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REVIEW AUTHORITY: Archie Bolster, Senior Reviewer

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SYRIA – PROFILE OF ASYLUM CLAIMS AND COUNTRY CONDITIONS

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I. INTRODUCTION

Country conditions profiles are produced by the Department of State's Office of Country Reports and Asylum Affairs for use by the Executive Office of Immigration Review and the Department of Homeland Security in assessing asylum claims. By regulation, the Department of State may provide information on country conditions that may be pertinent to the adjudication of asylum claims. The purpose of these profiles is to provide general factual information relating to such conditions. They do not relate to particular asylum claims but instead provide country condition information as of the date drafted.

Profiles are prepared by State Department officers with expertise in the relevant area and are circulated for comment within the Department, including to overseas missions, and to other agencies if appropriate. Adjudicators may also wish to review the applicable chapter of the Department of State's annual Country Reports on Human Rights Practices on line at: www.state.gov/g/drl/rls/hrrpt/2004/, International Religious Freedom Report www.state.gov/g/drl/irf/2004/ and other publicly available material on conditions in this country.

II. CONTEXT AND OVERVIEW

A. Historical, Political, and Economic Context

The following paragraphs are offered to provide context for the comments in subsequent sections.

Syria is a republic under an authoritarian regime since March 1963, and the President is Bashar al-Asad, who was confirmed by an unopposed referendum for a 7-year term in July 2000. According to the Constitution, a presidential candidate is first nominated by the People's Assembly and then approved by a majority of votes in a popular referendum. The President appoints the cabinet, or Council of Ministers, vice presidents, the prime minister, and deputy ministers. Ba'th Party leaders, whose primacy in state institutions and the Parliament is mandated by the Constitution, influence all three branches of the Government. The Constitution provides for an independent judiciary; however, the security courts were regularly subject to political influence.

The current parliament was elected in March 2003 and has a four-year mandate. The 250 members of the People's Assembly are elected from 15 multi-seat constituencies under the electoral rules of the party-list system. In 1980, the government decided that independent candidates could hold up to 83 seats in the legislature, while the remaining 167 seats are reserved for parties that are members of the National Progressive Front (al-Jabha al-Wataniyah al-Taqadumiyah), dominated by the Ba'th Party. The Ba'th Party is the dominant Syrian political entity, and the other nine officially recognized political parties are influenced by it.

Syria has a diversified, centrally-planned economy based on three main sectors: petroleum, agriculture, and industry, which together make up well over half of the annual GDP. Oil revenues account for close to 40% of the state budget, and public sector and agricultural workers

comprise close to half of the labor force. Outdated government policies, widespread cronyism and corruption, inadequate technical and physical infrastructure, a lack of rule of law, and a declining educational system have greatly impeded economic development and have limited foreign direct investment. Economic and trade statistics provided by the Central Bureau of Statistics of the Syrian Arab Republic Government (SARG) are unreliable and not up-to-date. The provisional estimate by the SARG of GDP growth in current prices for 2003 is 3.8%; however, independent estimates place the actual growth rate closer to 2%. In addition, while the official unemployment rate is listed as 10.8%, actual unemployment runs over 20% of the labor force of around 5.2 million people. According to official statistics, total exports for 2003 equaled \$5.3 billion USD, while imports equaled \$4.7 billion USD. Independent estimates of 2004 figures place exports at \$6 billion USD and imports at \$5 billion USD. The largest export is crude oil, and the largest imports are heavy machinery and transportation equipment.

Almost all economic sectors are open to foreign direct investment except for power generation and distribution, air transport, port operation, water bottling, and oil and gas production and refining. Foreign investment remains encumbered by inefficient and corrupt bureaucratic procedures, excessive and confusing regulation, and the lack of rule of law. According to the 2004 Index of Economic Freedom report, from 1993 to 2002, Syria's weighted average annual rate of inflation was 0.97 percent. Syria has a population of approximately 18 million people. Reflecting Syria's largely urban population, 50 percent of the total workforce is employed in urban areas. Women make up only 13 percent of the urban workforce, as opposed to 26 percent in Syria's small towns and villages. The government employs close to 1.2 million employees, around one-quarter of the labor force.

The powerful role of the security services, which extends beyond strictly security matters, is due to the state of emergency, codified by the Emergency Law, which has been in place since 1963. The Government justifies ongoing martial law because of its state of war with Israel and past threats from terrorist groups. Syrian Military Intelligence and Air Force Intelligence are military agencies; the Ministry of Interior controls general security, state security, and political security. The branches of the security services operate independently of each other and outside the legal system.

B. Human Rights Situation

The current Syrian government restricts or denies many human rights, and the Government continues to commit numerous, serious abuses, which include the use of torture in detention, which at times results in death; poor prison conditions; arbitrary arrest and detention; prolonged detention without trial; trials lacking in due process in the security courts; and infringement on privacy rights. The Government's record remains poor with respect to violations of freedom of expression, association, and assembly, and movement and problematic with respect to freedom of religion and restrictions of worker rights.

The Government has used the Emergency Law, in effect since 1963, to infringe on citizens' privacy rights. Suspects could be detained incommunicado for prolonged periods without charge or trial and denied the right to a judicial determination regarding pretrial detention. Freedom of

association is limited, as under the Emergency Law, gatherings and demonstrations are permitted in theory, if pre-approved, but are rarely authorized.

There are credible reports from human rights groups that security forces have committed numerous human rights abuses, including torture in detention, arbitrary arrest and detention, and prolonged pretrial detention. The law authorizes the Government to conduct preventive arrests and overrides Constitutional and Penal Code provisions against arbitrary arrest and detention, including the need to obtain warrants. In cases involving political or national security offenses, arrests were often carried out in secret.

In 2005, the Syrian Foreign Minister instructed all Syrian diplomatic missions that they could issue passports valid for two years to all Syrian citizens living abroad who are deemed Syrian citizens regardless of the reasons that prevented them from having been issued passports in the past. Human rights activists in Syria have reported that a number of Syrian exiles have recently returned; however, some were arrested on arrival, with many human rights activists and exiled Islamists suggesting that the Syrian Foreign Minister's instruction has been used in some cases as a "trap."

Regarding freedom of speech, the Government places restrictions on freedom of the press and significantly restricts freedom of assembly and association. The government regulates the press, including three state-run newspapers. Under Decree no. 50/2001, publishers and distributors need pre-approval from the Ministry of Information before publishing material, or else they can be fined or imprisoned. Despite these restrictions on speech, citizens generally express themselves freely illegally, and the Government occasionally does not enforce the restrictions.

Regarding independence of the judiciary, the Constitution provides for an independent judiciary. According to reliable reports, political connections and bribery sometimes influence the criminal and civil courts. Additionally, civilians are tried in military-run courts for which there is no right of appeal. The Supreme State Security Court (SSSC), in dealing with cases of alleged national security violations, is not independent of executive branch control. The SSSC was established as an exceptional court by decree 47 of 1968 pursuant to the state of emergency and does not operate under ordinary law. The rules of procedure for the SSSC do not provide for due process and internationally recognized standards for a fair trial. The SSSC operates under the authority of the Ministry of Interior, and its decisions can only be reviewed by President Asad. Although the Government states that the SSSC tries only persons who have sought to use violence against the State, the majority of defendants who appear before the SSSC have been prosecuted for speech contrary to Government views.

The Government also places some restrictions on freedom of religion. Although there is no official state religion, Sunni Muslims constitute the majority of the population. Muslims and Christians are subject to laws on marriage, divorce, child custody, and inheritance based on their respective religions. The Government monitors the activities of all religious groups, discourages proselytizing, particularly when it is deemed a threat to the relations among religious groups, and bans the members of Jehovah's Witnesses as a "politically motivated Zionist organization." Societal conventions make conversions relatively rare, especially Muslim-to-Christian

conversions. In many cases, societal pressure forces those who undertake such conversions to relocate within the country or leave the country to practice their new religion openly.

Regarding women's rights, violence against women occurs, but there are no reliable statistics regarding the prevalence of domestic violence or sexual assault. The vast majority of cases are likely unreported, and victims generally are reluctant to seek assistance outside the family. Battered women have the legal right to seek redress in court, but few do so because of the social stigma attached to such action. Instances of honor crimes are rare and occur primarily in rural areas in which Bedouin customs prevail.

Arbitrary Arrest or Detention

Many people who have disappeared in past years are believed to be in long-term detention without charge or possibly to have died in detention. Many detainees brought to trial have been held incommunicado for years, and their subsequent trials often were deemed by observers to lack due process. Many criminal suspects were held in pretrial detention for months and may have had their trials delayed for additional months.

The government monitors and occasionally arrests leftists for their political activities. In one recent, notable example, in May 2005, eight members of the board of the Jamal Al-Atassi Forum for National Dialogue, the only remaining political forum in Syria, were arrested and later released by security officials for reading a statement of the outlawed Muslim Brotherhood group at a monthly meeting. The gathering discussed various dissident political and cultural views, including the views of the Muslim Brotherhood. The Al-Atassi Forum members were charged with "violating laws and regulations regarding the activities of some outlawed movements in Syria." Several human rights organizations, including the International Federation for Human Rights (FIDH) and the World Organization Against Torture (OMCT), and Democratic Liberties in Syria (CDF), issued press releases condemning the arrests and expressing concerns about the continued violations of human rights and individual liberties in Syria. In 2001, the government cracked down on political gatherings held in private homes during which Syrian intellectuals discussed democratic reforms in Syria.

III. CLAIMS AND RELEVANT COUNTRY CONDITIONS

A. Political Opinion

Syrian claimants for asylum frequently assert that they are unable to express their anti-government political views or to participate in the political process in Syria. A frequent assertion is that the Syrian authorities detain individuals who refuse to join the Ba'th Party. Party or government connections pave the way for entrance into better elementary and secondary schools, access to lucrative employment, and greater power within the Government, the military, and the security services. Refusal to join the Ba'th party may lead to social discrimination. However, detention or arrest for political reasons typically occurs if the individual expresses a political opinion contrary to that of Ba'th party orthodoxy, rather than for not joining the Ba'th Party.

Many cases heard by the SSSC reportedly involve charges relating to membership in various banned political groups, including the Muslim Brotherhood, the Islamic Liberation Party, the Party of Communist Action, Syrian Kurdish Parties and the pro-Iraqi wing of the Ba'th Party. Sentences as long as 15 years have been imposed for such membership, and family members and NGOs were prevented from visiting some of the detained.

Regarding pre-trial detention conditions, credible reports indicate that the Government threatens or detains the relatives of detainees to obtain confessions and to minimize outside interference. These tactics are also used to prompt surrender of fugitives. There were reports that security personnel forced detainees to watch relatives being tortured in order to extract confessions. There were also reports that security forces detained family members of suspected oppositionists.

There were reports that between June and November 2004 dozens of Islamist students and clerics were arrested, mostly in the Hama and Qatana regions. Many of those arrested reportedly had links with the banned Hizb al-Tahrir al-Islami (Islamic Liberation Party), a radical Islamic political movement that seeks "implementation of pure Islamic doctrine" and the creation of a regional Islamic state.

The Government continues to hold an unknown number of members of the Muslim Brotherhood and other Islamists as political prisoners. Their arrests were motivated primarily by the Government's view of militant Islamists as potential threats to regime stability. Human rights groups estimate the number of detainees to be at least several hundred. Two Presidential amnesties in 2004 resulted in the release of some 125 Muslim Brothers and other Islamists from Prison. A Presidential amnesty issued in February 2003 in connection with the end of the Eid Al Adha holiday reportedly freed more than 130 oppositionist political prisoners, including many members of the Muslim Brotherhood.

Despite these restrictions on political expression, Syria's ruling Ba'th Party - - during a four-day Party Congress in June 2005 - - endorsed the emergence of independent parties and has agreed to loosen the state of emergency. The Ba'th Party recommendations from the Party Congress also provide for greater media freedom and a willingness to find solutions for Kurdish issues, although it remains to be seen whether the government will act upon these recommendations. The official Syrian Arab News Agency reported that the full Party Congress of 1,221 delegates approved the recommendations on independent parties and media freedom, and proposed the formation of a supreme council for media. Syrian TV also said that the Congress endorsed reforms to fight corruption, modernize the public sector, and open up the economy.

In 2004, more than 200 political prisoners, including prisoners of conscience, were released. Scores were members of the Muslim Brotherhood, while others included members of Hizb al-Tahrir and members of communist parties. Despite the Government's claim that it has released all Palestinian, Jordanian, and Lebanese citizens reportedly abducted from Lebanon during and after its civil war, various NGOs and family members of those who allegedly remain in prison continue to dispute the Government's claim.

B. Religion

Syria's constitution provides for freedom of religion, and the Government generally respects this right in practice. There is no official state religion; however, the Constitution specifies that Islamic jurisprudence is a main source of legislation. Proselytizing is not illegal; however, those who proselytize Muslims have been prosecuted for "posing a threat to the relations among religious groups." Most charges of this kind have carried sentences of 5 years to life imprisonment, although often such sentences were reduced to 1 or 2 years. There were no reported cases in the last 3 years of the prosecution of an individual or group on this charge.

For the most part, members of the non-Muslim minorities worship without harassment and maintain links with co-religionists abroad. Christians may face social discrimination and are underrepresented in elite government positions.

C. Social Group Membership

Syrians claiming asylum due to social group membership frequently cite being a woman as a basis of persecution. In this regard, rape is a felony; however, there are no laws against spousal rape. According to Article 489 of Criminal Law, "The punishment for a man who rapes a woman (other than his wife) is at least 15 years in prison." However, if the individual who commits the crime agrees to marry the victim, he faces no punishment.

Husbands and wives can claim adultery as grounds for divorce; however, criminal law discriminates against women in this regard. A man can only be accused of adultery if his actions occur in the home which he shares with his wife; a woman can be accused of adultery regardless of venue. Also, any evidence a man presents when claiming adultery is accepted by a court of law; if a woman attempts to file for divorce based on adultery, her husband must admit to the crime, or there must be a third witness to the adulterous act.

The law specifically provides for reduced sentences in "honor" crimes, which are violent assaults by a male against a female, usually a family member, with intent to kill for alleged sexual misconduct. Instances of honor crimes are rare and occurred primarily in rural areas in which Bedouin customs prevail.

D. Nationality/Ethnic Origin

Kurds in Syria

A large number of Syrian asylum applicants are Syrian Kurds who assert that they have been targeted for threats or violence by Syrian authorities and/or that they face persecution because they are members of an ethnic minority in Syria. Kurds are the largest non-Arab ethnic minority in Syria, and some have been arbitrarily denied the right to Syrian nationality or citizenship. Stateless Kurds, some 200,000 people representing approximately 10% of the total Syrian Kurdish population, also do not have the option of relocating to another country because they lack passports or other internationally recognized travel documents. The Syrian government prohibits stateless Kurds from voting, owning property, or legally recognized marriages. The stateless Syrian Kurds have been issued special red identity cards by the Ministry of Interior;

however, they are not entitled to passports and thus cannot exercise freedom of movement outside of Syria.

Repression by Syrian authorities of the ethnic identity of Kurds, both stateless and those with Syrian citizenship, has taken many forms. Restrictions have included: refusal to register children with Kurdish names; various bans on the use of the Kurdish language; prohibition of businesses that do not have Arabic names; not permitting Kurdish private schools; and the prohibition of books and other materials written in Kurdish. Syrian authorities have also harassed suspected Kurdish political activists and, in arbitrary fashion, have dismissed them from educational institutions where they were studying and from their jobs at state-owned companies.

In March 2004, clashes at a football match between Kurdish and Arab teams in Qamishli, northeastern Syria led to demonstrations and riots across the country during which over 30 Kurds were killed. There are reports that more than 2,000 people, almost all of them Kurds, were arrested. Some Kurdish detainees, including children as young as 12, women, teenage girls and elderly people, were reportedly tortured and ill-treated. President Bashar al-Assad pardoned 312 Syrian Kurds accused of taking part in the violence in 2004. The majority of the others have been released, although several hundred remain in detention awaiting trial.

On May 20, 2005, a prominent Kurdish Islamic religious leader was kidnapped and later found murdered. Although, the Government claims that he was murdered by students from his Islamic institute, many claim that Syrian intelligence agents kidnapped him and tortured him to death. The religious leader was an outspoken member of the Kurdish community in the northeastern Syrian city of Qamishli. He was a critic of violence and terrorism and recently called for reforms in Syria and for more dialogue between religious groups.

E. Race

In our review of asylum applicants from Syria, thus far we have seen no claims based specifically on race.

APPENDIX I

FACT SHEET

OFFICIAL NAME: Syrian Arab Republic

AREA: 185,180 sq. km

POPULATION: 18,448,752 (July 2005 est.)

POPULATION GROWTH RATE: 2.34% (2005 est.)

NET MIGRATION RATE: 0 migrant(s)/1,000 population (2005 est.)

LIFE EXPECTANCY AT BIRTH: 70.03 years

LITERACY: 76.9%

ETHNIC GROUPS: -Arab 90.3%
-Kurds, Armenians, and other 9.7%

LEGAL SYSTEM: Based on Islamic law and civil law system; special religious courts; has not accepted compulsory ICJ jurisdiction

GDP PER CAPITA: \$3,400 (2004 est.)

POPULATION BELOW POVERTY LINE: According to a 2005 UNDP report, 30% of the population is below the poverty line.

Source: CIA Factbook

APPENDIX II

List of recognized political parties in Syria

1. Arab Socialist Ba'th Party
2. Arab Socialist Union Party
3. Syrian Communist Party (Yusuf al-Faysal wing)
4. Syrian Communist Party (Wissal Farha wing)
5. Socialist Unionist Party
6. Arab Socialist Movement
7. Democratic Socialist Unionist Party
8. Democratic Arab Union Party
9. National Pledge Party
10. Syrian Socialist Nationalist Party