

Montgomery ■ The Kurds of Syria



# The Kurds of Syria

## An existence denied

Harriet Montgomery

**EXECUTIVE  
SUMMARY**

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Europäisches Zentrum für Kurdische Studien  
Berliner Gesellschaft zur Förderung der Kurdologie e.V. (BGFK)  
Emser Straße 26  
12051 Berlin

[mail@kurdologie.de](mailto:mail@kurdologie.de)  
[www.kurdologie.de](http://www.kurdologie.de)

## Editors' Foreword

As part of the Barcelona Process, the European Union and Syria have signed an Association Agreement, which will shortly be submitted to the European Council for ratification. Like the other agreements in the Barcelona Process, this one too focuses on the areas of economic cooperation. But, as examples from the Arab world to Russia and China amply testify, opening up markets and developing economies does not automatically lead to improvements in human rights and democracy. At a time when the situation of the Kurdish minority in Turkey is slowly improving (despite the often hesitant implementation of the reforms related to Turkey's anticipated EU accession), and Iraq's Kurds have emerged as the second strongest political force in Iraq's first free elections, the social, political and economic situation of the Kurdish minority in Syria, even in 2005, continues to be characterised by repression, discrimination and a lack of the most fundamental human rights. The pressure on the Kurdish populace has increased, particularly following the demonstrations against the government's Kurdish policies that took place in the Kurdish north of the country, but also in Aleppo and Damascus, in March 2004. A large number of prisoners have died in Syrian jails as a result of torture, and around two hundred persons remain imprisoned in connection with the demonstrations, although no official legal charges have been raised against most of them.

The present report provides information on current violations of human rights against the Kurds of Syria, and analyses them against the backdrop of Syria's political system and its development since the First World War. It forms part of a campaign, initiated by the European Centre for Kurdish Studies (Europäisches Zentrum für Kurdische Studien) and the Association of Syrian Kurds in Berlin and Brandenburg (Gemeinde der Kurden aus Syrien in Berlin/Brandenburg e.V.), with the aim of promoting democracy and respect for human rights as central aspects of Europe's political relationships with Syria. A peaceful resolution of the »Kurdish question« is an integral part of these efforts, because the manner in which a state deals with its religious and ethnic minorities is not merely a marginal aspect of its politics, but a central indicator for democracy, justice, and civil society. Stability in the sense of reinforcing existent authoritarian structures can hardly be the legitimate aim of a family of nations which defines itself, among other things, as a community of values.

*Berlin, March 2005  
Bettina Kemmerich, Carsten Borck,  
Eva Savelsberg & Siamend Hajo*



## Summary

The Kurdish question is a question of the rights of a group of more than thirty million people, predicted to soon become the third largest national group in the Middle East. The Kurds are the world's largest stateless nation, whose people and lands form a contiguous geographical area divided between Turkey, Iraq, Iran and Syria with smaller numbers in Azerbaijan and Armenia. The Kurdish issue is not widely discussed or written about and the literature that exists has focused largely on the Kurds of Turkey and Iraq. The plight of the Kurds of these two countries is relatively well known due to the numbers of these people involved, the extent of the atrocities committed against them, their resort to armed struggle and international involvement in determining the political future of Iraq and Turkey's status within the European Union. The situation in Iran has attracted only modest attention, but even less has been given to the Kurds of Syria who have been acknowledged, but virtually silent in most studies of the Kurds and of Syria. This silence is at least in part due to the difficulty of obtaining information on the subject.

Today, more than two million Kurds<sup>1</sup> live in the northern areas of Syria along its borders with Turkey and Iraq. These Kurdish areas of Syria form part of the contiguous geographical area of Kurdistan. Inhabiting, primarily, three areas along the northern border (the Kurd-Dagh, Kûbanî and al-Hasaka province, also known as al-Jazira), most Kurds retain a cultural and ethnic identity that is distinct from Syria's Arab majority. In the Kurdish regions the majority of Kurds are engaged in agricultural work and in related industries. The Kurdish language is used for ninety percent of daily life and traditional Kurdish cultural practices and festivals are adhered to.

Other Kurds have settled in the interior of Syria in cities such as Damascus, Aleppo, Homs, Hamma, Lataqiyya, etc. In Damascus, former cantons of Kurdish soldiers who fought with the Muslim armies against the crusaders in the twelfth century became permanent settlements. The former cantons of Hayy al-Akrad (the Kurdish quarter) and al-Salhiyya remain distinctly Kurdish districts although many Kurds in these areas are more assimilated to Arab culture than the Kurds in the northern Kurdish areas.

Although the Kurds constitute more than twelve percent of the Syrian population, the Syrian state and its people are defined explicitly as Arab in the constitution of 1973. The Kurds are not recognised as a national or ethnic minority in Syria and they are not permitted to practice their culture and traditions freely. Often, such activities are

1 According to Kurdish sources, Kurds constitute as much as seventeen percent of the total Syrian population of eighteen million.

illegal. The state has defined the Kurds as a threat to national unity and sovereignty. Accordingly, it has pursued policies of arabisation of the Kurdish areas of Syria, forced assimilation of the Kurds and denial of their national existence in Syria.

Various factors contributed to defining the Kurds as a threat in the eyes of the Arab state. Among them were: the influence and interests of the former colonial powers in the Middle East in the early twentieth century; the artificiality of Syria's borders and the state's consequent legitimacy deficit; foreign interference in Syria's domestic sphere; the historical development of Arab and Kurdish nationalisms in the Middle East and in Syria; and regional relations and affairs.

The territory and peoples of Syria have no history as a political unit before the beginning of the French mandate over the country in 1920. The establishment of Syria as a state brought together religiously and ethnically diverse peoples within a single administrative and political unit. During the mandate period the divide and rule strategy employed by the French exploited difference between minority groups in order to extend their rule over the country and to check the rise of Arab nationalism. Following Syrian independence in 1946, the weak and unstable state became an arena for regional power struggles and frequent coups took Syria back and forth between parliamentary and military rule. Domestic and regional insecurity and instability meant that secular Arab nationalism was adopted early on by its rulers as an encompassing and homogenising identity and political rhetoric. Through this the state gained domestic legitimacy and regional support against potential foreign foes. However, Syria's initial weakness left it open to foreign intrigue and to exploitation of its ethnic and religious diversity. Consequently, in the 1950s and 1960s, the heyday of Arab nationalism in the Middle East, its rhetoric was used defensively against stronger Arab states in the region which attempted to encroach on Syria's political arena and/or absorb its territory in irredentist plans.

With the rise of Arab nationalism the Kurds were met with corresponding increase in anti-Kurdish policies and with a propaganda campaign that identified them as traitors and a threat to the state. During the years of Syria and Egypt's union in the United Arab Republic (UAR, 1958–1961) Kurdish intellectuals and leaders of the Kurds' nascent political movement in Syria were targeted and arrested. Following Syria's succession from the UAR in 1961, the state was renamed the Syrian *Arab* Republic. This was naturally a blow to the Kurds and their hopes for national recognition and equality within Syria.

The Syrian state was stabilised by Hafiz al-Asad after he took power by military coup on 16 November 1970.<sup>2</sup> The coup initiated a restruc-

2 Officially this is known as the Corrective Movement.



turing of the Syrian political system, with the state extending its control over society and building new institutions and transforming old ones. This process consolidated the authoritarian structures of the state and ensured its stability and security through the penetration of society by the Ba'ath Party and the security services (*mukhabarat*). The state structures, its institutions and its authoritarianism have had profound consequences for the Kurdish population of Syria. Hafiz al-Asad's attempts to secure the regime, to widen its support base and accommodate the diverse sectors of Syrian society through the institutionalisation of Arab nationalism left the Kurds ethnically and nationally isolated and excluded. The nationalist rhetoric prevented the regime from winning the loyalty of the Kurds and, consequently, their sub-state and trans-state loyalties remained strong. Implicitly it identified the Kurds as a potential domestic and external threat and the Kurdish areas and communities of Syria came to be seen as areas of social and political activity and loyalty that the state could not contain or control effectively. Rather than accommodating the Kurds by allowing them cultural freedoms and political representation, the state attempted to force their assimilation to the Arab nation and identity of the state and to change the character of the land. The Kurdish areas and people became subject to a state initiated arabisation project.

### **Arabisation I: Hasaka Census and Arab Belt**

The importance of the Kurdish regions to Syria is illustrated by their economic and strategic value. Kurdish areas comprise some of the most productive land in Syria. Afrîn is famous for its olives and olive oil, other fruit and vegetables and tobacco. Kûbanî produces agricultural products and live stock. Al-Hasaka province is the primary cotton and wheat producing region and low-grade oil was discovered there in the 1970s. Additionally, the areas are cut by several rivers making the Kurdish areas very important to the national economy. In terms of state security, the borders with Turkey and Iraq are historically sensitive. Relations between Syria, Iraq and Turkey have been dominated by conflicts over land and water, Syria's harbouring of the Turkish-Kurdish Partîya Karkerên Kurdistan (Kurdistan Workers Party, PKK) and by ideological and political rivalry between the Ba'ath Party of Syria and that of Iraq. On the one hand, with the majority of Kurds divided between Syria, Iraq, Iran and Turkey, the Kurdish minorities represent potential vehicles for interference in the domestic affairs of neighbouring states. All these states are guilty of this. On the other hand, all these countries have employed tactics which target the Kurds and the Kurdish identity in their own territories and they have cooperated regionally to prevent the Kurds from gaining rights in any country and to prevent the development of national unity across these states.

Arabisation of the Kurdish areas in Syria began as early as the 1930s when the Arab nationalist government began to encourage Arabs to move in to the Kurdish areas and Kurds were fired from their jobs and replaced with Sunni Arabs loyal to the central government.<sup>3</sup> However, arabisation took on a new vigour and force in the 1960s under the Ba'th Party. Mulla Mustafa Barzani's uprising was underway in northern Iraq and the first signs of a nationalist reawakening in Turkey were appearing. Syria feared that the Kurds in Syria would be encouraged to take political action that would undermine the fragile legitimacy of the state. Accordingly, the regime took measures to increase the ratio of Arabs to Kurds, to weaken the Kurds in northern Syria, to deny them any control over strategic and economic national resources and to separate them from the Kurds in Turkey and in Iraq.

In 1962 between 120,000 and 150,000 Kurds were stripped of Syrian citizenship by an exceptional census that was conducted in al-Hasaka province in north-east Syria. The census aimed to differentiate between Kurds who had a right to live in Syria and those who had illegally entered the country from Turkey or Iraq after 1945. However, the census was conducted in only one day, the 5 October 1962, and the population of al-Hasaka province was not given notice of the census nor were they informed of the consequences of not participating. Likewise, thousands were unable to provide the required documentation with which to prove their residency in Syria before 1945. The conducting of the census was grossly negligent and thousands of Kurds were stripped of Syrian citizenship and all civil rights and became completely stateless. These Kurds were registered as »foreign« (*ajjabi*, plural: *ajanib*, feminine: *ajjabiya*) and all Kurds who did not take part in the census became *maktumiin* (singular: *maktum*, feminine: *maktuma*) meaning »unregistered« or literally »concealed/hidden.« Children born to *ajanib* parents inherit the status of their parents and children born to one of the following parentages become *maktumiin*:

1. Both parents of *maktum* status.
2. One parent *maktum*, no matter what the status of the other parent.
3. A mother with Syrian citizenship and an *ajjabi* father.

*Ajanib* Kurds, instead of standard citizenship identity documents, carry a red piece of paper on which their status is written. They cannot be issued passports. Until today they remain registered as foreign in Syria, without rights to own property, land, businesses, to receive state subsidies or to use state hospitals. They may not own cars or any other vehicles. Although they are allowed to attend state schools, they are excluded from employment in the public sector, including working as a doctor, engineer, or lawyer, etc. In these profes-

3 Savelsberg & Hajo 2004: 6.

sions they are not even permitted to work for private firms. They are disenfranchised and are barred from running for public office and cannot leave the country. Marriages of male *ajanib* Kurds to Syrian citizens are illegal and are not registered.

*Maktumiin* Kurds, being completely unregistered, have even lower status than that of the *ajanib* and have no rights or opportunities in Syria. Some carry a white piece of paper with their photo and family details recorded on it, issued by the local *mukhtar* (traditional village head). However, not all have been able to acquire these documents. They are generally issued by the *mukhtar* after security checks on the family. However, provincial decrees have made it even more difficult to obtain these documents. On 15 October 1999 the mayor of al-Hasaka province passed an internal memorandum, No. 7889-J,<sup>4</sup> forbidding the *mukhtars* and the local administrations from issuing *any* documents to the *maktumiin*.<sup>5</sup> It is noted that although this decision has not been fully implemented, it has made the situation and daily life for the Kurds of this status considerably more difficult.<sup>6</sup>

If they are able to acquire papers, Kurds who have *maktum* status may only be permitted to attend school up to Year Six (normally age twelve). They will not, however, be awarded the normal qualifications of those completing this level of education. Instead they receive a paper saying that they have attended school up to Year Six which will also indicate their *maktum* status. They cannot receive treatment in a state hospital or medical centre, nor can they be employed in the state sector. The *maktumiin* have no legal rights in Syria. They cannot take a civil law case to court. They are forbidden from owning or renting any property, including a house, a hotel room, land and even a vehicle.<sup>7</sup> They cannot leave the country, or even travel to Lebanon, for which no passport is required for Syrian citizens. Even travel between cities within Syria requires identity documents.

Since the Hasaka Census the numbers of Kurds registered as *ajnabi* and as *maktum* have increased as a result of marriage, population growth and the inheritance of status. Today approximately 200,000 Kurds in Syria are registered as *ajanib* and a further 80,000–100,000 are *maktumiin*.<sup>8</sup>

Countless examples of wrongful removal of citizenship show that the removal of Syrian citizenship from Kurds in al-Hasaka province was largely indiscriminate and unrelated to whether they had been resident in Syria before 1945 or not. The Syrian government's claim

4 J represents the Arabic letter *jiim*.

5 *Itihad al-Sha'ab*, November 2001, issue 292: 6–7.

6 HRAS, November 2003: 8.

7 Interview with lawyer, Damascus, September 2002 (name withheld by author).

8 In 1996 Syrian government sources stated that there are 67,465 Kurds registered as *ajanib* and 75,000 registered as *maktumiin*; HRW October 1996: Appendix A.

that the Kurds whose citizenship was removed were »foreign infiltrators« is further undermined by the fact that it made no apparent attempt to repatriate any of these Kurds or to reinstate their citizenship following the changes of government with the March Revolution of 1963 and the Corrective Movement of 1970. The census and the registration of thousands of Kurds as »foreign« is generally understood to have been a means of altering the demographic character of the region in favour of Arabs, of impoverishing the Kurds and lessening the perceived threat from the area. The events themselves and their consequences violate numerous clauses of the United Nations Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) and the Convention on the Rights of the Child (CRC), and of Syrian domestic law itself.

The arabisation of Kurdish land also began in the early 1960s when Nasser introduced a socialist system of land redistribution during the years of the United Arab Republic. Following that, all Kurds affected by the 1962 Hasaka Census had their land expropriated by the state. This land was redistributed to Arabs who were moved into the area through the Arab Belt project. The Arab Belt, or *al-Hizam al-'Arabi* in Arabic, was a policy planned and decided upon in 1965 by the Ba'ath Party, but not implemented until 1973 under the government of Hafiz al-Asad. It was a special policy initiative undertaken in the majority Kurdish region of al-Jazira. The plan proposed the creation of an Arab inhabited military cordon along the Syrian-Turkish border and the border with Iraqi Kurdistan, from Sarî Kaniyê (Ras al-Ayn) around the pan handle of Syria and along the Iraqi border to Tal Kuchik. The belt measured approximately 10–15 kilometres deep and 375 kilometres long.

The creation of the Arab Belt began in 1973 when the Tabqa Dam on the Euphrates River was completed and vast areas of land were flooded making hundreds of Arab families homeless. At the same time, the families of approximately three hundred and forty Kurdish villages along the Syrian-Turkish-Iraqi border were ordered to leave their homes and were told to resettle in the non-Kurdish interior of Syria in areas such as Dayr al-Zur. After the Kurdish villagers resisted attempts to remove them from their homes the Syrian authorities altered their policy and began to move Arabs into specially constructed »model« villages of one hundred and fifty to two hundred homes in the Kurdish border areas.<sup>9</sup> The land on which these villages were built and the land that was provided to the newly settled Arabs

9 HRW, October 1996: 13.

was that which had been expropriated from Kurds through the 1962 Hasaka Census and the land reforms. In 1976 the Arab Belt project was officially suspended. However, the model villages were never deconstructed nor were the Arab migrants relocated or the Kurdish displaced re-settled in land they were removed from.

A more widespread, general land reform programme was applied to the Jazira, breaking up large Kurdish estates and redistributing land among the *falahiin* (farming peasantry). However, the Kurdish *falahiin* who worked these lands were denied access to them as they were transferred to Arabs resettled in the area. Through the agrarian reforms conducted in this region alone, the state is reported to have expropriated 6,552,700 acres of land from Kurdish farmers.<sup>10</sup> According to some sources, this constituted as much as forty-three percent of the total land seized by the government in all Syria.<sup>11</sup>

The areas around Afrîn and Kûbanî have not been immune to the land reforms and arabisation. Although the Arab belt policy was never applied to these Kurdish regions, Kurdish land owners in Afrîn had large areas of land expropriated by the state. Either side of Kûbanî, Kurds have been prevented from purchasing land or properties and from setting up businesses in the towns of Jarablus and Tel Abyad.<sup>12</sup> Kurdish sources believe that this is a deliberate attempt to divide the Kurdish areas and towns within Syria from each other by establishing Arab majority areas between them, such as between Afrîn and Kûbanî, and Kûbanî and Sarî Kaniyê (Ras al-'Ayn).<sup>13</sup> Likewise, reports suggest that attempts were made to arabise Kûbanî town itself through the redistribution of Kurdish lands into Arab hands.

Since the 1970s a number of decrees have specifically targeted the Kurds and supported the expropriation of their land. Kurds do not have an automatic right to own land or to register land ownership.<sup>14</sup> Instead, if wishing to purchase land anywhere in Syria, they must first secure the agreement of the security services. It is reported that Kurds are regularly refused permission to purchase land and property, especially in the Kurdish areas in northern Syria.<sup>15</sup>

Additionally, land within a fifty kilometre deep strip along the border with Turkey in the area of Kûbanî and north of Afrîn, has extraordinary security regulations applying to it in case of a military threat from Turkey. It is forbidden to purchase or sell land in this area. It is also not permitted to change the name that land owned in the area is registered in, even after the death of the owner or for le-

10 Bedr al-Din 2003: 25.

11 Op. cit.

12 Interview with Kurdish family from Kûbanî, Syria, 2002 (names withheld by author).

13 Interview with Kurdish family from Kûbanî, Syria, 2002 (names withheld by author).

14 Interviews with Kurdish exiles in Europe, 2002–2004.

15 Interviews with Kurdish exiles in Europe, 2002–2004.

gal purposes. The owners are still able to work the land, but as a consequence, this land may be expropriated at any time without official notice and with the death of the land owner, the land will officially pass to the state.<sup>16</sup>

Stripping Kurds of their citizenship and of their land and placing obstacles in the path of education and employment have had considerable socio-economic effects on the Kurds and the Kurdish regions. The Kurds affected by these policies directly or through inheritance of their consequences are largely impoverished and unable to alter their economic, legal or social status. Mass urban migration has occurred, further emptying the Kurdish areas of their Kurdish inhabitants, as families attempt to hold on to their property in the north by sending their children to cities such as Damascus and Aleppo to find menial work and an income with which to support the families. Likewise, thousands of Syrian Kurds have left Syria to escape persecution by the state.

Conclusive proof of economic discrimination against the Kurds in Syria is difficult to come by, but Kurds continue to report discrimination in the work place and in obtaining jobs and services in Syria. This appears to be a deliberate measure aimed at marginalizing the Kurdish communities, at forcing migration out of Kurdish areas and aiding assimilation. Large sections of the Kurdish communities have been left in a position of vulnerability to whims of the security services.

### **Arabisation II: Culture and freedom of expression**

As well as the land, the Kurdish identity itself is subject to arabisation policies. The Syrian regime has enforced a number of draconian restrictions on the free expression of Kurdish cultural identity, including the suppression of the Kurdish language, festivals and traditions. Historical references to the Kurdish presence in Syria have also been removed or arabised. In Syria, the policy aims at forcibly assimilating the Kurds to the ethnically and nationally defined Arab culture and identity of the state and, arguably, forms the basis of Syria's drive to undermine the Kurdish identity and presence in Syria.

Syria is legally obliged to protect ethnic minority groups and their cultures under the provisions of various international treaties and conventions to which it is party. Yet, the suppression of Kurdish cultural identity in Syria continues unabated. No provisions for the free practice of Kurdish culture and tradition exist, either in the constitution or in the penal code. The restrictions on the practice of Kurdish culture outlined below constitute violations of the basic principles that protect minority groups and cultural rights in the Universal Dec-

16 Interview with Kurdish family from Kûbanî, Syria, 2002 (names withheld by author).

laration of Human Rights (UDHR), the International Convention on Cultural and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), all of which Syria has acceded to.

In Syria, the Kurdish language, Kurmanji, is not recognised as an official language. Moreover, the Kurds are forbidden from learning and/or teaching Kurdish in school or even privately. Such activities are deemed criminal offences and are illegal. This is despite the fact that Kurdish is the mother tongue of the majority of Kurds in Syria who generally do not begin to learn Arabic until they start state education at age six. The Syrian state's policy towards the Kurdish language and culture lies in stark contrast to its policies towards other ethnic minority groups and foreign languages. Armenians, Assyrians and Jews are all permitted to teach their respective languages as well as cultural traditions and practices in private schools and in cultural clubs and associations. Likewise, numerous private French, British and Russian schools and institutions still exist in Syria, and other European languages are freely taught.

Freedom of press in Syria is severely limited and controlled by the state. In addition to these general difficulties, the Arab identity of the state and the bans on the use of Kurdish language mean that these restrictions impact disproportionately on the Kurdish population.

Kurdish publications were officially banned under the presidency of Adib al-Shashakli (1951–1954) and again during the years of the United Arab Republic from 1958 to 1961. Both regimes conducted state campaigns against the Kurds in which Kurdish publications were seized and destroyed. The Ba'ath Party has since enforced the ban on Kurdish language publications, be they books, newspapers, magazines or pamphlets. Kurdish authors and political parties are forced to print and publish their books and material in neighbouring countries, normally Lebanon, at much higher costs and to smuggle them into Syria and distribute them themselves. Under the presidency of Bashar al-Asad, restrictions on publication and the press have become even more draconian.

In September 2001 the Syrian government replaced the 1949 General Law on Printed Matter. The substitute Decree No. 50, which applies to publishers, printers, journalists, editors, authors, distributors and bookshop owners, consists of more than fifty articles which restrict print media and expand state control over it. The law grants power to the prime minister to deny licences to publishers and printers »for reasons he deems to be related to public interest.«<sup>17</sup> Likewise, it extends power to the executive branch of the government to monitor intricately all publications. Articles 6 and 7 of the law stipulate

17 HRW, 31 January 2002: 1.

that printing companies and presses must keep a serially numbered register of all prints and provide copies of the printed material on the day of printing to the Syrian Ministry of Information along with information on the number of copies printed. All published material, be it a book, pamphlet, music or a picture, must include the serial number from the printing company's register and the date of printing.

The law does not stipulate on the use of non-Arab languages and so it is unclear whether the law allows for publication in the Kurdish language. However, publications in the Kurdish language may be deemed to seek to change the constitution or to be a threat to the unity of the state by association with Kurdish demands for national recognition and rights and because of the general state description of Kurdish cultural activity and identity as political. A great number of Kurds have been arrested simply for possessing or distributing Kurdish language written material. Publishers and printers, fearful of having their licences revoked and incurring heavy fines and even prison sentences for publishing something that may contravene the stipulations of the Decree, are reported to be refusing to publish Kurdish material.

In 1986, the use of the Kurdish language was forbidden in the workplace, public offices and in cinemas and cafés by Decree No. 1012/S/25.<sup>18</sup> Singing non-Arabic (Kurdish) songs at weddings and festivals was prohibited by Decree No. 1865/S/25 of 3 December 1989.<sup>19</sup> Further attempts to limit or ban the use of Kurdish language forbade public utterances and conversation in languages other than Arabic during work hours. One such circular, Circular 7014/H of 3 October 1996, controls on the use of non-Arabic languages in public and in the workplace in al-Hasaka province. It applies only to this predominantly Kurdish province, indicating that Kurdish is the language that this order seeks to forbid.

Businesses, monuments, farms, villages, and towns have had their names changed to Arabic ones to alter the character and history of the land.<sup>20</sup> Even naming children with Kurdish names was forbidden in al-Hasaka province in 1992.<sup>21</sup> In May 2000, Resolution 768 ordered the closure of all shops selling tapes and videos in the Kurdish language and placed a ban on all private gatherings and festivals. Gatherings, parties and festivals in the Kurdish regions must have security clearance before they can take place. It is reported that often the organisers and even attendees of the event must sign a declaration that Kurdish singing will not take place.<sup>22</sup> With the lead-up to and execution of the 2003 Iraq War, increased restrictions were imposed on the practice of Kurdish cultural traditions. Events testify that singing in Kurdish

18 McDowall 1998: 47.

19 Dam 1996: 172, note 11.

20 Ahmad 2001: 82; HRW, October 1996: Appendix E.

21 Known as Decree No. 122. This applied to al-Hasaka province; Bedr al-Din 1999: 129.

22 Reported on Kurdish website, Qamislo.com, 8 January 2004.



continues to be restricted and often prevented and that the laws that exist provide a mandate for its treatment as a political offence.

The Kurdish New Year festival, *Newruz*, which is celebrated on the 21 March, has periodically been forbidden in Syria and is always subject to restrictions. Kurds claim that Syrian police and security personnel heavily police the Kurdish areas and that Kurds are regularly prevented from travelling to celebrations and from wearing the Kurdish national colours; red, white, green and yellow.<sup>23</sup> Due to heightened Kurdish nationalist feeling on this holiday and tensions caused by forbidding its celebration, the killing of a number of Kurdish youths by the police and numerous arrests of Kurds,<sup>24</sup> in 1989 Hafiz al-Asad passed a decree declaring that 21 March would become an annual national holiday to mark Mothers Day. It is believed that this was an attempt to defuse tensions surrounding the celebrations and also to diminish the significance of this day by making it an Arab national holiday. Despite this, tensions still persist and suppression of *Newruz* celebrations continues. Restrictions on, or toleration of, Kurdish festivals, music and singing seems to be influenced by the political climate in Syria and in the region and is largely at the discretion of the provincial governors and the *mukhabarat*.

The prohibitions on Kurdish language and culture have consequences for historical records. The arabisation of landmarks and of Kurdish culture are policies that remove Kurdish history from Syrian history. They are policies that alter and/or remove the physical and visible traces and memory of Kurdish existence and settlement in areas that form part of the contiguous geographical area of Kurdistan. This is arguably an attempt to establish a reality on the ground in Syria that fits the official description of the Kurds as a non-native and subversive migrant population.

### Political rights

Political activity on a Kurdish platform in Syria is illegal. Despite this, there are currently thirteen Kurdish political parties in Syria all operating clandestinely in efforts to put forward Kurdish demands, address violations of their human rights and represent this marginalised and persecuted section of Syrian society. There is no clear distinction between the cultural and the political in the Syrian state's treatment of Kurdish cultural activities and the activities of Kurdish political parties. The Syrian state is itself complicit in defining Kurdish cultural activity as political by treating expressions of Kurdish identity by the Kurds as political and as a threat to the state.

23 McDowall 1998: 50–51.

24 Vanly 1992: 163.

The number of demonstrations and public actions by the Kurds in Syria has increased noticeably over the past few years. Initially Kurdish political parties and Syrian human rights organizations and dissidents were encouraged by Bashar al-Asad's inaugural speech in July 2000, in which he signaled that he intended to reconcile the government with opposition forces.<sup>25</sup> He granted unprecedented freedom of assembly to Syrian activists and their supporters.<sup>26</sup> Yet, the test of the strength of Bashar's words and his ability to preside authoritatively over the political and economic structures of Syria soon came, as the Syrian opposition (including Kurdish political parties) took advantage of the perceived opening of political space for discussion and debate to air their views and express criticism of the ruling regime. The civil society movement, the »Damascus Spring« that emerged in the summer of the year 2000, promoted democratic political reform.<sup>27</sup> The civil forums,<sup>28</sup> in which the regime and the need for reforms was discussed, were made illegal in the year 2001 and a number of Syrian activists were arrested. Despite this, demonstrations by Kurds have increased in scale and frequency. Normally involving between one and three hundred people, recent demonstrations have been marked by arrests of individuals and also by forcible dispersion of the protesters.

In the year 2002 on International Human Rights Day, (10 December) approximately one hundred and fifty members of *Partîya Yekîtiya Kurd li Sûriyê*, demonstrated outside parliament. Two members of the *Yekîtiya* leadership, Marwan 'Uthman and Hasan Salih, presented the Speaker of Parliament, 'Abd al-Qader Qadura, with a communiqué demanding equal rights for the Kurds in Syria. A few days after the demonstration the two leaders were arrested.<sup>29</sup> The two party representatives were held in prison where they were severely tortured. They were tried at the beginning of the year 2004 by the Supreme State Security Court (SSSC), the judicial proceedings of which were condemned as grossly unjust by Amnesty International. On the 22 February 2004, the two were released from prison.

25 Inaugural speech of Bashar al-Asad, available at Syrian Ministry of Information website, [www.moi-syria.com](http://www.moi-syria.com).

26 Interviews with members of the Syrian civil society movement, August 2002, Syria, and June 2004, France (names withheld by author); HRW 2002.

27 For a detailed account of the Damascus Spring see George 2003.

28 Such as that in the home of Riyadh Sayf, established in August 2000 and called »Friends of Civil Society«, which by November 2000 were open to anyone interested. The forums changed to »Forums for National Dialogue.« Sayf established his own political party in January 2000, the Movement for Social Peace; Kharrat 2001.

29 Interview with representative of *Partîya Yekîtiya Kurd li Sûriyê* and written account of dialogue between Hasan Salih and Marwan 'Uthman and the Speaker of Parliament, Qader Qadourah, two hours before the start of the demonstration outside the Syrian parliament in Damascus, 10 December 2002.

A further example of the police aggression with which Kurdish demonstrations have been met is the World Children's Day demonstration in Damascus in 2003. On 25 June 2003, approximately three hundred and eighty children held a peaceful march on the UNICEF building in Damascus. Before reaching their destination carrying flowers and banners asking for freedom of cultural expression and language and human rights, the march was descended upon by more than four hundred security personnel, and the crowd was forcibly dispersed and several children were injured by police. Seven male adults were arrested. The men were tried in the SSSC on 27 June 2004 and charged with »belonging to a secret organisation« and »attempting to sever part of the Syrian territory and annex it to a foreign state.« Again, the trial was condemned as unfair by Amnesty International.

In 2003 and 2004 a number of protests took place outside court buildings while political detainees, Kurdish and other, were on trial. Numbers varying from one hundred to three hundred and fifty have gathered outside courts, while inside delegations of lawyers and representatives of various European consulates have attempted to observe court proceedings. The presence of international observers at court has not been a guarantee that proceedings will be more fair or just. On 23 May 2004 Bashar al-Asad postponed the trial of seven Kurdish activists after diplomats from the European Union arrived at the court to observe proceedings.<sup>30</sup> The diplomats were turned away by the police. A few days later the passport of a Syrian human rights activist was seized just before he was due to travel to attend a parliamentary hearing on the Kurdish issue held in Denmark.<sup>31</sup>

The Allied intervention in Iraq in March 2003, the fall of the Ba'ath regime in Iraq in April 2003 and the subsequent recognition of the Kurds as a national group in Iraq, of Kurdish as an official language and of their cultural rights at the beginning of March 2004 added to the political confidence among Kurds in Syria. Events in Iraq can be seen as the backdrop for the Kurdish uprising in Syrian Kurdistan, also in March 2004. On the 12 March Kurds took to the streets in their thousands following the killing of an estimated seven Kurds in Qamishli football stadium. The mass demonstrations expressed Kurdish objections to forty years of oppression by the Ba'ath Party in Syria and were met with military force.

Protests spread throughout al-Hasaka province, Kûbanî and the Kurd-Dagh, into Damascus, Aleppo and other large cities in Syria. The army moved into the major Kurdish towns in northern Syria and tanks surrounded and moved into Qamishli; the heart of the uprising. Several Kurds were killed and hundreds injured as the military

30 Gambill 2004.

31 Op. cit.

and the police suppressed the protests. After a week, calm had been imposed upon the Kurdish regions. On Thursday 18 March 2004, the first official Syrian estimate of the death-toll put the number killed at a modest twenty-five.<sup>32</sup> In the same press conference, Syria's minister of the interior, 'Ali Hammud said that the »authorities had been compelled to use force and carry out the arrests of a certain number of agitators.«<sup>33</sup> Kurdish estimates of the dead reach as high as forty, with hundreds more injured and thousands arrested. The Vice President of Syria, 'Abd al-Halim Khaddam, blamed the troubles on »exploitation from foreign parties«<sup>34</sup> saying that these unspecified foreign parties were trying to benefit from these incidents.<sup>35</sup> Later, Bashar al-Asad denied that the demonstrations were instigated by external forces, dismissing the week of unrest as football violence that took on a national form.<sup>36</sup> Whatever the description of the events of that week, the police, the security services and the military used excessive force to quell the demonstrations, including live ammunition and shrapnel bullets. Hundreds of Kurds received bullet wounds, many of which have been inadequately treated because the injured had been arrested and detained without treatment, or because of delays from security personnel, their insistence that injured persons be treated in state hospitals and the lack of adequate facilities to treat the numbers wounded in these hospitals.<sup>37</sup>

More than two thousand Kurds were arrested in the weeks following the unrest in the Kurdish areas in March 2004. Reports indicate that torture has been regularly employed against Kurdish detainees. Some individuals were arrested, tortured and released without charge suggesting that these arrests were a punitive measure. Sentencing by the Supreme State Security Court (SSSC) for charges relating to involvement in the uprising began in February 2005.<sup>38</sup> Kurds arrested in connection with the uprising face charges such as »involvement in cells seeking to weaken nationalist consciousness and to stir up racial sectarian strife«, »aggression aiming to incite civil war and sectarian fighting and incitement to kill«, »affiliation to a secret association« and »attempting to sever part of the Syrian territory to annex it to a foreign state«.<sup>39</sup> Many Kurds never face trial and are

32 Yassin 2004.

33 Op. cit.

34 Khaddam quoted by Mabardi 2004.

35 Reported on Doza Me website, 19 March 2004.

36 Interview with al-Jazira satellite channel, 1 May 2004.

37 HRAS, April 2004; Interviews with UK based Kurds, 21–30 June 2004 (names withheld by author).

38 On 15 February 2005 fifteen Kurds were sentenced by the SSSC in a grossly unfair trial. Four of the men received sentences of three years imprisonment while the other eleven received two year sentences; Amnesty International, 18 February 2005.

39 Amnesty International, 19 January 2005.

held in Syrian prisons or in detention centres without charge for indefinite periods.

A significant number of Kurds arrested in connection with the March 2004 uprising have since died under torture or from injuries sustained under torture.<sup>40</sup> Torture is routine in Syrian prisons and their techniques include the German Chair, suspension upside down for days, electric shocks, beating with iron cables, genital interference and mutilation, and much more. Reports published following the March uprising suggest that more than twenty Kurdish children between the ages of thirteen and seventeen were arrested, some of whom had not even been in the vicinity of the unrest. Some of these children are known to have been subjected to torture while in detention.<sup>41</sup> Additionally, many Kurds arrested during and after the uprising remain unaccounted for.

### Conclusion

The Kurds of Syria are subject to particular forms of discrimination and suppression in Syria that extend beyond those that are the product of authoritarianism and that apply to the whole state. The Kurds are discriminated against on the basis of their national identity which the state cannot, or will not accommodate. Violations of Kurdish human rights occur everyday in Syria and these are violations that cross the spectrum of both international human rights laws and Syrian domestic law.

The support of the Iraqi Kurds for the allied invasion of Iraq and the inclusion of the Iraqi Kurds in the centre of the political process of determining the future of Iraq have increased anti-Kurdish policy and sentiment within the ruling regime in Syria and among its Arab majority and regionally have overridden latent hostilities between Syria, Turkey and Iran. Distrust of the Kurds in all these states has also fed the fear that the Kurds in Iraq and elsewhere are being supported and prepared by Israel to serve their interests in the Middle East. Consequently, there has been a renewal of anti-Kurdish policy across these countries. For the Kurds in Syria, the effect of this has been to place them under increased surveillance and to subject them to increased draconian measures in the name of protecting the unity of the state and the Arab nation. The increasing numbers of Kurds arrested in recent years and months and the intensification of restrictions on cultural practices is testimony that reform in Syria is by no means democratisation.

40 For example see KNN TV, 3 August 2004 and 6 August 2004.

41 Reported by Amnesty International, 29 June 2004 and HRAS, April 2004.

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