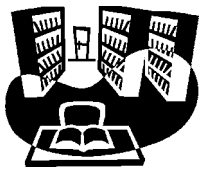
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QUICK STUDIES



AS YOU READ IT

Human Rights in Syria: The Never-Ending Emergency

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> The problem is this emergency is not ending.... We lived all our life in an emergency; we do not know what is normal life.... In fact, emergency is our normal life....
>
> The biggest problem is we are even not sure whether it is going to be any different with no declared emergency... What difference [does it make] if there is a declared emergency or not? The manner in which they [the government] apply the law will always remain the same.... There is no state of emergency in Jordan—is the situation any different?...
>
> I do not think it is the emergency itself that renders us powerless; it is the way we understand our rights and the way the state practices its right in the absence of any judicial monitoring.[1]

This excerpt comes from a 2007 interview with a human rights advocate in Syria—one of fourteen I have conducted with Syrian activists and lawyers in order to gain insight into emergency laws and human rights, to better understand official and nonofficial rhetoric about international standards of human rights, and to contextualize emergency powers and exceptional laws and courts within the region. My inquiry focuses primarily on the day-to-day reality of the "quasi-permanent" state of emergency in Syria, which the state has maintained since 1963. During these forty-five years, emergency laws have led to thousands of gross violations of human rights. Yet the state of emergency persists despite repeated calls within the country for urgent change and condemnation by the international community (i.e., the United Nations and nongovernmental organizations).

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Two questions hover over my study. First, is the state of emergency the only cause of human rights violations in Syria? Second, how accurately do existing human rights groups present the reality of human rights in the country?

The Middle East may be the region with the highest concentration of authoritarian regimes and longest declared emergencies. Due to long political struggles at the national level, national security gained a primacy that subordinates almost every other aspect of potential democracy in Syria. The Syrian government has defended its emergency powers for more than forty-five years on the grounds that it is facing continuous threats of attacks or even potential war with Israel and the challenge of violent extremist groups within the country. The government also claims that "for many years, the Emergency Act has been applied only to a very limited extent in Syria and the martial law decrees filed with the Ministry of the Interior have become rare."[2]

Government censorship over all kinds of communication makes research particularly difficult. Article 19, an international human rights organization with a global focus, concludes the following:

> Syria is a country about which few people, inside or outside, ever learn very much. Its draconian State of Emergency Law . . . sees to that. Multiple intelligence services pry into every corner of people's lives under orders from the regime. The overall political, economic, and social picture is either not investigated for fear of what it might show or is kept secret for the same reason.[3]

Beyond the abuses of emergency power, the country suffers challenges to democratic transition, including compromised electoral processes and political legitimacy; centralization of local governance; corruption and lack, if not absence, of transparency; and of course a curtailed role for civil society and the media. Administration of justice is not only slow, but there is also widespread corruption and a lack of accountability, resulting in public distrust of the court system. Texts of an ideological and security nature, such as the Ba'th constitution and emergency law of 1962, constrain the legislative and judicial process and the consequent development of law and society.

Syrian human rights groups insist that the permanent declaration of the state of emergency has come to characterize the country. They picture life in Syria as lacking any sense of normalcy and producing a phobia that prevents even conceiving of any normalcy in the future. "It is true that censorship cannot be total. But, by its irrationality and narrow-mindedness it creates a phobia which paralyses all chance of gaining wide knowledge and all normal intellectual life."[4] In choosing my interviewees, I have paid particular attention to Syria's rich social fabric of different religions and sects and the country's complex legal, political, and social history. Topics of discussion have ranged from the conflict with Israel since 1948 to the domestic struggle with the Muslim Brotherhood in the 1980s and its consequences on civil society and human rights. My interviews reflect a great sense of despair and lack of trust in the government and the judicial process. Some informants, however, agree with the state on the root cause of

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this emergency, although they insist that it definitely needs "refining" to limit the powers of exceptional courts and expand freedom of expression. "Maybe reconsidering the law would be the best step to be taken . . . no need to lift the emergency," said a senior lawyer/activist. "I do agree that there should be an emergency declared in the country . . . Israel is a serious threat on the borders and may not be ignored."[5]

As a lawyer, I find it distressing to encounter a legal system in which individual rights are subordinated—sometimes willingly but more often not—to the ideological goal of the state, namely, national security. Human rights abuses stem not only from the emergency but also from related, problematic political and legal practice. Syrian human rights groups have provided valuable reports naming victims, and they keep up a buzz as they campaign for rights and for change. However, the movement is young, and activists have yet to prove their independence from specific political agendas.

With an interdisciplinary approach to causes and ramifications of the permanent use of emergency powers since 1963, one of the central aims of this study is to understand legal challenges to democracy and reform in Syria in the light of the country's political process and social structure. This coherent consideration is requisite to bridge the divide between domestic and national efforts to meet international standards of human rights in Syria.

NOTES

[1]Interview with Syrian human rights activist (name withheld), 29 August 2007.

[2]United Nations Doc. CCPR/CO/71/SYR/Add.1 (2001), Comments by the Government of the Syrian Arab Republic on the concluding observations of the Human Rights Committee under the International Covenant on Civil and Political Rights: Syrian Arab Republic, 28 May 2001 (Follow-up Response by State Party).

[3]Article 19, Walls of Silence: Media and Censorship in Syria, Global Campaign for Free Expression, 1998, http://www.article19.org/pdfs/publications/syria-walls-of-silence.pdf (accessed 9 March 2008).

[4]The lack of normalcy as described by the Committees for the Defence of Democratic Freedoms and Human Rights, ibid.

[5]Interview with Syrian human rights activist (name withheld), 15 August 2007.

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