

List of issues for the consideration of Syria's periodic report under the International Covenant on Civil and Political Rights (ICCPR)

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1. Short description of the submitting organization or NGO coalition

Reporters Without Borders (RSF)

Founded in 1985, Reporters Without Borders (RSF), also known internationally under its French name Reporters sans frontières (RSF), strives for a world in which all people are able to access reliable information enabling them to fully understand current global challenges and to form their own opinion. RSF promotes freedom, pluralism and independence of journalism, in particular by supporting and defending those who embody these ideals.

Its worldwide presence through its vast international network (an international secretariat based in Paris, eleven sections and regional offices as well as correspondents in more than 130 countries) gives RSF the ability to mobilize support, challenge governments and wield influence both on the ground and in the ministries and precincts where media and Internet standards and legislation are drafted.

RSF benefits from a consultative status with the United Nations, UNESCO, the Council of Europe, the International Organization of La Francophonie (OIF) and the African Commission on Human and Peoples' Rights (ACHPR). At the intersection of journalism, human rights and development, RSF's efficiency and audacity, coupled with a sometimes combative tone makes it an original international NGO.

Syrian Center for Media and Freedom of Expression (SCM)

The Syrian Center for Media & Freedom of Expression (SCM) is a leading Syrian nonprofit & non-governmental organizations aimed at defending human rights, protecting freedom of expression and and achieving justice in Syria. . The SCM was founded in early 2004 by Mazen Darwish in Damascus. It is now registered in France where it has its headquarters and has offices in Germany and Turkey.

SCM strives for a world where democracy, justice, freedom, equality, dignity and human rights are respected. SCM's actions are guided by the principles of credibility, integrity, transparency, professionalism and independence.

SCM developed three concrete and unique programs aimed at :

- Having democratic societies guaranteeing freedom of expression and belief;
- Ensuring respect of human rights, fighting impunity and enabling victims to reach justice; and
- Supporting citizenship and empowering civil society actors in policy making and justice processes.

Since 2011, SCM benefits from a consultative status with the United Nations. It is the only Syrian NGO with such status at the United Nations. Furthermore, SCM has a solid international partners network such as IIM & COI.

2. Reference to ICCPR articles being discussed

- Article 6
- Article 7
- Article 8
- Article 9
- Article 10
- Article 13
- Article 19

3. Summary of the human rights issue discussed

- **Bombardments in Idlib have put journalists in imminent danger of serious injury and death.**

According to the SCM, ten journalists have died since the beginning of the year (2020) due to the bombardments in Idlib.

With government forces reconquering Idlib, journalists are facing imminent danger of assassination, arbitrary detention and even torture. Some journalists are already the subject of a smear campaign in the pro-Bashar Al-Assad media and are receiving insults and death threats online. Virtual attacks have intensified since the military escalation between Turkey and Syria between October 2019 and January 2020. All these journalists are particularly exposed and their faces clearly identified by the loyalists, such as female journalist **Merna Alhasan**.

Alhasan told RSF that false reports and rumours about her – such as the claim that her father had decided to kill her for sullyng his honour by appearing on TV – are often shared on the accounts of media outlets and leading figures who support Bashar al-Assad’s government. Even higher level representatives took part in spreading false news about her. MP Fares Alshehabi for instance described an alleged rape to which she was subjected as “the fate of anyone who betrays their homeland”. There is little doubt that these threats and virtual attacks will materialize once the area is controlled by the government again.

- **Growing intimidation and targeting of journalists in government-controlled areas**

Journalists in government-controlled areas are not spared from human rights abuses either. In 2019 alone, the Syrian government has arbitrarily arrested or brought for questioning six media professionals for articles published online or posts on social media. Most of the time, their office or home are raided by intelligence officers and they are put behind bars out of all legal framework. Intelligence officers do not have a warrant for their arrest nor the premises search. Those arrested and their relatives are commonly left uninformed about the charges or accusations brought against them.

The most emblematic case is that of **Wissam Al-Tair**, the editor of *Damascus Now*, the most influential pro-government media outlet on Facebook (close to the Presidency), with more than 2.7 million followers. On 15 December 2018, the Syrian security forces raided an office of the media outlet located in Damascus, seized professional equipment, and arrested Al-Tair as well as Sonil Ali, a programmer for a local radio station, who was released within days. Following his arrest, Al-Tair's family posted a video on Facebook in which his brother suggests that Al-Tair was arrested by the intelligence services as soon as he started showing an interest in corruption. His mother describes going to Damascus where, for 10 days, she unsuccessfully tried to obtain information about his fate. To everyone's surprise, Al Tair was released almost 8 months after his arrest following a pardon issued by Bashar Al-Assad. Al-Tair's case highlights the way the Syrian government deals with media outlets and how no one is exempted from persecution by the government and its security institutions, even state-aligned media outlets.

The case of **Nada Mashraki**, a Latakia- based journalist, provides yet another example of repressions against journalists investigating and reporting on corruption within state institutions. Mashraki edits articles in the *Latakia News Network* (LNN), a Facebook news page with more than 180,000 subscribers. On 25 May 2020, she was arrested by intelligence officers. According to the *Snack Syrian* news website, she was accused by Latakia criminal justice of "publishing false news to undermine the prestige of the state and insulting the judiciary" as part of a story previously published on LNN on judicial corruption few days before his arrest, which was then removed from the platform. According to the time of inactivity of her personal Facebook account, she was released one month later.

These arbitrary and short-term arrests are designed to intimidate journalists and deter them from investigating and reporting on corruption issues within the government. Corruption within the government and its institution has become a particularly sensitive topic in Syria since the launch of new economic reforms meant at addressing the war's financial and social consequences, including the increase of corruption.

The increasing pressure on media outlets and intimidation of journalists has led *Al-Ayyam* newspaper to end its publication. The announcement was made in its latest issue on 20 May 2020, titled "Media... Whose Sin?". In its editorial entitled "A Warrior's Rest", the editor in chief described the current working conditions of journalists and media as the harshest in the history of the Syrian press due to the increasing restrictions on journalistic freedoms and the use of fear by the government to control journalists. Deplorably and according to publications on social media, this situation coupled with the arrest of the owner of the *Al-Ayyam* newspaper, **Mohamed Harsho**, led one of the newspaper editors **Ali Hassoun** to retire from journalism.

- **Death under torture in military detention**

Since 2012, many journalists and human rights activists have been arrested and their relatives left without information since then. Only in a minority of cases, were the families of the detained informed that their relative had died in prison, most likely under torture.

According to information gathered by RSF, the ex-wife of blogger **Jehad Jamal** who was imprisoned since 2012, received confirmation of his ex-husband death early 2020. The death certificate she received indicated that he had died in 2016 in the Saydnaya military prison.

Media activist **Ali Mahmoud Othman**, nicknamed "the grandfather", who had a prominent role in supporting and assisting journalists in the city of Homs was arbitrarily imprisoned in March 2012. His family told Amnesty International that an unofficial source had informed them that he had been transferred to Saydnaya military prison, described as a "human slaughterhouse" by international human rights organizations. The family had been seeking official information for years until they obtained a death certificate from the civil registry in Homs early 2019, stating that he had died with his brother Ibrahim in prison. The document mentioned that the death dated from 2013.

- **Clamp down on Coronavirus coverage**

The government took advantage of the Covid-19 pandemic to increase state censorship and to reaffirm its monopoly over the dissemination of news and information. The government denied that there were any cases in Syria and the public health Ministry announced on 22 February 2020 that the state news agency *SANA* - which is overseen by the intelligence services and the president's office - would be the sole source of information about the coronavirus. The first Covid-19 case was officially confirmed a month later.

Doubts nonetheless persisted because of Syria's proximity and close contacts with Iran, the

country of the region's with the biggest coronavirus outbreak. Opposition media outlets reported on coronavirus cases in pro-government regions such as Tartus and Latakia. According to the Syrian Observatory for Human Rights, several doctors confirmed receiving orders from the authorities to remain silent about Covid-19. A Facebook page and Twitter account purporting to belong to pro-Assad journalist Rafik Louf reported the deaths of several patients with Covid-19 symptoms. Louf subsequently posted a video on Facebook denying that he was the owner of these accounts and the rumours of coronavirus cases.

- **Threats beyond borders**

Cases of syrian journalists harassed by pro-government activists abroad were found in countries where there is an important Syrian community in exile, such as Malaysia.

Independent journalist **Sam Alebrahim**, based in Kuala Lumpur since 2016, told RSF that he had been attacked in the street by the local branch of the pro-government National Union of Syrian Students, whose members behave like “shabiha,” the armed volunteers in Syria who threaten and persecute those opposed to Assad. These groups of people reproduce the same forms of pressure against opponents in Syria, with the difference that they do not have the same influence nor means as in Syria. Alebrahim was forced to change his place of residence three times because of his writings about the battle of East Ghouta, which continued to rage until 2018. Late 2019, he received a photo of his street door on WhatsApp accompanied by the words: “just so you know we are very, very close to you, traitor.”

4. Description of the legal framework and practices by State authorities

- **A draconian legislative arsenal**

With regards to legislation governing the media, the authority in Syria, since the Ba'ath Party's takeover of power in 1963, has adopted an arsenal of laws that suppress freedom of expression and allow for violations of press freedom, provoking self-censorship within the media which makes their room for maneuver even narrower given the already very restrictive framework for freedom of expression.

This draconian legislative arsenal includes the Revolution Protection Law Promulgated by Legislative Decree No. 6 of 1/7/1965, the Law 19 of 2012 on Combating Terrorism, the law establishing the Terrorism Cases Court. No. 22 of 2012 and the General Penal Code.

The Media Law promulgated by Decree No. 108 of 2011 did not provide any real guarantees for media freedoms and the respect of journalistic rights. On the contrary, it established government control over the media instead of providing them with independence and freedom of coverage.

- **Journalists tried by military courts**

Adding to these legislations, disproportionate and arbitrary sanctions such as death penalty are frequently imposed on journalists by military courts run by Intelligence units as a reprisal for their work. Anwar Raslan - a former Syrian general intelligence officer - had a prominent role, not only in President Bashar Al-Assad's repressive machinery, but also in the organization of those expedited military court trials. He was also involved in the jailing and torturing of thousands of people including journalists, and is currently being tried in Germany for crimes against humanity committed between March 2011 and September 2012, when he was in charge of investigations at the Al-Khateeb general intelligence detention centre in Damascus, also known as "Branch 251." Two journalists are among the plaintiffs: **Amer Matar** and **Hussein Ghrer**, both arrested in 2011 and released afterwards.

The case of **Bill Al- Sharbaji** - journalist and co-founder of the newspaper *Enab Baladi* - is amongst the most prominent examples of death sentences imposed and carried out by the "Military Field Court" against peaceful activists and media professionals since 2011. Bill Al-Sharbaji was known for his articles on the need to combat corruption and encourage freedom of expression. He was arrested by agents of the Air Force Intelligence Branch on February 26, 2012 from Daraya. Nabil spent the first period as a detainee in the investigation department of the Air Force Intelligence at the Mezzeh airport in Damascus. He was then transferred to Adra Central Prison before being transferred to Sednaya prison. Some members of Nabil's family, who were able to visit him once in Adra, said that his legal status was unclear. Officials told Nabil that he would face trial before a field military court, but he did not see a judge and was not informed of the charges against him. Nabil's Family was informed of his death on December 28, 2016.

Another emblematic case is the Syrian Palestinian *Syrian TV* director **Bilal Ahmad Bilal**, who was arrested by the Syrian security forces on September 13, 2011. The journalist died most probably under torture after the Military Field Court sentenced him to fifteen years in prison on November 29, 2011.

The Syrian cartoonist **Akram Raslan** was arrested by the security forces at his workplace in *Al-Fida* newspaper office in Hama on October 2, 2012, for publishing critical cartoons. In 2013, news of his death came out after his case was referred to the "Al-Midan" military court.

- **Online censorship**

In its General Comment No. 34 dating from September 2011, the UN Human Rights Committee provides that Article 19 of the ICCPR protects all forms of expression and the means of their dissemination, including all forms of electronic and internet-based modes of expression. In other words, the protection of freedom of expression applies to the same extent online as it does offline. Consequently, states parties to the ICCPR are obligated to adapt and harmonize their laws regulating freedom of expression on the Internet, and on other electronic means with Article 19 of the ICCPR and its interpretation by the HR Committee. According to a UNESCO report published in 2018¹, the application of the principle of freedom of expression is not limited to traditional media, but extends to the Internet and any new forms of media that will in turn contribute to development, democracy and dialogue.

However, Syria which ratified the ICCPR, is one of the countries that censors the most journalistic contents online. The authorities have actively worked to censor press freedom and freedom of speech online by renewing its legislative system, and its repressive policies in the field of information and communication with the aim of tightening control over the public space of information. This repressive legislative arsenal includes Legislative Decree No. 17 of 2012 “Application of the provisions of the Law on Network Communication and Combating Information Crime”.

In 2019, the Syrian government re-banned independent media websites that it had unblocked in 2017, such as *Radio Suriyali* and *Enab Baladi*. This is in addition to its continued ban on human rights websites since 2011. Furthermore, Syrian authorities continue to monitor the electronic content of activists and media professionals.

In this context, the SCM monitored two cases of arrest related to expression on social media in the past year. One of them was the summon of Muhammad Hershu - owner of the “*Syria Hashtag*” website on April 10, 2019 by the “Information Crimes” branch for an article published on the website on the lifting of subsidies on gasoline.

The influence of Russian interference in Syria must not be disregarded when it comes to the restriction of press freedom online there. In 2019, Russia enacted the “sovereign internet” law which has been described by human rights organizations as a new iron curtain that isolates the Russian people from the world. At the end of July 2019 and with the aim of strengthening internet and communications surveillance, the Russian military leadership in Syria issued instructions to make hierarchical high-level transfers in communications security branches affiliated with the

¹ <https://unesdoc.unesco.org/ark:/48223/pf0000259756>

Military Intelligence Division. As a result, Russian control ensued on the Syrian security services in charge of censoring the internet in Syria.

The Russian military leadership in Syria also issued orders to merge the branches "255,211,237" concerned with monitoring civilians communications and social media sites, monitoring external communications, and replacing technical equipment with modern Russian ones, coinciding with the appointment of a group of new officers who had received special training and workshops in Russia.

5. Suggestions of recommendations for the Committee to enact

- Immediately release jailed and forcibly disappeared journalists and media workers; publicly disclose the fate of those arrested, and commit to UN Security Council Resolutions, No. 1738 in 2006 related to the protection of journalists and media workers and the protection of media facilities during armed conflicts, and Resolution 2222 of 2015 on the obligation to ensure accountability for crimes against journalists and individuals associated with the media in situations of armed conflict and through the conduct of impartial, independent and effective investigations within their jurisdiction, and for the perpetrators of these crimes to be brought to justice.
- Immediately allow the International, Independent, Neutral, and Special Committee to the Syrian Arab Republic (IIIM), the Commission of Inquiry (COI) and the International Red Cross to enter Syria, visit secret and public places of detention, and interview detainees from the media and detainees of freedom of opinion and expression.
- Abolish the Ministry of Information, and establish a fully independent reference body that adopts democratic mechanisms to form its administration, able to undertake the tasks of self-regulation, mediation, arbitration, rules of freedom and responsibility, respecting professional ethics, advancing and defending press freedom and access to information.
- Revoke all legislations and decrees that suppress freedom of expression and media freedom; amend the provisions of the General Penal Code in compliance with UNESCO's Recommendation No. 29 of 1997 entitled "Resolution 29 "Condemnation of violence against journalists", calling :
 - "that governments adopt the principle that there should be no statute of limitations for crimes against persons when these are perpetrated to prevent the exercise of freedom of information and expression or when their purpose is the obstruction of justice;

- that governments refine legislation to make it possible to prosecute and sentence those who instigate the assassination of persons exercising the right to freedom of expression;
- that legislation provide that the persons responsible for offenses against journalists discharging their professional duties or the media must be judged by civil and/or ordinary courts.”
- Abolish laws governing electronic media, and issue a new legislation that adheres to the right to access information as a basic human right in accordance with international conventions and the United Nations Human Rights Council’s resolution (A/HRC/38) on “The promotion, protection and enjoyment of human rights on the Internet” which states that “the same human rights that people have offline must be protected online” including press freedom and freedom of expression.