syria to the International Criminal Court by the UN Security Council is hampered by the repeated use of veto by permanent members Russia and China.

38 See Violations Documentation Center in Syria at: <http://www.vdc-sy.info/index.php/en/home>

39 Statement of Ms. Navi Pillay, United Nations High Commissioner for Human Rights to the Introduction of preliminary report on the situation of human rights in the Syrian Arab Republic, Human Rights Council, 15 June 2011, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11156&LangID=E>

Recommendations

In the day of writing of this report, Syria has become the theatre of a raging civil war which undermines the stability of the whole Middle East region and beyond. The international community has failed to impose a political process, as acknowledged in a sign of utter discouragement by Lakhdar Brahimi, special UN peace envoy for Syria, who resigned from his position in May 2014. The country is facing an unprecedented humanitarian crisis, with an estimated number of casualties beyond 150 000, several millions of refugees and internally displaced persons, and the basic socio-economic infrastructure in the country devastated. Moreover, the violence of the conflict has started to deeply erode the social fabric of the society, which is endangered by a growing sectarianism under combined influence of the Syrian regime and foreign players. Extremist groups such as the Islamic State in Iraq and Sham (ISIS) are trying to impose security and social control over the population. The crisis has gone out of control as the State does not exert authority on his borders anymore, meaning that a complete re-shaping of the MENA region cannot be excluded in the near future.

Only a politically negotiated solution involving all relevant parties may end suffering endured by the civilian population and set the ground for a transition in Syria. The situation in Syria should be referred by competent bodies to international criminal jurisdictions such as the International Criminal Court, in complementarity with other mechanisms that should be set by the Syrian people at domestic level. In order to be sustainable, the transitional process should ensure accountability for gross human rights violations committed by all warring parties, reparation for the victims, memorialization for the future and institutional reform to avoid repetition of these violations. Any future political entity emerging in Syria should ensure that the rights to freedom of expression and peaceful assembly are effectively protected, as to remember that the denial of these fundamental freedoms was the main cause for the uprising against the regime of Bashar Al Assad.