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**Danish Refugee Council**

DANISH IMMIGRATION SERVICE



## **Syria: Kurds, Honour-killings and Illegal Departure**

**Report from a fact finding mission to Damascus**

***15-22 January 2007***

*Copenhagen, April 2007*

***Danish Immigration Service***

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## Content

1. Preface and Terms of Reference .....	2
1.1 Preface.....	2
1.2 Terms of Reference .....	2
2. The Sources.....	3
3. The Kurds in Syria .....	3
3.1 Registration and Citizenship .....	3
3.2 The Unrest in Qamishli 12-13 March 2004 .....	5
3.2.1 Penalties for Participation in the Unrest .....	6
3.3 Events in 2005 and 2006.....	7
3.4 Prosecution and Persecution .....	8
3.4.1 Political Parties and Human Rights Organizations .....	8
3.4.2 Political Activities.....	9
3.4.2.1 Mistreatment of Detainees .....	10
3.4.2.2 Kurds: Arrests, Trials and Amnesty.....	10
3.4.2.3 Today: Prosecution and Persecution .....	13
4. Honour-killing.....	14
4.1 Definition and Statistics .....	14
4.2 Geography, Ethnicity and Religion.....	16
4.3 The authorities.....	17
4.4 Shelters.....	19
5. Illegal departure .....	19
5.1 Issue of passports and travel documents .....	19
5.2 Border-control and registration.....	20
5.3 Penalties .....	21

## **1. Preface and Terms of Reference**

### **1.1 Preface**

The delegation consisting of staff members from Danish Immigration Service and Danish Refugee Council visited Damascus 15-22 January 2007.

### **1.2 Terms of Reference**

“In 2004 56 Syrian nationals applied for asylum in Denmark. In 2005 the amount of applicants were 46 and in 2006 54. 16 Syrian nationals were granted Geneva Convention status in 2004, 26 in 2005, and 31 in 2006. A relatively high proportion of the applicants thus obtained Geneva Convention status in Denmark.

The vast majority of Syrian nationals applying for asylum in Denmark are Syrian Kurds. Of this group the majority are Syrian citizens, a smaller number are Kurds without Syrian citizenship, and thus stateless Kurds with habitual residence in Syria.

Many applicants claim to have been arrested after unrest in northern Syria in 2004, inter alia after the football game in Qamishli in March 2004, and further demonstrations in Damascus in 2005.

The arrests have most often been on grounds of activities for banned Syrian Kurdish political parties. The activities include production and distribution of political leaflets and participation in political meetings and demonstrations.

Access to reliable information on the reaction of the Syrian authorities, i.a. Syrian intelligence agencies, against Kurds involved in the unrest in 2004 and the following demonstrations, and against Kurds involved in political activities for Kurdish organizations and parties is limited.

The fact finding delegation should gather information on how the Syrian authorities treat persons of Kurdish origin who have been involved in the unrest in 2004 and the following demonstrations in 2005. Further the delegation should gather information on how the Syrian authorities treat persons of Kurdish origin who have been involved in non-violent political activities for Kurdish organizations and parties. Of particular interest will be whether the Syrian authorities systematically use torture and other degrading methods during the detention and interrogation of suspects. It would also be of interest to know which possibilities that exists in Syria to complain over misconduct of the police. At last it would be of interest to know whether political prisoners are found in Syria and if confirmative the reasons for these persons to serve the prison sentences.

The delegation should meet with all available and relevant sources in Syria, i.e. in Damascus and Qamishli. It would be of particular interest to gather information from Syrian Kurds involved in the unrest and demonstrations and from people active in different Kurdish political parties and organizations. It may also be of importance to gather information from international humanitarian organizations based in Damascus and from the Delegation of the European Commission in Damascus. Embassies and other diplomatic representations with special knowledge of the situation of the Kurds would also be important sources.

Further the delegation should gather information regarding honour-killings in Syria. In particular information is wanted on the definition of honour-killing, the amount of such cases, the attitude of the authorities and whether it is possible to find protection.

Finally the delegation should gather information regarding issuing passports and travel documents and on the exit procedures at the borders and in airports in Syria. In that field it would be of particular interest to get the information on whether persons searched for by the Syrian authorities will be able to obtain a passport and leave Syria legally.

To get the technical information on how passports and travel documents are issued and how the exit procedure works the delegation may get the necessary information from Syrian authorities, diplomatic representations and the EC delegation”.

## 2. The Sources

The delegation talked with as many relevant sources as possible. In total the delegation had meetings with 26 different sources. All of them were recommended by international organizations or diplomatic representations in Damascus. Following sources are affiliated with the Syrian Government: Women’s Union, Syrian Commission for Family Affairs, Immigration Department of the Ministry of the Interior and Ministry for Foreign Affairs, Consular Department. Other sources are quoted in the report as a “Kurdish representative” or “a lawyer” or “an Embassy in Damascus” etc. When the same wording is used on more than one source a number is added.

The task of this report is to answer the questions raised in the Terms of Reference.

## 3. The Kurds in Syria

*UNHCR branch office in Damascus* informed the delegation that the Kurds live primarily in the north-eastern governorate of Hassake and around Afrin in the governorate of Aleppo. Most Kurds are sunni-muslim, some are Yezedi and a small amount of them are Alewis and Christians. Many Kurds have migrated to Damascus, Aleppo and other bigger cities in order to improve their standard of living. It is estimated that approximately 2 million Kurds live in Syria. Approximately 300000 of them are stateless.

*An Embassy in Damascus (1)* informed the delegation that an estimated number of stateless Kurds in Syria is 200000-300000.

### 3.1 Registration and Citizenship

*UNHCR branch office in Damascus* informed the delegation that the following groups of Kurds live in Syria:

- So-called Maktoumeen (muted)
- Ajanabi (foreign)
- Syrian citizens

Maktoumeen and Ajanabi are stateless. Maktoumeen, around 75000-100000, are not registered at the civil registrar office and thus can not register marriage, property etc. They can not obtain a Syrian travel document. Ajanabi, around 200000, are registered at the civil registrar office (as foreigners). They can register marriage, property etc. They can obtain an id-paper (orange colour, photo of the holder attached) and under certain circumstances a Syrian travel document.

A local lawyer informed the delegation that Maktoumeen can get issued an id-paper by the local muhtar (mayor). The paper is signed by the muhtar and 2 witnesses and attached a photo of the holder.

Maktoumeen can not travel abroad legally. If they leave Syria illegally they will in general not be readmitted by the Syrian authorities. If it can be proved that (s)he has a former residence and family in Syria, re-entry may take place.

Maktoumeen can not attend universities; work in the civil service or in the Army.

Ajanabi are registered by the civil registrar office, have an id-card and can study at the universities. They can apply for a travel document, which will be issued upon approval of the security agency. They can re-enter Syria after visits abroad.

*Brigadier General Mazhar Ahmad, Chief of Immigration and Passports Department at the Syrian Ministry of Interior*, informed the delegation that all Syrian citizens have the right to obtain a passport provided that no objections from the judiciary are registered. Stateless citizens living in Syria can apply for and normally obtain a travel document.

*Another lawyer* informed the delegation that after the census in 1962 130000 Kurds were deprived of their citizenship or could not prove to be Syrian citizens. Maktoumeen can not get a passport, have the ownership of their houses registered or get marriage registered. Ajanabi and Maktoumeen can not work in the military or in the civil service and can not even get hotel accommodation when travelling inside Syria. Ajanabi are registered at the civil registrar office, but as foreigners. Maktoumeen are not registered at all, but can under certain circumstances i.a. approval from the military security branch, obtain a kind of id-certificate.

*A Kurdish representative (3)* informed the delegation that 250000 Kurds were deprived of their citizenships after the census in 1962.

*Mrs Bushra Shouman, Women's Union*, informed the delegation that the Syrian Government has expressed the intention of granting citizenship to the stateless Kurds.

*UNICEF branch office in Damascus* informed the delegation that the problem of the stateless Kurds and the intention of granting them citizenship have been discussed openly in the Syrian media.

*An Embassy in Damascus (2)* informed the delegation that Maktoumeen can obtain an id-paper attached a photo of the holder and get hotel accommodation when travelling inside the country. However, they can not register marriage and obtain a work permit. They can not register their property. The police and the court system however, will protect them against criminals. Ajanabi are registered by the local registrar office and are issued an orange-coloured id-paper. They can register their property, marriage and children. They can get issued a travel document (valid for 1 year) if they have reasonable reasons for it i.e. travel abroad to visit family, get medical treatment etc.

*An Embassy in Damascus (1)* informed the delegation that presently about 200000-300000 stateless Kurds are living in Syria. Maktoumeen can obtain an id-paper from the local Muhtar, otherwise they have no registration papers, not even a driver's license. The Syrian vice president and leaders of the Kurdish political parties has had discussion on the subject of granting citizenship to the stateless Kurds.

*A Human Rights Organization* informed the delegation that approximately 200000 Kurds are without Syrian citizenship.

### **3.2 The Unrest in Qamishli 12-13 March 2004**

*An eyewitness* informed the delegation of the events in Qamishli:

A second football match was planned to take place in Qamishli at 4 pm 12 March 2004 between the local Kurdish Qamishli team and an Arab team from Deir-e-Sour. The first match was played in Deir-e-Sour 2 weeks before. The Kurds of Qamishli are attached to the Kurds in Northern Iraq, while the Arabs from Deir-e-Sour were sympathisers of Saddam Hussein. At the first match some Kurdish fans had expressed sympathy for the local Kurdish government in Northern Iraq and swore at Saddam, which provoked the fans from Deir-e-Sour. As a consequence clashes between the fans happened.

At the second match on 12 March many fans from Deir-e-Sour arrived in Qamishli. They were roaming the streets and shouting slogans. The fans from Qamishli felt provoked and the two groups clashed. Some of the players were involved too. They threw stones at each other. The local police were not prepared properly for such unrest and were unable to separate the groups. They had to use shotguns to calm down the situation. The police seemed to have most sympathy for the fans from Deir-e-Sour. The situation ran out of control. Police killed 5 Kurds and many were wounded. At night security forces from Damascus arrived in Qamishli. Next morning (13 March) 3 Kurdish political parties demanded an investigation. During the funeral procession where more than 100000 Kurds participated; anger was expressed and many started to demonstrate against the Syrian Government and the security forces. Statues of President Assad were destroyed, Baath party offices and symbols were burned down, public buildings were burned down, shops were looted and destroyed, public busses sat at fire and the railway station burned down. Slogans such as “Kurdistan free State” and “Flag of Kurdistan” were shouted. The security police armed a neighbouring Arab tribe and attacked the demonstrators. 2-3 policemen were killed. More than 2000 persons were arrested.

On 14 March the unrest was calmed down and the security police were in firm control of the situation.

*A Human Rights Organization* informed the delegation that 30 Kurds were killed on 12 March 2006. Public buildings were burned down. More than 2800 Kurds were arrested all over Syria.

*A local observer* informed the delegation that the football match was planned to take place at 2 pm in the afternoon. The team from Deir-e-Sour arrived together with their fans at Qamishli already at 10 am in the morning. The fans from Qamishli and the fans from Deir-e-Sour started to throw stone at each other. The football match was cancelled due to the unrest. The police intervened and shot at the Kurds. 7 Kurds were killed. Kurds got angry and smashed the windows of the railway station and burned down public busses.

The next day (13 March) more than 300000 people attended the funerals during which especially young people, particular young Kurds started to demonstrate. The police intervened and drove a truck into the masses; no ambulances arrived. 29 Kurds were killed by the police. One local policeman was killed. 5000 Kurds were arrested. Many of them were placed in very small cells.

A lawyer informed the delegation that the Arab football team hailed Saddam and their fans showed posters of Saddam. They were equipped with knives, sticks, stones and other weapons. They arrived one hour before the match and roamed the streets of Qamishli and swore at the Kurds. Some fans of the Qamishli team were beaten up by the fans of the Arab team. The police could not control the situation. At the stadium more than 100 persons were wounded. The Governor of the Hassake province ordered the police to shoot at the Kurds. Some were killed. There were no apologies from the authorities in that connection. Many Kurds were arrested.

Next day (13 March) during the funeral-processions people demonstrated against the authorities. Many were killed and a huge amount of Kurds were arrested. Some were tortured by the police and died for that reason. This took place not only in Qamishli but also in Afrin and Aleppo. In Damascus 160 Kurds were arrested. The authorities clearly supported the Arabs. Kurdish shops were looted by the Arabs with no interference by the police. The burning down of public buses and the railway station were done by people recruited by the security police. One headmaster burned down his own school and blamed the Kurds for it. The local police had the ability to control the situation, but they did not want to do it and wished to harm the Kurds.

A Kurdish representative (3) informed the delegation that 30 Kurds were killed during the unrest in 2004. 4000 Kurds were arrested and 2 policemen were killed during the unrest.

A Kurdish representative (1) informed the delegation that 4000 Kurds, including 12 leaders of political parties were arrested during the unrest. The security police participated in burning down buildings.

A representative for an Arab tribe informed the delegation that the Kurdish political parties (mis) used the football match to get further support for greater autonomy for the Kurdish region. The unrest seemed prearranged by Kurdish parties. No Arab tribe was armed by the security police. The Kurds insulted the Arabs in Qamishli by shouting slogans as “no Arabs”, “no Assyrians” and “only Kurds”. The Kurds set fire to public buildings. They burned the Syrian flag and raised the flag of “Kurdistan”.

On 12 March the Arab tribe leaders contacted the 13 leaders of the Kurdish parties to calm down the unrest as the police was unable to do so. The Kurds were not interested in co operating even if they said so. The unrest was organised by some Kurdish leaders. People in Arab clothes were insulted. Cars belonging to Arabs were smashed. However, there was no direct confrontation between the Arabs and the Kurds. The demonstrating Kurds destroyed public building, statues of President Assad and schools. When they tried to set fire to an oil depot and a grain depot the police intervened. The Kurdish leaders wanted an American invasion in Syria, similar to the one in Iraq. They hoped to start such an invasion by stirring up the unrest. The Kurdish Yekiti party was the most aggressive in the unrest and it was its members who did all the burning. PKK members were also involved.

No members of the Arab tribes were killed during the unrest. 7 Kurds were killed and brought to hospital on 12 March and 11 Kurds were killed on 13 March and brought to hospital.

### **3.2.1 Penalties for Participation in the Unrest**

UNHCR branch office in Damascus informed the delegation that all participants in the unrest, who were arrested, are released today.

A *Human Rights Organization* informed the delegation that the Syrian President announced an amnesty in 2005. Today 49 persons are awaiting trials for the participation in the unrest. They are not detained. They are charged with “spreading false news” or “belonging to a secret organisation”.

A *local lawyer* informed the delegation that all participants in the unrest are released. Some cases may still be pending but none of the accused are now in prison.

A *local observer* informed the delegation that 1 year and 2 months after the unrest all participants in the unrest had been released, many of them due to a presidential amnesty. One person, however, is still in prison charged with the murder of a policeman. One PKK-member may still be in prison too.

A *Kurdish representative (4)* informed the delegation that the authorities no longer arrest persons who participated in the unrest in 2004, but there could be people hiding abroad, who would face the risk of detention when entering Syria. 11 persons are still awaiting trial due to the unrest. One person got a prison sentence of 16 years due to “sabotage” and “destroying buildings”. In all 3 persons are presently serving prison sentences because of their involvement in the unrest.

A *lawyer* informed the delegation that due to the presidential amnesty all but one person involved in the unrest were released from prison. 60 persons are on bail awaiting trial charged with “murder”, “burning”, “conspiring against the state” etc. There are no new arrests due to the unrest in Qamishli in 2004.

### 3.3 Events in 2005 and 2006

An *eyewitness* informed the delegation that more Kurdish demonstrations broke out in June 2005. The source explained that the demonstrations occurred after the discovery of the body of the Kurdish Imam Mohammad Khaznawi in the beginning of June 2005. The source told the delegation, that Khaznawi was abducted in May 2005 by unknown men, probably members of the Syrian security service.

According to the source the funeral of Khaznawi was exploited by 3 of the approximately 12 Kurdish political parties to advance their political agenda. The other parties did not use the funeral for political purposes.

The source went on to say that the funeral of Khaznawi developed into Kurdish demonstrations in which extremist slogans such as secession from Syria of the Kurdish area and hostile slogans against Arabs and Assyrians were shouted and shop windows were broken.

The situation reached a climax on 5 June in a demonstration counting 40000 to 50000 Kurds. The security service, the Baath party and even regular troops were on alert to defend public institutions. The party, which the source represented, anticipated unrest because 3 of the Kurdish political parties had a rather extremist approach to the situation.

According to the source, local Arab leaders had incited the Arab population in the area on 4 June. In that way the authorities used the same tactics as in March 2004 to make the events appear as a conflict between the local Arab and Kurdish population and not a confrontation between the authorities and the Kurds.

The party, that the source represents, warned Kurdish leaders of the consequences of the extremist expressions of the Kurdish demonstrators and urged them to officially denounce extremist actions.



On 6 June a major Kurdish demonstration was conducted peacefully. However, in the evening shots were fired at some Kurdish demonstrators. Also, Arab civilians attacked the market of Qamishli, but after that incident the situation was calm. On this day an officer in the security service was killed and a number of Kurds were arrested.

A *Human Rights Organization* pointed out that many Kurds were arrested in connection with the celebration of Newrouz/ Kurdish New Year on 21 March 2005 and 2006. The source went on to say that about 100 Kurds were arrested for rioting after the demonstrations in connection with the funeral of Imam Mohamad Khaznawi, whose body was found in June 2005. The source observed that there are many indications that the authorities are responsible for the death of Khaznawi.

### 3.4 Prosecution and Persecution

#### 3.4.1 Political Parties and Human Rights Organizations

Several sources, among others *Kurdish sources, representatives from local human rights organizations and an Embassy in Damascus (3)*, stated that there are no laws in Syria regulating political parties and non-governmental organizations. For that reason the Kurdish political parties and human rights organizations are not officially registered in Syria and hence not legal. Some sources observed that technically even the ruling Baath party is not legal. Syria has been under emergency law since 1963.

*Representative of 3 Human Rights Organizations* told the delegation that formally their organizations have the right to be officially registered, but the authorities have turned down their applications for registration. The sources said that they have appeals pending against this decision.

*An attorney (2)* told the delegation that NGOs and political parties can apply for registration, but the applications are always turned down. According to the source the Syrian Constitution does not allow the registration of political parties and NGOs.

*A Kurdish representative (4)* said that the Kurdish parties are well organized and enjoy large support from the Kurdish population.

*A Kurdish representative (2)* told the delegation that the existence of Kurdish parties is well-known to the authorities. To a certain extent the authorities turn a blind eye to the political activities of the Kurdish parties, but sometimes Kurdish activists are arrested.

*An Embassy in Damascus (2)* said that political activities of the Kurdish parties are tolerated by the authorities to a certain extent. However, arrests of Kurdish activists do occur.

*An Embassy in Damascus (1)* said that the existence of the Kurdish parties is generally tolerated by the authorities, even though political activists may risk arrest. However, the source stressed that the Syrian branch of the PKK and a splinter group of this party are not tolerated by the authorities.

According to *an Embassy in Damascus (3)* there are 14 Kurdish political parties in Syria. Among these the source considered the Kurdish Yekiti Party in Syria, the Kurdish Azadi Party in Syria and the Future Current more activist and confrontational than the other parties.

*An Embassy in Damascus (1)* said that all parties are illegal but tolerated. There are 13 Kurdish parties in Syria. According to the source, these parties fall in two groups: 1) A coalition of Kurdish

parties which conduct a moderate policy and 2) The Kurdish Yekiti Party in Syria and Kurdish Azadi Party in Syria, which are more radical.

*A local observer* estimated that there are about 30 Kurdish parties in Syria today.

### 3.4.2 Political Activities

A large majority of sources pointed out that there are political prisoners in Syria. Political activists considered to be against the regime may risk arrest.

*A Kurdish representative (3)* observed that the human rights situation generally is bad. The source pointed to factors such as the emergency law in Syria, detention without trial, the existence of special courts and the absence of basic democratic rights.

*An attorney (1)* estimated that there are about 3000 political prisoners in Syria who are being held without trial. These prisoners include activists of various political backgrounds.

*An Embassy in Damascus (1)* said that human rights organizations estimate the number of political prisoners to be 1.500 – 2.000.

*An attorney (1)* and *a Human Rights Organization* stressed that members of, or people perceived to be members of the Muslim Brotherhood face the greatest risk of persecution in Syria.

*An attorney (1)* pointed to the existence of a law (no. 49) that imposes the death penalty for membership of the Muslim Brotherhood.

*A Human Rights Organization* mentioned that also members of Islamist groupings such as the Takfir, the Hizb ut Tahrir and the Salafists face a great risk of persecution.

*An attorney (1)* estimated that 95 percent of the political prisoners in Syria are Islamists or perceived by the authorities to be so.

*The sources* also added that human rights activists and Kurdish activists may risk problems with the Syrian authorities.

*A Human Rights Organization* told the delegation that recently 14 human rights activists were arrested for signing the so-called Damascus-Beirut declaration. However, some were released without trial. The source added that one of its members has been detained six times due to human rights activities and is banned from leaving Syria.

*An attorney (1)* told the delegation that two charges against him due to human rights activities were recently dropped. However, he is banned from leaving the country. In 2005 he was banned from leaving Syria in Damascus International Airport on his way to The Netherlands to receive a Human Rights Award.

According to the source, the general human rights situation in Syria has deteriorated recently.

*A Human Rights Organization* referred to the “red lines”, i.e. the lines which define what sort of activism is tolerated by the authorities and what is not tolerated. The source observed that these “red lines”, which used to be well-known to human rights organizations, are no longer visible. For that reason the risk of being an activist has increased.

### 3.4.2.1 Mistreatment of Detainees

Most of the sources emphasized that Syria like most of the other countries in the region has an ancient culture of using violence when handling detainees. Thus, sometimes the detainees are beaten during the interrogations. The detention cells are often small and overcrowded.

*An Embassy in Damascus (3)* stated that policemen in practice have impunity with regard to accusations of mistreating detainees.

*A Kurdish representative (1)* stated that some of the Kurds arrested after the unrest in March 2004 were tortured, i.e. battered by clubs.

*An attorney (1)* told the delegation that there are around 3000 prisoners of conscience in Syria being held without trial. They may be in prison for years. They suffer torture. When people are detained they are not always subjected to torture, but one can not know what goes on in prisons. There are 4 different security services each with many branches. Each branch has its own place of detention and nobody really knows what goes on here.

*An Embassy in Damascus (2)* informed the delegation that there were no reports of slapping, beating or torture of people detained because of illegal departure from Syria. It was assumed that slapping, beating or torture was not used against people detained for minor crimes as for instance illegal departure.

### 3.4.2.2 Kurds: Arrests, Trials and Amnesty

Most of the sources pointed to a presidential amnesty in 2005 according to which all the detained Kurdish activists awaiting trials at the military court or the security court were released.

*A local observer* said that approximately 5000 Kurds were arrested after the events in Qamishli in March 2004.

*A Kurdish representative (1)* and *a Kurdish representative (3)*, said that approximately 4000 Kurds were arrested in the aftermath of the events in Qamishli in March 2004.

*A Human Rights Organization* estimated that about 2800 Kurds were arrested in that connection. The sources pointed out that this number includes Kurds arrested all over Syria.

These sources agreed that the vast majority of Kurds arrested after the events in Qamishli were released shortly after their arrest.

According to *a Kurdish representative (1)* and *a local observer* approximately 300 Kurds remained in prison. The sources said that these Kurds remained in prison for about 1 year before they were released.

*A local lawyer* told the delegation that all ordinary participants in the demonstrations in Qamishli in March 2004 have been released. According to the source however there may be Kurds who are facing charges for sabotage against public institutions or association with illegal opposition parties.

*A Kurdish representative (3)* told the delegation that many imprisoned Kurds were released due to a presidential amnesty in March 2005.

*An Embassy in Damascus (3)* said that, apart from the mass arrests of Kurds in March 2004 and June 2005, approximately 250 Kurds were arrested in Aleppo in 2006. However, according to the source these detainees were released after a short period of detention.

According to *a Kurdish representative (1)* approximately 50 Kurds were arrested in a demonstration in 2006. Also on the international day for human rights during sit-in demonstrations at the University of Aleppo several Kurds were arrested. Additionally one member of a moderate Kurdish party was arrested in December 2006.

*A local observer* informed the delegation that 49 Kurds were arrested after the demonstrations in connection with the funeral of Imam Khaznawi in June 2006.

With one exception all Kurdish sources consulted, *an Embassy in Damascus (1+3)* and *a Human Rights Organization* pointed out that the authorities no longer arrest Kurds solely due to participation in the Qamishli events in 2004.

*A Kurdish representative (2)* said that participants in the demonstrations in Qamishli in March 2004 may still risk arrest today.

*A Kurdish representative (4)* added that there could be Kurds who are wanted by the authorities due to the events in Qamishli in March 2004. However, information about such matters would only be known to the security service.

Several *sources* pointed out the existence of courts in which political prisoners can be tried:

- Supreme State Security Courts (SSSC) (Emergency court)
- Military Courts
- Criminal Courts

*According to a Kurdish representative (3)* there is no means of appeal in cases tried in the SSSC and in the military courts. Before the SSSC the defendant does not have the right to choose his own legal counsel. In the criminal courts the defendant has the right to an attorney and means of appeal.

*An attorney (1)* mentioned that political cases can be tried in criminal courts, the military courts or the SSSC.

According to the experience of *an Embassy in Damascus (1)* Kurds who are arrested on suspicion of affiliation with the PKK are tried before the SSSC. Kurds arrested for other political reason are tried before military courts.

*According to a Kurdish representative (3)* due to the emergency law in Syria the security services decide in which court a specific case will be tried. The cases which are considered most serious will be referred to the SSSC whereas less serious cases will be referred to the military courts. The source observed that military courts originally had jurisdiction in cases involving military personnel.

The source also pointed out that under normal circumstances people arrested by the police (and not the security service) will be tried in ordinary courts. However, the events in Qamishli in March 2004 involved state security according to the authorities. For that reason people arrested in that connection can be tried in special courts.

Several sources said that there are Kurds who are presently facing charges due to events in Qamishli in March 2004.

According to *a Human Rights Organization*, 49 Kurds are presently being prosecuted for involvement in the events in Qamishli in 2004. According to the source all are released on bail.

According to *another lawyer* approximately 160 Kurds are being prosecuted for involvement in the events in Qamishli in March 2004. Among these 60 are released on bail. 1 has already been sentenced.

According to *an Embassy in Damascus (1)*, approximately 10 Kurds are presently facing charges for involvement in the Qamishli events in 2004.

According to *a Kurdish representative (4)* 11 Kurds are presently being prosecuted for involvement in the events in Qamishli in 2004, including one minor. Four of these Kurds are still detained. The rest have been released on bail. The source added that these cases are tried before military courts. The Kurds facing charges are not high-profile political activists.

*A local observer* said that the 49 Kurds who were arrested in connection with the funeral of Imam Khaznawi in June 2006 are being tried by a military court in Damascus.

*A Kurdish representative (3)* pointed out to the delegation that there are no reliable statistics concerning imprisoned people in Syria. According to the source 46 Kurdish minors arrested in the aftermath of the events in Qamishli in 2004 are presently facing charges before military courts. The source pointed out that Syrian law does not permit the prosecution of minors. Among the 46 minors one has already been sentenced. The others are all released on bail.

The source observed that the presidential amnesty of March 2005, after which many detained Kurds were released, was not given in writing. For that reason the security service is able to still detain and prosecute a number of Kurds.

The source estimated that a total of about 250 to 300 Kurds are presently being prosecuted by military courts in Damascus. This number includes Kurds arrested for other reason than the events in Qamishli in 2004.

*An Embassy in Damascus (1)* told the delegation that the charges against Kurds presently being prosecuted involved for instance sabotage, looting and insulting the Syrian flag.

*A lawyer* mentioned charges against Kurds such as instigation of riots and subversive activity.

*A Kurdish representative (3)* said that the Kurds being prosecuted are facing charges such as vandalism, rioting and insulting the Syrian flag. The source added that generally Kurds who are arrested on suspicion of membership of a Kurdish political party risk being charged with membership of an illegal party, collaboration with foreign powers or endangering the unity of Syria. Such case will normally be tried before the SSSC with a maximum penalty of 5 years imprisonment.

*A Human Rights Organization* said that the Kurds being prosecuted for involvement in the events in Qamishli in March 2004 are facing what he called "standard charges" such as relations to organizations aiming to secede part of Syria or undermining national stability.

*An attorney (1)* pointed out that the reasons of court rulings in Syria are incomplete and often marked by the involvement of the security service. The source observed that the legal system in Syria in general is marked by the emergency law in place since 1963.

#### *3.4.2.3 Today: Prosecution and Persecution*

*An Embassy in Damascus (1)* told the delegation that those Kurdish activists who engage in activities such as distribution of political leaflets, celebration of the Kurdish New Year/ Newrouz or participation in demonstrations risk being arrested.

*A Kurdish representative (4)* told the delegation that a member of a Kurdish political party who is discovered as engaging in political activity, for instance demonstrations, risks arrest. Suspicion of political activism may lead to arrest and political activists are regularly arrested in North-East Syria.

*A lawyer and a local observer* said that Kurdish political activists are still regularly arrested in Syria.

*A Human Rights Organization* observed that Kurds who participated in the demonstrations in Qamishli in March 2004 and who engaged in political activity prior to these events may risk arrest.

*A Human Rights Organization, an Embassy in Damascus (1)* and *several Kurdish sources* pointed to the recent arrest in Aleppo of a leading member of the Kurdish Yekiti Party. *A Kurdish representative (2)* mentioned the arrest in December 2006 of a Kurd who had published a collection of poetry in the Kurdish language. *A lawyer (2)* said that in 2006 for instance some Kurds were arrested on suspicion of attempts to conduct a census of the Kurdish population in Syria.

*The Kurdish sources consulted, an European Embassy (1+3) and a Human Rights Organization* told the delegation that generally leading Kurdish politicians are not arrested.

*A Kurdish representative (1)* said that the authorities do not arrest Kurdish political leaders because they want avoid negative international attention to the regime. However, this policy does not apply to low-profile Kurdish activists.

*An Embassy in Damascus (3)* added that Kurdish political leaders generally operate quite freely for instance by having international contacts by e-mail or with Embassies. According to the source this is possible because the political leaders know the “red lines” which can not be crossed without risk.

*A lawyer (2)* said that a person reading a political leaflet might be arrested while the person who published the leaflet is not arrested.

*The consulted Kurdish sources, an Embassy in Damascus (1+3) and a Human Rights Organization* stressed in unison that there is no pattern in the arrests of Kurdish activists in Syria. According to the sources it is arbitrary which activists are arrested and which are not arrested.

*An Embassy in Damascus (3)* stressed that it is very difficult to say which political activists will be arrested and which will not be arrested. According to the source that is the big question.

*A Kurdish representative (4)* said that traditionally it is very difficult to predict what sort of activity will lead to arrest.

*A Kurdish representative (1)* observed that the authorities probably have very specific reason for arresting individual Kurds. However, it is not clear why some are arrested and others are not. According to the source, there are no known criteria behind the arrests of Kurds.

*A Kurdish representative (2)* said that the reaction of the authorities to political activism is highly unpredictable. For instance according to the source sometimes the celebration of Newrouz is tolerated, at other times participants are arrested.

*A Kurdish representative (3)* and *an Embassy in Damascus (1)* pointed out that the arrests of Kurds are deliberately arbitrary in order to spread a sense of general insecurity.

*An Embassy in Damascus (1)* observed that the Syrian regime is built on inspiring such insecurity.

*A Kurdish representative (1)* added that probably there is an unofficial suspension of arrests against Kurds in place at the moment in order not to attract negative attention to the Syrian regime.

*A Kurdish representative (4)* pointed out that the Syrian authorities have a “one-time-policy” meaning that political activists who have been arrested and released will be under surveillance. Such persons are often forced to cooperate with the security service.

*A Kurdish representative (3)* told the delegation that arrested persons who are released often are obliged to report regularly to the security service. Such persons will normally be under surveillance by the security service. They risk arrest if they do not cooperate with the security service.

*A lawyer* said that the most common reason for arresting Kurdish activists are membership of an illegal party, political activity and possession of printed materials in the Kurdish language.

*A Human Rights Organization*, said that Kurds in Syria are not subject to persecution due to their ethnicity alone. Most Kurds in Syria do not risk persecution since they have no political activities.

*An Embassy in Damascus (1)* pointed out that Kurdish political activists do not face a greater risk of arrest than other people considered opponents of the regime.

*A Human Rights Organization* and shared this point of view.

*A lawyer* said that Kurdish activists are not oppressed to a larger degree than political activists of Arab or other origins.

*A Human Rights Organization* observed that there is much exaggeration about the number of injustices against Syrian Kurds. According to the source, Kurdish asylum seekers from Syria exaggerate their problems in order to obtain asylum.

*A Kurdish representative (2+4)* said that some asylum seekers may abuse the situation in Syria in order to obtain asylum abroad.

## **4. Honour-killing**

### **4.1 Definition and statistics**

Honour-killing is defined in article 548 in the Syrian Penal Code of 1949 which states that:

1. He who catches his wife or one of his ascendants, descendants or sister committing adultery (*flagrante delicto*) or illegitimate sexual acts with another and he kills or injures one or both of them benefits from an exemption of penalty.
2. He who catches his wife, or one of his ascendants, descendants or sister in a suspicious state (*attitude équivoque*) with another and he kills or injures one or both of them benefits from an exemption of penalty.

Furthermore, article 192 of the Penal Code states that a judge may reduce the penalty in cases of honour-killings:

If the judge establishes that the motive [for the crime] was honourable, he may apply the following penalties: in place of the death penalty, life imprisonment; in place of hard labour for life, life imprisonment or for 15 years. Temporary prison in place of temporary hard labour. Mild imprisonment in place of prison and labour.

Article 242 of the Penal Code states that:

1. He who commits a crime in a state of great anger resulting from a wrongful and dangerous act on the part of the victim shall be liable to a lesser penalty.

*UNHCR branch office in Damascus* informed the delegation that honour-killing will be a mitigating factor in the judgement. According to UNHCR, there are no statistics on honour-crimes and the number of annual honour-killings is therefore unknown.

*Mrs Bushra Shouman, Women's Union*, explained that the number of honour-killings have gradually been diminishing over the past 20 years. For the last 10 years there have only been 7 cases around the country, all of which have been dealt with by the courts. Honour-killing is only a problem in limited areas of the country where clans prevail as their customs and traditions are stronger than law. She expressed that although there are cases of honour-killings it is not a big problem in Syria. She mentioned one case about a woman who was killed by her brother because he wanted to keep an inheritance to himself. The brother had explained in court that he had heard that his sister might be committing adultery. He was unable to prove in court that it was honour-killing.

*A local lawyer* was of the opinion that revenge killings are very rare in Syria as there is a strong authority in the country now.

*An attorney (2)* explained that there are no statistics on honour-killings. She is of the opinion that they do not occur frequently. She told the delegation that the last case of honour-killing took place two years ago.

*Mouna Ghanem, Syrian Commission for Family Affairs*, told the delegation that she does not know how many women are killed each year in defence of the family's honour as there is no research on the subject. She acknowledged that the problem exists but is of the opinion that honour-killing is not a big problem in Syria.

*UNICEF branch office in Damascus* stated there are approximately 40 girls in Aleppo every year facing honour-killing or social or family related problems. The total number in Syria is not known though.



An attorney (3) stated that statistics from NGOs show that Syria is the 5<sup>th</sup> highest ranking country in the world as far as honour-killings are concerned and that the number may be as high as 200-300 annually. The source pointed out that there are no statistics on honour crimes. The source explained that information about honour-killings may be gathered through the accident pages of newspapers. She finds around 2-3 different stories every month from different cities that are described as accidents but which may in reality be honour-killings. Some honour-killings may be masked as suicide incidents or accidents with a gun etc. In such cases there will be no police investigation let alone prosecution of the perpetrator.

According to the source honour-killings are not related to cities or regions. They occur everywhere. In the city of Afrin, there were 2-3 cases last year. In Swaida there were 4-5 cases. There were 13 cases in Edlib during one month last year. She explained that normally there are 2-3 cases per month but sometimes more.

An Embassy in Damascus (1) estimated that there are at least 100 honour-killings per year in Syria.

Mouna Ghanem, Syrian Commission for Family Affairs, explained that honour-killing is defined as a spontaneous act in the Syrian Penal Code and went on to say that often family problems are wrongfully defined as honour crimes. As an example she explained that what could be a fight over an inheritance could be wrongfully masked as honour-killing. She pointed out that if a family keeps looking for a woman in order to kill her because she has done something wrong and they do find her and kill her, this can not be classified as honour-killing. Such an act is an act of revenge. Honour-killing can only be understood as a spontaneous act upon discovering the adultery or illegitimate sexual act.

A local lawyer (1) also explained that in order for a crime to be defined as honour-killing it must be committed on the spot when discovering the adultery. If the woman is killed after 1 month after being caught in the adulterous act it is not honour-killing.

According to an attorney (2) honour-killings do not always occur on the spot when a woman is caught in an adulterous act. Honour-killing may take place later on when for instance the family discovers that an unmarried daughter is pregnant. Although the woman has not been caught in the act the family will know that she has had a sexual relation and may kill her. This would be honour-killing although it was not committed on the spot. She went on to explain that if a woman kills a man because he has committed adultery she will go to jail for 15 years. If a man kills a female family-member who has committed adultery he will go to jail for a period of 5 months to 1 ½ years.

## 4.2 Geography, Ethnicity and Religion

According to UNHCR branch office in Damascus, honour-killings mostly occur in remote areas where people are more likely to follow old tradition and customs, but they also take place in the city. UNHCR explained that honour-killings occur among all ethnic groups including the Kurds, the Arabs, the Druze and the Christians. UNHCR pointed out that there is a rising awareness in society that honour-killings are not acceptable and that there are women groups and organizations working to raise awareness to the subject. UNHCR told the delegation that men may be at risk of honour-killings as well as women.

Mouna Ghanem, Syrian Commission for Family Affairs, mentioned that honour-killings take place both in rural and urban areas and are often dependent on the level of education and conservatism in

the community. She explained though that honour-killings do not take place in Damascus. Men do not insist on virginity of women in the city, whereas in other places a woman may be killed if she is seen talking to a man. She pointed out that honour-killing has nothing to do with Sharia. It is related to how society sees women. According to *Mouna Ghanem*, women in Syria are seen as something owned by the family.

*An attorney (2)* mentioned that if a woman is pregnant and not married she may risk being killed. In Syria the problem of honour-killing is not much debated. Honour-killing is a problem related to the level of social category and education. The source informed the delegation that honour-killings may occur more often in the north- eastern areas of Syria but that they are not confined to rural areas per se. Furthermore, it is not a crime restricted to certain religious groups as honour-killings have been seen committed by Druze as well as Muslims and Christians. The source explained that in Syria honour is related to men. A woman's spiritual custody is related to the man whether it is her father, her brother or her husband. The woman has a responsibility to keep her family's honour intact and the man has a right to defend the family's honour.

*An attorney (3)* explained that honour-killings are not related to religion. It is seen in all religions and within all ethnic groups. Honour-killing has nothing to do with Sharia but with tradition. The honour of the girl belongs to the honour of the family. She is their property and if the family has a suspicion that the girl has violated the family's honour they may kill her.

*Mrs Bushra Shouman, Women's Union*, stated that the Syrian constitution guarantees equality and there are as such no differences between man and woman. She went on to explain that the article on honour-killing in the Syrian Penal Code is obsolete because organisations has made sure that the article is not used in practise anymore and that honour crimes have been made infamous because of media attention. She went on to say that Women's Union has argued for the mitigating circumstances to be removed from the legislation.

According to *an attorney (3)* a campaign was initiated last year to remove the article on honour-killing from the penal code. However, the campaign was soon stopped by the Government. Although women's issues are discussed more openly now in Syria honour-killings remain a subject that is not debated.

*Mouna Ghanem, Syrian Commission for Family Affairs*, explained that if a woman is raped and the man wants to marry her she can not refuse. Nobody else will marry a raped woman.

She will be obliged to marry the rapist as she will otherwise be stigmatized. After a period of time, she can seek divorce and then be able to remarry. *Attorney(3)* also informed the delegation that a woman who is raped may be forced to marry her rapist who will not be able to divorce her for some years. If he does not want to marry her he may sometimes be threatened and forced to marry her – even by the police.

#### 4.3 The authorities

According to *a local lawyer*, a woman who fears that she may become the victim of honour-killing can seek and get police protection even in rural areas. If she is able to prove that a person is threatening her, the person will go to prison.

*Mouna Ghanem, Syrian Commission for Family Affairs*, explained to the delegation that theoretically it is possible for a woman who fears honour-killing to seek police protection. However, many women will not know that it is possible to do so. She mentioned that in some areas the police may even find that honour-killing is acceptable.

According to *UNHCR Branch Office in Damascus* the police will try to protect a woman who seeks protection, but will on the other hand not be happy to interfere in family matters.

*Mrs Bushra Shouman, Women's Union*, informed the delegation that women at risk of honour-killing can seek protection in a shelter or from the police. There may be instances in rural areas where the police will not help a woman asking for protection from her family, but this is not the general picture in Syria. A person who threatens to kill a woman because of honour may face a prison sentence of seven years.

*An attorney (2)* explained that there is no police protection in Syria in cases where a woman risks honour-killing. For instance if a Christian woman has an affair with a Muslim man she can not go to the police as they will refuse to help her. She further pointed out that a woman at risk of being killed in defence of the family's honour will not be safe in other places in Syria. She referred to the case of a woman who managed to escape to Lebanon where her family tracked her down and killed her.

*An attorney (3)* informed the delegation that if a woman is at risk of being a victim of honour killing and she goes to the police for protection, the only solution may be to place her in a juvenile centre. Women over the age of 18 only have the option of going to jail for protection until the situation with the family is settled. The source went on to explain that a woman belongs to the family or to her husband. If her family or husband is determined to kill her there is no safety for her in any part of Syria.

*UNICEF branch office in Damascus* visits juvenile centres situated around Syria and explained that there are young women under the age of 18 who are in those juvenile centres for their own protection because otherwise they risk being killed by a family member in the defence of the family's honour. UNICEF further explained that it will often be the young boys of a family who take the blame for the honour-killing as their sentences will be lower because of young age and because they will be sent to a juvenile centre instead of a prison. There are juvenile centres in different cities around the country. They are not all accessible to young girls everywhere though.

*An Embassy in Damascus (1)* explained that there is no sufficient state protection for a woman in Syria who is at risk of being a victim of honour-killing by her family. The Embassy pointed to the fact that 80 % of the institutions in Syria are corrupt. In theory a woman can go to the police but there is no government institution to protect her. According to the Embassy, it is very difficult for a woman to move from her family and live elsewhere in Syria as it is socially unacceptable for a woman to live alone. The Embassy pointed out that a woman who has offended her family's honour may not be safe although the family has made no attempt to kill her on the spot or within a few weeks after discovering her adultery. The Embassy explained that sometimes it is the youngest male family member who kills her as he will not receive punishment but that it may take time to convince him to kill her.

*An Embassy in Damascus (3)* informed the delegation that there are no governmental shelters or government protection in Syria and that if a woman's asylum claim seems credible she should be

granted asylum. The Embassy went on to say that it is not possible for a woman to live alone outside of Damascus and even in Damascus it is difficult for a woman to live alone without a network.

#### 4.4 Shelters

The delegation visited a private institution run as a shelter for women in Syria, who are fleeing persecution from their families. The women can be Muslim and Christians as well. The shelter also accommodates women from many different countries who have fled to Syria to seek protection. The women can stay until their problems are solved. There are psychologists, social workers, trainers and lawyers working pro bono with the shelter. The shelter may try to influence the family of a Syrian woman. In some cases by creating dialogue with the family the shelter is able to help the woman to return to her family. In other cases the shelter may help the woman to obtain a divorce. If a woman decides to return to her family a lawyer from the shelter will supervise the return and monitor that all goes well. The women stay at the shelter for an average period of six months. By then their problems are usually solved.

According to *an attorney* (3) not many women reach the shelter.

*UNHCR branch office in Damascus* informed the delegation that there is no efficient state protection in Syria.

Also *Mouna Ghanem, Syrian Commission for Family Affairs*, explained that a woman fleeing a rural area will be lost in the city without a family and unless she has financial support she may end up in prostitution. It is not possible for a woman fleeing honour-killing to go live in another part of the country. She will be alone and weak and people will ask about her family. She will be a target. *Mouna Ghanem* was of the opinion, that if a woman has enough money to go to Europe she could also manage to stay on her own in Syria.

### 5. Illegal departure

#### 5.1 Issue of passports and travel documents

*Brigadier General Mazhar Ahmed, Chief of Immigration and Passports Department, Ministry of Interior of Syria*, informed the delegation that all citizens of the Syrian Arab Republic can obtain a passport with the exception of persons who are banned from leaving Syria.

In order to obtain a passport the applicant must produce his identity card and two passport-size photos.

A passport is valid for six years. Passports issued to men who are due to conduct military service are valid for two years only.

A *local lawyer* told the delegation that under normal circumstances the issuing of a passport will take 24 hours.

*Brigadier General Mazhar Ahmed* pointed out that since 2000 it is required for children to have their own passport. Children must have the consent of their father to leave the country. If the father

is deceased, a declaration of consent must be granted by the grandfather or the brother of the father. If no male relatives exist, the authorization of a judge must be obtained.

*Brigadier General Mazhar Ahmed* added that a passport can be issued to a married woman over 18 years of age without the permission of her husband. In cases where there is a dispute between husband and wife the judge may rule that a passport can not be issued to the woman in question for the sake of the unity of the family.

According to *Brigadier General Mazhar Ahmed* in cases where women with children apply for a passport a judge must assess the case with the interests of the child in mind. The source added that passports are not issued to persons who are searched by the judicial authorities.

The source informed the delegation that foreigners who are registered in the Syrian civil registry in Syria can be issued a temporary travel document for special purposes, e.g. medical treatment or visits abroad. The applicant must produce his/ her identity card documenting that the applicant is officially registered as a foreigner residing in Syria.

*An Embassy in Damascus (2)* observed that Kurds who are not Syrian citizens but are officially registered as foreigners in Syria can obtain a travel document. The source had seen such one document.

*A lawyer* said that Kurds officially registered as foreigners in Syria under special circumstances can obtain a travel document.

*An Embassy in Damascus (2)* pointed out that the Syrian authorities do not issue travel documents to the Maktoumeen Kurds.

## 5.2 Border-control and registration

*An Embassy in Damascus (2)* said that the exit-entry procedure in Syria has been considerably tightened in recent years. The reason for this is among others pressure from the USA not to allow transit of persons related to the conflict in Iraq. Another reason could be the intent on the part of the authorities to limit the entry of Iraqis into Syria.

*An Embassy in Damascus (3)* observed that the measures regarding border control in Syria have been tightened because the authorities want to keep control with the people residing in Syria since they realize that the influx of foreigners, e.g. Iraqis, can affect the security situation of the country.

*An Embassy in Damascus (1)* also observed that the exit-entry control in Syria is highly effective. The immigration authorities run an effective computer database.

*An Embassy in Damascus (2)* informed the delegation that the computer registry of the Syrian immigration authorities will indicate the exit date and place of people leaving Syria. If a person is searched for by the security services, it will be indicated in the registry with information about which security service has requested the search.

*An Embassy in Damascus (3)* also pointed to the fact that the Syrian (immigration) authorities have a computer registry that indicates the date and place of exit and the issue of a passport of a given person. It is also indicated if the person is searched by the police. The source observed on a general level that there is no central civil registry in Syria.

According to *Brigadier General Mazhar Ahmed, Chief of Immigration and Passports Department, Ministry of Interior of Syria* civil servants, men who are due to do their military service and children need an exit permit in order to leave Syria.

Persons who are wanted or who are subject to a travel ban are registered in a computer database. This computer registry is checked when passport applications are processed.

Persons who have obtained a passport are also checked in the computer registry when they leave Syria.

A *local lawyer* informed the delegation that an exit-visa is no longer required in order to leave Syria.

Regarding re-entry into Syria *Brigadier General Mazhar Ahmed* informed the delegation that foreigners residing permanently in Syria will only be allowed to re-enter the country if they can provide documentation that they are registered in the Syrian Civil Registry. Persons who can not provide such documentation will not be allowed re-entry.

### 5.3 Penalties

*Brigadier General Mazhar Ahmed, Chief of Immigration and Passports Department, Ministry of Interior of Syria* pointed out that persons who leave Syria illegally will be arrested upon re-entry and referred to the competent authorities.

According to *Brigadier General Mazhar Ahmed* the penalty for illegal exit from Syria ranges from a fine to a prison sentence. It is up to the competent judge to assess which penalty to apply.

*An Embassy in Damascus (2)* informed the delegation that a Syrian citizen/resident returning to Syria without a passport/travel document will be interrogated by the Immigration authorities on re-entry.

After establishing the identity, the person will be referred to the security service in order to establish whether a new passport can be issued. In this connection it will be investigated whether the person is considered to have had relations with foreign powers. If the person is considered to have sold his passport a fine of 300-400 Syrian pounds must be paid and the person will be subject to a travel ban of approximately 2-3 years.

*An Embassy in Damascus (2)* went on to say that a Syrian who returns to Syria holding a passport will be allowed re-entry without being detained or interrogated.

The source was not aware of the exact range of penalties for illegal exit in the Syrian penal code, but estimated the maximum potential penalty to be 2-3 years imprisonment. The source had no knowledge of cases where a Syrian citizen returning from Sweden has been subject to a fine or a prison sentence due to illegal exit from Syria. The source knew of cases where a returning Syrian citizen had been interrogated about the reasons for the loss of his/ her passport by the Immigration authorities and afterwards detained for two to three days by the security service.

The Syrian Penal Code article 452 stipulates up to 2 years in prison for a person using a false or falsified passport.

According to *an Embassy in Damascus (1)*, persons who have exited Syria illegally will be detained and questioned on return to Syria. The source had no knowledge of the penalties for illegal exit and knew of no cases where illegal exit had lead to a penalty.

In the experience of *an Embassy in Damascus (1)* Syrians who are repatriated are detained and questioned. Sometimes the returnee is referred to the security service, but most often (s)he is released after a short period of detention.

*An Embassy in Damascus (3)* had no knowledge of cases where a Syrian citizen returning to Syria had been sentenced to a fine or a prison term due to illegal exit from the country.

*An Embassy in Damascus (3)* indicated that the regulations in the Syrian Penal Code regarding illegal exit may have been abolished, but it has not been possible to confirm this information yet.

*A local lawyer* said that normally illegal exit from Syria is not punished. Persons who have left Syria illegally and re-enter the country holding a laissez-passer will be interrogated in order for the authorities to establish the identity of the person.

According to the source, in such cases the person will be interrogated first by the immigration authorities and after that referred to the security service. The security service must decide whether there are reasons why a new passport can not be issued to the person. In most cases the security service decides that a passport can be issued even in cases where the person originally left Syria illegally. The official range of penalty for illegal exit is 6 month imprisonment.

*An Embassy in Damascus (3)* went on to say that it is normally not a problem for a Syrian citizen/ resident to leave Syria for economic reasons or to apply for asylum abroad. The source knew of only few cases where a Syrian citizen/ resident had received a sentence for the fact alone that he/ she had applied for asylum abroad. According to the source the Syrian authorities do not regard applying for asylum abroad as an expression of anti-government activities. The authorities have a certain understanding for the fact that Syrians may chose to go abroad due to unemployment etc.

An alternative source had earlier informed *an Embassy in Damascus (4)* that in generally persons who had left Syria illegally and then return to Syria will be kept by the intelligence agency from a few days to 2-3 weeks and interrogated. During this period of time mistreatment may happen.

*A local lawyer* pointed out that having applied for asylum abroad does not in itself lead to detention or imprisonment upon return to Syria. It was added that re-entry into Syria in general is not a problem for Syrians.

*An Embassy in Damascus (3)* mentioned 2 cases of rejected asylum seekers who had returned to Syria from the country in question. In one case the returnee was detained by the security service and held without trial for 1 month. The reason for the detention was unknown. In another case the returnee admitted having participated in anti-government demonstrations abroad. The returnee was referred to the court but eventually released with a suspended sentence of 2 months imprisonment.

*A local lawyer* pointed out that upon return Syrians who have deserted from the Syrian army during military service will be arrested and sent to complete their military service.

*A Human Rights Organization* stated that re-entry can lead to problems for human rights activists and political activists, including Kurds who are politically active, if the concerned persons are already known by the Syrian authorities.

*A Kurdish representative (4)* said that Kurds from Syria who return to the country may face arrest due to illegal exit from Syria. According to the source the risk of arrest upon return depends on how much the authorities know about the activities of the returning person.

The source also pointed to a case where a Kurd from Syria was sentenced by a Syrian court for separatist activity upon return from Germany where the said person had participated in anti-government demonstrations. The source offered no more information of this case. According to this source in another case two Kurds from Syria were detained upon return from Iraq. One was detained without trial for 9 month, the other one is being tried before a Syrian court. Additionally the source mentioned a case where a Kurd from Syria and his son were arrested upon return from Norway.

*An attorney (1)* told the delegation that the usual penalty for illegal exit from Syria is a fine.