

# Travel Ban on Activists in Syria

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## **Introduction by Front Line:**

This is a summary of a study conducted by Mazen Darwish from the Syrian Centre for Media & Freedom of Expression. The study lists the names of more than 400 activists from different parts of Syria who are subject to travel bans, among them 101 human rights defenders, 75 of whom have been identified as members of 12 different human rights groups, including 20 women. The study sheds light on travel bans in relation to the Syrian constitution and law and in relation to the political climate since 1976.

Front Line, the International Foundation for the Protection of Human Rights Defenders, considers travel bans as a major obstacle to the work of human rights defenders and has raised many cases of such a nature in Syria. We are very pleased to be able to publish an English summary of the report in order to try and gain greater attention for this important issue.

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## **Right to freedom of movement in Syrian Law and the Constitution:**

The general framework of the 1973 constitution of the Syrian Arab Republic established the principles of personal and public freedoms. Chapter IV concerns "freedoms, rights and duties". Article 25(1) stipulates:

*"Freedom is a sacred right and the State shall guarantee the personal freedom of citizens and preserve their dignity and security"*

The Syrian constitution expressly provides for freedom of movement within the territory of the State, and also asserts the impermissibility of deporting Syrian citizens by force. According to Article 33:

- 1- No citizen may be expelled from the national territory.
- 2- Every citizen has the right to travel in the territory of the State unless he is barred by virtue of a court ruling or in application of the laws concerning public health and safety.

However, the constitution fails to refer to freedom of movement outside the State, i.e. travelling to and from the State. Even though the Syrian constitution has neglected this aspect of freedom of movement, this right is protected under international human rights law. The Universal Declaration on Human Rights (UDHR) refers, in its Article 13, to the right of every person “to leave any country, including his own, and to return to his country”. The International Covenant on Civil and Political Rights (ICCPR), which Syria ratified by decree 6 of 6 February 1969, protects the right to leave any country in its Article 12. This aspect of the right to freedom of movement is generally covered by the phrase “freedom is a sacred right” in Article 25 of the Constitution. The Syrian Constitution makes no mention of anything that would undermine this aspect of the right to freedom of movement.

The Syrian Penal Code does not mention travel bans as an additional, original or a subsidiary penalty for crimes that are classified as felonies or misdemeanours. Accordingly, the use of travel ban as punishment against any offense is a flagrant violation of the constitution, Article 29, which stipulates: “Crime and punishment must be provided for by law”.

Travel bans have never been mentioned as a precautionary or remedial measure in the Syrian General Penal Code. However, case law and some special Syrian laws have used a ban on travel outside the country as a preventive measure in specific cases to guarantee other rights feared to be squandered if a person is allowed to leave the country before the provision of these rights. Therefore, a court order is a must as the court’s powers allow it to make a court decision explicitly providing the duration of a ban on travel outside of the country, in the following cases:

- 1- Suspicion of criminal offenses: in order to prevent escape and to ensure their appearance before the police for further investigation.
- 2- Persons charged with criminal offences: in order to ensure their appearance before the court (and the enforcement of the sentence if convicted).
- 3- Persons sentenced to pay a monetary fine: in order to ensure payment of the debt or the implementation of the decision of the referee, such as husband sentenced to pay maintenance to his wife and children.

The court is entitled to prevent the person leaving the country only in specific cases and only if there is no other way to achieve the same outcome. In the case of a ban to ensure financial rights there must be a written request from the person who has the right submitted to the court.

### **The travel ban problem in Syria:**

The travel ban problem in Syria does not stem from the Syrian constitution or the law as a precautionary measure, it stems from its use as a tool to restrict the right to travel by depending on the state of emergency. This problem has seen three key departures with interventionist tendencies:

- Travel bans started to become a phenomenon in the mid-eighties following the years of blood and bullets (1976 – 1987) after bloody clashes between the political authorities and the military wing of the Muslim Brotherhood, as well as after a campaign of arrests of members of left-wing political parties in the same period such as the Communist Labour Party, the Syrian Communist Party – the Riad al-Turk wing and the Democratic Baath Party. This period witnessed the largest amount of extrajudicial political detention in post-independence Syrian history. The detainees, who were sentenced, found themselves subject to a deprivation of civil rights after the enforcement of sentences in accordance with the law. This prevented them from being able to obtain passports for extended periods, sometimes for ten years, after completing their sentence. Those who were released after spending long periods in prison, in some cases, for many years without trial, found themselves subject to security clearances to obtain a passport or to obtain an exit visa. By the end of the 1990s, the situation of the majority of those who had been arrested had been settled.
- The period between 2002 and 2006 witnessed the return of the phenomenon of the travel ban once again, but this time it was not only the result of political arrests; it was widely used by the security services against civil and political activists following the so-called "Damascus Spring" as a means of extrajudicial control enabling the security agencies to know the movements of some activists outside Syria by setting up an undeclared "review orders" at the Department of Immigration and Passports, to prevent those activists from crossing the borders without permission for each trip being given by the security agency. In several cases more than one review order has been sought for the same person by different security agencies. This makes it imperative for those who wish to travel to go via the security agency and report upon departure and return, the name of the host and the reason for the invitation. While most

activists have bowed to the new security rules, a few have rejected these rules, and thus are unable to travel.

- Between 2006 and 2008, qualitative and quantitative developments occurred with respect to travel bans in Syria; the function of travel bans has evolved to include additional areas and has developed into a kind of systematic policy. The security bodies allow or prohibit travel authorisations depending on the person, the host, the nature of the activity and location of the activity. In some cases it turns out to be a form of pressure and punishment, when used to deny some people the possibility to work, study, receive treatment or communicate with their family. Quantitatively, review orders (travel bans) increased in this period and also covered a very large number of human rights defenders and political activists in Syria. It has become almost a routine mechanism associated with the first activity any person participates in, regardless of who he or she is . This reached its climax in September 2008 when a security agency produced several expanded lists including any person who has participated in any general political or human rights activity. Many who had dropped out of public activity many years ago were on the list including even some who were dead as was the case of Abdel Karim Zu'air, former member of the Committees for the Defence of Democratic Freedoms and Human Rights, whose travel ban was issued nearly one and a half years after his death.

### **Map of the travel ban in Syria:**

It was difficult to prepare a full list of those subject to travel bans in Syria as the security apparatus does not recognise its travel ban policy and insists that the matter does not exceed the review. There is also no law that protects the right of access to information in Syria; therefore nothing compels the Department of Immigration and Passport to disclose such information.

This study was based on data and feed back from several human rights organizations in Syria. It covers 414 documented cases of those subject to travel ban; however it is believed that the real number is higher.

Based on the data collected, the cases were classified in four groups:

1. Travel ban due to political activities (293 Persons)
2. Travel ban due to human rights activity: (101 Persons)
3. Travel ban on people living outside Syria (11 Persons)
4. Travel ban on the detainees in prison (9 Persons)

**Find Attached:**

- Names of people exposed to travel ban due to human rights activities
- Distribution of Travel Ban by the membership of human rights organizations

Further information including other lists, statistics and diagrams is available in the full text of the study.

**Names of people exposed to travel ban due to human rights activities:**

1	Ibrahim Zoro	35	Rofand AlYoussef	68	Fawaz Tello
2	Ibrahim Wali Issa	36	Zainab Ntfji	69	Kamal Sheikho
3	Ahmed Khazem	37	Salar Aose	70	Louay Hussein
4	Ahmed Fayez Al-Fawaz	38	Saad Jirjes	71	LAVA Khalid
5	Ahmed Mnjuna	39	Salman Khalil Abdul Aziz	72	Mazen Darwish
6	Osama Kario	40	Salwa Zczk	73	Mjdulin Hassan
7	Aksam Naysseh	41	Sulaiman Kheir Bek	74	Mohamed Albaher
8	Anas Kindu	42	Sulaiman Ismail	75	Mohammed Dack Albab
9	Bassam Alkady	43	Samar Labwani	76	Muhammad Ra'dun
10	Bassam Saeed Ishaq	44	Samir Ashahv	77	Mohammad Sharif
11	Bassam Safar	45	Suheir Atassi	78	Mohamed Kadoura
12	Baha'eddin Alrkad	46	Susan Arslan	79	Mohammad Malas
13	Thabet Murad	47	Siamand Mirzo	80	Mahmoud al-Arian
14	Jamal Mezher	48	Serine Khoury	81	Mahmoud Marei
15	Jamila Sadek	49	Teib Tezini	82	Mohammad-Najjar
16	Joseph Joan	50	Aref Dalilah	83	Mohiuddin Esau
17	Hazem Nahar	51	Asim Kuptan	84	Mizin Murshid
18	Habib Saleh	52	Obada Al-Halouani	85	Masood Eko
19	Habib Issa	53	Abbas Abbas bin Nami	86	Mustafa Hayed
20	Hassan Iboo	54	Abdul Karim Alrihawi	87	Mustafa Khader Owusu
21	Hassan Abbas	55	Abdul Karim Dawon	88	Maan Abdul Salam
22	Hassan Kassem	56	Abdullah Khalil	89	Malak Saied Mahmoud
23	Hassan Kamel	57	Ola Ramadan	90	Muhannad Al-Hassni
24	Hassan Mesho	58	Alaa Mohieddin	91	Muhannad Abdul Rahman
25	Hassiba Abdul	59	Aladdin Biasi	92	Nahed Bedouia

	Rahman				
26	Hussein Alaudat	60	Ali Albarazi	93	Nabil Touma
27	Khaled Smeisim	61	Ammar Qurabi	94	Najati Tayara
28	Khadr Abdul Karim	62	Ammar Musareaa	95	Najib Ddom
29	Khalil Maatouk	63	Omar Kadour	96	Nicola Gnome
30	Daad Mussa	64	Ghazi Kaddour	97	Niazi Ahmed Habash
31	Rasim Saed Al-Atasi	65	Ghaleb Amer	98	Hrvn Aose
32	Rami Rkhamiyah	66	Fouad Elia	99	Hind Kamal al-Labwani
33	Radeef Mustafa	67	Fred Diop	100	Haitham Al-Maleh
34	Razan Zaytounah			101	Yassin Haj Saleh

**Distribution of Travel Ban by the membership of human rights organizations  
(75 Persons):**

<b>Organizations of Open Membership</b>	
1	Syrian Association for Human Rights
2	Kurdish organization for the defence of human rights and public freedoms in Syria
2	Human Rights Organization in Syria - MAF
5	Kurdish Committee for Human Rights
6	Human Rights Association in Syria
7	National Organization for Human Rights in Syria
8	Arab Organization for Human Rights in Syria
9	Syrian Organization for Human Rights to "SAWASIA"
24	Committees for the Defence of Democratic Freedoms and Human Rights
<b>Organizations of Closed Membership</b>	
3	Damascus Center for Theoretical Studies and Civil Rights
4	Syrian Center for Media and Freedom of Expression
4	Damascus Center for Human Rights Studies

