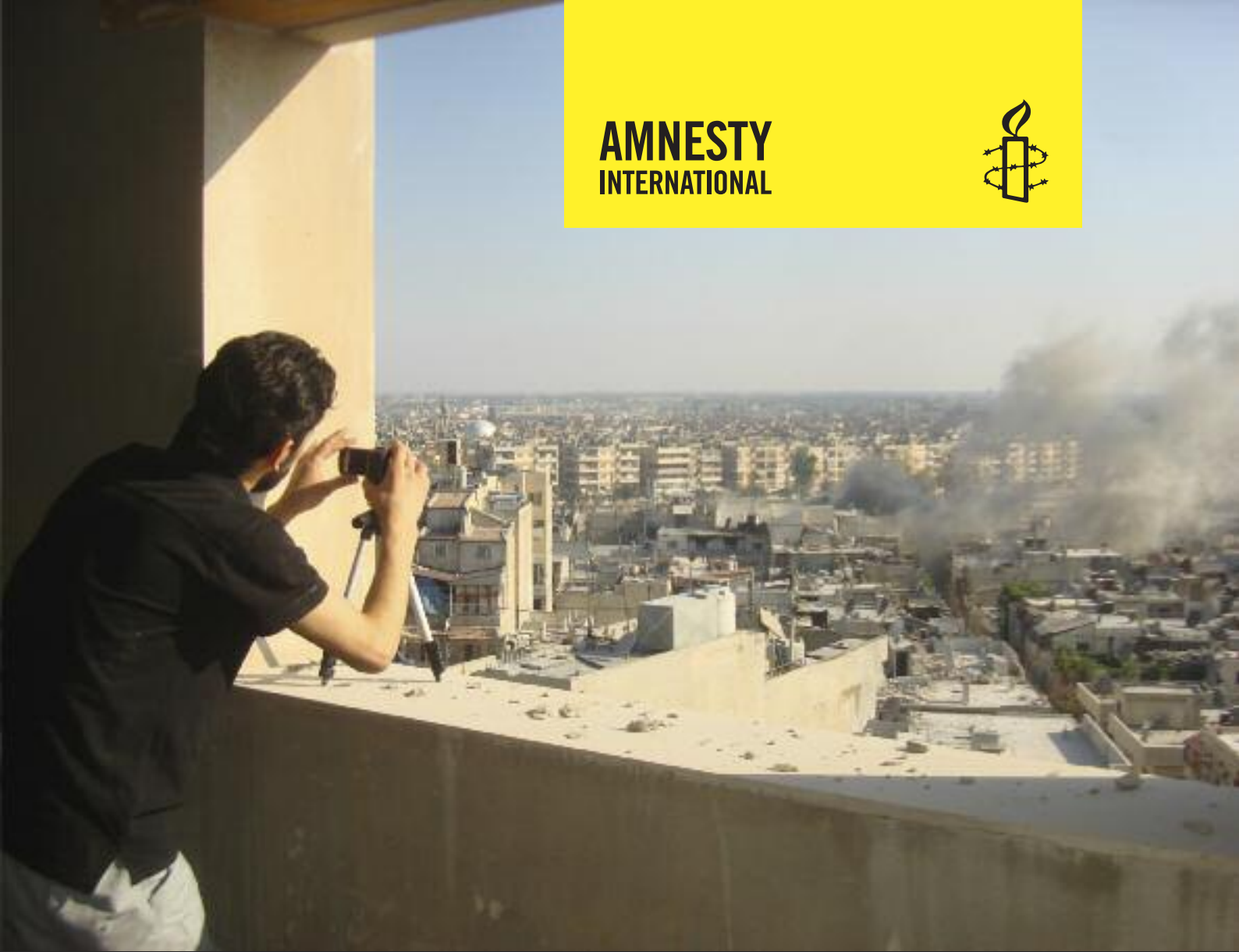


# SHOOTING THE MESSENGER

JOURNALISTS TARGETED BY  
ALL SIDES IN SYRIA

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INTERNATIONAL



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**AMNESTY**  
**INTERNATIONAL**



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*Cover photo:* An activist takes a photo of smoke rising from Juret al-Shayah in Homs, Syria, 24 July 2012.  
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# 1. INTRODUCTION

**“Writing... is a criminal offence and if caught, you will be treated like any other criminal.”**

Journalist and writer Miral Abdul Aziz Sheikha, who was critical of the government, was sentenced in his absence to 18 years in prison in May 2012.

**“Freedom of expression is my right; they cannot kill me for it.”**

Yara Saleh, a news presenter for the pro-government Ikhbariya TV station. She was abducted and tortured by an armed group affiliated with the opposition Free Syrian Army in August 2012.

Syria is the deadliest country in the world for journalists.<sup>1</sup> Professional media workers and “citizen journalists”<sup>2</sup> have been targeted for the very abuses they have bravely tried to document in Syria’s bitter armed conflict – unlawful killings, torture, enforced disappearances, abductions and intimidation – by both pro-government and anti-government forces. Tens are known to have paid for their courage with their lives.<sup>3</sup>

More than 70,000 Syrians are believed to have been killed in the two years since peaceful protesters took to the streets in March 2011 to demand reform.<sup>4</sup> According to the UN, more than 1.3 million others have fled across the borders to escape the escalating carnage, and some 4 million others are internally displaced.<sup>5</sup> Civilians, including journalists, are paying the heaviest price in what has become an increasingly bloody civil war with apparently no end in sight.

Citizen journalists in Syria have played a crucial role in ensuring that information about killings and abuses has reached the outside world. They have supplied a steady stream of video footage and other images exposing grave violations by government forces and the pro-government *shabiha* militias who operate in concert with them, as well as abuses by armed opposition groups. The sudden explosion of information from previously unknown sources has posed many challenges in verification for international media and human rights organizations. Yet, without citizen journalists reporting from their neighborhoods, often at great risk to their own safety, news of many of the abuses, including crimes against humanity and war crimes, might never have reached the outside world.

From the outset, the Syrian government has used various methods to conceal its violent repression of protests. In the early days of the uprising, security forces shot into crowds of peaceful protesters and funeral processions, while the government blamed shadowy armed

gangs whom it said were seeking to besmirch the security forces. Witnesses, however, pointed to close collaboration between the snipers and other government forces.

Then the government tried to suppress the flow of information coming from citizen journalists by mass arrests and detentions of people it accused of spreading “false or exaggerated information abroad”. It also denied international media access to towns and cities directly affected by the protests and subsequent conflict.<sup>6</sup> Some foreign journalists were expelled.<sup>7</sup> Others seeking to enter Syria were either denied visas or allowed entry but were then placed under such tight restrictions as to prevent or seriously impede independent reporting.<sup>8</sup> International journalists assigned to report the conflict consequently went to the country’s borders to speak to Syrian refugees as they crossed into Turkey, Lebanon and Jordan about the abuses they had witnessed.

As the protests and their violent suppression evolved into a full-blown armed conflict, pitting the government and its military and security forces against an opposition composed of a disparate collection of armed groups, international journalists began to look to armed groups to afford them access to areas where civilians were being bombarded by government troops. Several lost their lives as a result. Among them was the renowned US war correspondent **Marie Colvin**, aged 56, a reporter for the UK-based *Sunday Times*, who was killed with French photo-journalist **Remi Ochlik**, aged 28, on 22 February 2012 when government forces shelled the makeshift media centre in Homs in which they were sheltering (see Chapter 2).

By far the majority of those killed while reporting the war - at least 46 between March 2011 and late April 2013, according to UNESCO<sup>9</sup> - have been Syrian nationals. Some were killed when they were caught up in shelling or crossfire, while at least 36 are believed to have been deliberately targeted - by both government and opposition forces - in connection with their work.<sup>10</sup> For example, state television presenter **Mohammed al-Sa’eed** was reportedly abducted from his home in Damascus in July 2012 and summarily killed by Jabhat al-Nusra, an Islamist armed group. **Ali Abbas**<sup>11</sup>, aged 37, head of the internal news department of the Syrian Arab News Agency (SANA), was reported to have been killed in August 2012 in his home in the Damascus suburb of Jdeidat Artouz by assailants believed to be members of an armed opposition group. High-school student, **‘Abd al-Ghani Ka’ake**<sup>12</sup>, aged 18, was shot in the back of the neck and killed, while filming security forces who were firing on a demonstration by Salah al-Din roundabout, in Aleppo, on 4 May 2012. He was previously arrested by Air Force Intelligence in September 2011, and was reportedly tortured.

Repressive state control of the media, stifling censorship and targeting of dissident voices is not new in Syria. Independent newspapers radio or television stations have not been permitted to operate freely in Syria for decades. Under the state of emergency in force continuously from 1963 to April 2011, journalists were liable to arrest and imprisonment for reporting on a wide range of subjects deemed threatening to national security, the primacy of the ruling Ba’ath party or the government. State censorship prevented for decades public reporting or public discussion of many issues, including human rights violations by Syrian security forces, such as the killing by security forces of over 22 prisoners at Saydnaya Military Prison in July 2008.<sup>13</sup>

As the protests gathered pace in 2011, President Bashar al-Assad issued a new media decree in August in an apparent attempt to counter growing international criticism of his government

and its efforts to impede the flow of information about abuses by military and security forces. This purported to espouse the principles of freedom of expression and media access to state-held information, and removed imprisonment as a punishment for journalists convicted of transgressing media restrictions. In practice, however, it made little difference. Under the decree, freedom of expression is allowed only if it is “responsible” according to the Ministry of Information; does not involve anything that the government may interpret as incitement to violence or sectarian division or threatening to national security; and does not cover issues relating to the armed forces. Even as the President issued the decree, his security and intelligence forces were continuing to arrest, detain and abuse both protesters seeking to exercise their rights to freedom of expression and individuals trying to expose abuses.

As armed opposition groups have gained the ascendancy in various parts of the country, they have helped international journalists to gain access to some of the main conflict areas, often affording them protection. However, some of the armed opposition groups have committed serious abuses themselves, including beating and killing captured government soldiers and supporters, in front of the correspondents, and have abducted or murdered journalists considered sympathetic to the government or hostile to the opposition. Armed opposition groups have launched online campaigns against journalists they describe as *media shabiha*, posting public threats and rejoicing when attacks against these journalists are carried out. As a number of cases in this report show, some armed opposition groups may have committed war crimes by targeting journalists whose opinions they regard as pro-government for attack.

Both professional and citizen journalists have played, and continue to play, a crucial role in exposing the true nature and extent of the conflict and the abuses being committed by both sides. Many more may lose their lives in doing so as the fighting continues. The conflict in Syria, like many others, has raised important questions not just about the safety of reporters and their sources, but also about journalistic ethics and how to abide by them when working in such difficult conditions. For example, can journalists granted official access to Syria reasonably be seen to retain their independence in the face of government restrictions on their movement and reporting? Similarly, can journalists “embedded” with armed opposition groups report freely about what they witness on the front line, at least in real time? Is it ethical for journalists to film or interview captured individuals and disseminate that information publicly? These are important issues but they are, for the most part, beyond the scope of this report which focuses on the human cost that journalists have paid in their efforts to report the war and inform the world about the suffering of Syria’s people, rather than the how and where of the journalist’s trade and the questions relating to ethics, security and other practicalities that journalists have to confront in pursuing their profession when reporting on wars.

Amnesty International is publishing this report to draw attention specifically to the human rights abuses committed against journalists and others involved in reporting the conflict in Syria. Such people represent only a minuscule fraction of victims, but without their efforts much less would be known of the suffering endured by so many in Syria. For this, the world at large, as well as countless victims in Syria, owes them a debt of gratitude.

This report is based on interviews and other research conducted in the region and outside since the start of the protests in 2011. Field research was carried out in Syria in August 2012 and March 2013, and in Syrian refugee camps in Jordan in July 2012. However,

because of the difficulties in accessing large parts of Syria, most of the professional journalists, citizen journalists and media activists who spoke to Amnesty International, were interviewed by Skype or phone. Members of armed opposition groups, local co-ordination committees and representatives of NGOs working on Syria were also interviewed on the issue of journalists and press freedom. Particular details of some of the cases highlighted in this report have been withheld to protect the security of individuals concerned.

This report concludes that, in its response to the peaceful activities of professional and citizen journalists, as well as the restrictions it has placed on media more generally, the Syrian government has committed serious violations of international humanitarian law – the laws of war - as well as human rights law, in breach of its obligations under international treaties that Syria has ratified. Among such provisions are those that proclaim the rights to freedom of opinion and expression: “everyone shall have the right to hold opinions without interference” and “everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”.<sup>14</sup> The Syrian authorities have also violated the rights of journalists and media workers relating to the prohibition of torture, enforced disappearances and arbitrary detention, rights from which states may not derogate under any circumstances, including during armed conflicts. In addition, this report documents violations of international humanitarian law committed against journalists and other media workers that may amount to war crimes. Such acts include summary killings, enforced disappearances, torture, hostage-taking, and destruction of homes and property.

In light of these findings, Amnesty International is calling on the Syrian government, among other things, to:

- Stop arbitrarily arresting and detaining those who peacefully express their opposition to the government, including journalists and media activists.
- Release, immediately and unconditionally, anyone held solely for exercising their right to freedom of opinion, expression, association and assembly, including journalists and media activists.
- Inform families about the fate of missing relatives, including those who have died, disclosing the circumstances of their deaths, and the location of their burial.
- Grant journalists and independent human rights monitors, such as the UN Commission of Inquiry, legal and unhindered access to the country.

Amnesty International is calling on Syrian armed opposition groups, among other things, to:

- Publicly condemn, from the highest level of leadership, all human rights abuses and violations of international humanitarian law and issue instructions that such acts are strictly prohibited.
- Release immediately and unconditionally anyone held solely for exercising their right to freedom of opinion, expression, association and assembly.



- To cease treating anyone, including any journalists or media workers, as a hostage.

Amnesty International is also calling on the international community to:

- Establish joint international investigation and prosecution teams to investigate crimes under international law committed by all parties to the conflict in Syria.
- Ensure the UN Security Council refers the situation in Syria to the Prosecutor of the International Criminal Court.
- Impose and enforce a comprehensive international arms embargo aimed at preventing the transfer to the Syrian government of all weapons, munitions, and military, security, and policing equipment, training and personnel.
- Additionally, any state considering supplying arms to armed opposition groups in Syria should first carry out a rigorous human rights risk assessment and establish a robust monitoring process which would enable all arms transfer proposals to be carefully considered before any approval is granted and for any such transfers to be rapidly halted if arms are used to commit human rights abuses or violations of international humanitarian law.

## 2. VIOLATIONS BY STATE AND PRO-GOVERNMENT FORCES

“Journalists and bloggers who have expressed dissenting views have been harassed, dismissed from government jobs, arbitrarily arrested and detained.”

Report of the independent international Commission of Inquiry on the Syrian Arab Republic, 22 February 2012<sup>15</sup>.

The outbreak of protests in early 2011 and the government's determination to maintain a media blackout on any reporting that differed to that of the state media led to a renewed offensive against journalists and writers who had previously expressed dissenting views. In addition to existing laws restricting freedom of expression which were used to prosecute journalists, writers and bloggers, new laws were introduced in 2011 to help the Syrian authorities silence growing dissent in the media. The following cases highlight the various ways the rights of Syrian and foreign writers, journalists, bloggers and others have been violated by the authorities in the past two years.

### LOCAL WRITERS AND JOURNALISTS

Many journalists and writers have been denied licences<sup>16</sup> to work as journalists and questioned or arrested in relation to their work before and after the protests began in 2011. For example, **Salameh Kaileh**, born in 1955, is a leftist Palestinian journalist and writer who had been living and working in Syria since 1981. He was arrested in 1992 because of his freelance journalism and sentenced to eight years in prison after conviction before a grossly unfair trial by the Supreme State Security Court of “undermining the objectives of the (Ba’ath) Revolution: Arab unity, liberty and socialism”. He continued to write following his release in 2000.

Following the outbreak of protests in Syria in March 2011, his writing focused on the government's lack of reform, as well as contradictions within the Syrian opposition. In an article in *al-Akhabar*, a Lebanese newspaper, on 23 February 2012, Salameh Kaileh criticized the new Constitution, which had been adopted four days earlier, as “a distraction from the ferocity of the violence, killing, and destruction” and “an amended version of the old one”.<sup>17</sup> A month later, on 24 April, plain-clothed officials from Air Force Intelligence – one of the most feared of the many intelligence agencies – raided his home in Barzeh, a Damascus

neighbourhood, and arrested him. He told Amnesty International that during the raid, security officers confiscated documents, flash drives and laptops. He was then taken to the Air Force Intelligence branch near Umayyad Square in Damascus, where he was forced to strip to his underwear and sleep in a small room holding around 35 other men. He described what happened:

*“The interrogator was obviously stressed so he began to beat me. He used a bamboo stick to hit my legs while repeating the same questions.*

*“They questioned me about a publication they found in my flat by the Syrian Leftist Coalition, which they believed I had printed. I told them I did not print it, that I care about my reputation as a journalist and so follow all publications about Syria, and that is why it was in my home. They also asked me about an email that I had sent to al-Akhbar newspaper, with an article that I had hoped to publish.”*

He said that while at this Air Force Intelligence branch, he was also blindfolded and tortured with *falaqa* (beating of the soles of the feet). On one occasion, he said, a security official insulted and humiliated him for being Palestinian.

On 3 May, Salameh Kaileh was transferred to another Air Force Intelligence branch, where medical professionals immediately referred him to a military hospital in al-Mezzeh neighbourhood of Damascus, after confirming that he had been tortured. A week later, he was taken to an official branch of the Department of Immigration. Officials there and at several other Ministry offices interrogated him before deporting him to Jordan on 14 May 2012.



Salameh Kaileh shows leg injuries, which he says he sustained during torture. @Private.

According to Salameh Kaileh, most of the torture he suffered occurred at the military hospital in al-Mezzeh:

*“I was placed in a room that had six beds and around 11 patients. Every two or three patients were tied to one bed where they all lay, their eyes and faces covered with the bed sheets...”*

*“The hospital staff did not allow anyone to go to the bathroom; we were forced to soil the bed. I was beaten very badly in the bed; the scars left on my body are from my time at the hospital, not the security branch... It was not a hospital, but a slaughterhouse. I was in this hell for a whole week.”*

As Salameh Kaileh's face was covered while he was tied to the hospital bed, he does not know whether he was tortured by members of the security forces or medical staff. Amnesty International has previously documented abuses of wounded patients in at least four government-run hospitals at the hands of health workers and security personnel.<sup>18</sup>

**Miral Abdul Aziz Sheikha** (also known as Miral Biroreda), aged 33, and a member of Syria's Kurdish minority, is a journalist and writer from al-Hasakah governorate in north-eastern Syria. He has written extensively on political questions, including the Ba'ath party and the

Kurdish issue in Syria, particularly during demonstrations by Kurds in Qamishli in 2004.<sup>19</sup> In 2007 he was summoned to the Palestine Branch, a notorious Military Intelligence detention and interrogation centre in Damascus where Amnesty International has documented torture and other ill-treatment over many years,<sup>20</sup> for questioning about his suspected involvement in a banned Kurdish rights magazine. Since then, he has been an unauthorized journalist in Syria.

After the protests began in 2011, Miral Abdul Aziz Sheikha continued to publish articles on various websites and provide analysis for satellite channels such as Al-Arabiya and Orient TV, as well as the US magazine *Newsweek*. In an open letter to President Bashar al-Assad, published on the website "The Institute for Civilised Dialogue" on 6 April 2011,<sup>21</sup> Miral Abdul Aziz Sheikha wrote:



Syrian-Kurdish journalist and writer Miral Abdul Aziz Sheikha was held for about seven weeks in 2011, including 26 days in solitary confinement ©Private.

*"Where is the dignity of our state? Is it in the shooting of civilians with live bullets in Dera'a, or in the arrest and torture of our children? These events are repetitions of what was carried out against the Kurds in Qamishli in 2004, and prior to that against the people of Hama. The dignity of the state comes from the dignity and freedom it allows its citizens."*

As well as writing in support of the protests, Miral Abdul Aziz Sheikha participated in what he terms "flying protests" in al-Hasakah from 1 August 2011 until his arrest later that month. He told Amnesty International:

*"We would try to fool the security officials in al-Hasakah by posting a fake location for the protest on Facebook. When they arrived there we would be in a different location."*

Miral Abdul Aziz Sheikha was arrested at a protest in the Howran neighbourhood of al-Hasakah on 26 August 2011 and taken to a Political Security branch, where he was initially taken to see the head of the investigative branch.

*"He told me that I will be punished for the 26 days that I had participated in the flying protests. I was then taken away and kept in solitary confinement for 26 days exactly."*

*"They would beat me every day during these 26 days. They seemed to know a lot about what I had written and questioned me about it during the beatings. They concentrated on an open letter I had written to Bashar in April 2011 in which I asked him why he is not installing reforms fast enough. They said to me 'he has applied many reforms, why don't you write about them?' They also asked me about an article I wrote in 2009 in which I said Bashar had sold the Golan Heights."<sup>22</sup>*

According to medical reports seen by Amnesty International, Miral Abdul Aziz Sheikha has a history of coronary artery disease and has suffered a heart attack in the past (despite his young age). He again experienced serious chest pain while at the Political Security branch on

20 September, but was not allowed to take his medication while he was in solitary confinement. No alternative medication was provided.

The day after his attack of angina, he was taken out of solitary confinement and his interrogation began. He said it focused mainly on his membership of Amnesty International and repeated the same questions about his writings on the opposition movement since March 2011. He was released on or around 13 October 2011 due to his deteriorating health and his case was transferred to the Criminal Court in al-Hasakah. In February 2012, while free, he underwent medical investigations that revealed that he was suffering unstable angina putting him at risk of a heart crisis and in April that year he was successfully treated for his condition.

In May 2012 his lawyer told him that he had been sentenced in his absence to 18 years in prison, so Miral Abdul Aziz Sheikha went into hiding before fleeing the country. Court documents obtained by Amnesty International show that he was charged under Articles 287-8 of the Penal Code, which focus on acts that “undermine the prestige of the state and national sentiment”; Articles 307-8, which relate to offences that “undermine national unity and writing articles for the purpose of inciting sectarianism”; and Legislative Decree 54 of 2011 that regulates the right to peaceful demonstrations.<sup>23</sup> The 18-year sentence was signed by an investigative judge at the Criminal Court in al-Hasakah.

Kurdish writer and pro-reform activist **Hussein ‘Essou**, aged 62, was arrested during the night of 2 September 2011 by security forces believed to be part of the Air Force Intelligence in al-Hasakah. He has not been heard from since and his whereabouts are unknown – conditions which amount to an enforced disappearance.<sup>24</sup>

Hussein ‘Essou’s writings focused on the Kurdish issue in Syria and often criticized the Syrian authorities. In July 2011, he condemned the arrest of leading opposition figure Nawaf al-Bashir and in August 2011 he gave interviews to France24 and Orient channel during a sit-in protest in al-Hasakah. Soon after, on 2 September while he was visiting friends, a man who identified himself as a member of Air Force Intelligence telephoned him to say that they were waiting for him at his home and asking him to return there immediately. Hussein ‘Essou reportedly told the man that he was busy and waited until 1am to go home. Eyewitnesses said that Hussein ‘Essou was arrested at around 2am that night.

Hussein ‘Essou has a heart condition that requires regular medication. Following his arrest, friends of Hussein ‘Essou visited the Air Force Intelligence branch in al-Hasakah and asked to be allowed to give him his medication. Officers reportedly accepted the medication but did not permit anyone to see him.

In December 2011, Amnesty International received information that Hussein ‘Essou had been moved to the Air Force Intelligence branch in Damascus, but has not been able to confirm this. Repeated requests by Hussein ‘Essou’s family for access to him or information regarding his whereabouts and health have gone unanswered. His family has submitted three complaints to the General Prosecutor in al-Hasakah, requesting that Hussein ‘Essou be transferred to a court or released as he has been held for longer than the 60 days that is the legal limit for detention without trial. The complaints have reportedly been referred to the Security Committee for the Governorate of al-Hasakah. As far as Amnesty International is aware, the family is yet to receive a reply.

**Ayad Sharbaji**, aged 38, is a Syrian journalist and was the Editor in Chief of *Shabablek*,<sup>25</sup> a monthly social affairs magazine aimed at Syria's youth until its closure. The authorities stopped the printing of *Shabablek* on five separate occasions between 2009 and 2011, even though Ayad Sharbaji claimed that he was licensed to work as a journalist. According to Ayad Sharbaji, publication was halted following articles that criticized corruption in universities or the ban on Facebook in force from 2007 to 2011. He told Amnesty International:

*"We did not dare to criticize the government directly before the revolution broke out. While the magazine was focused on youth issues, once in a while we would have an article about Facebook or freedom on the internet. This was enough to trigger a reaction from the authorities at that time and for them to halt the publication of the magazine. Following the revolution, the reaction of the authorities to the press and media became much more savage very quickly."*

Following the protests in March 2011, *Shabablek* issued its two last editions in April and May before Ayad Sharbaji was forced to stop production permanently. He told Amnesty International:

*"When the revolution broke out, I made sure to keep the magazine out of political issues and I kept any support for the revolution I had for Facebook only. In April 2011 I received a fax from the Syrian Radio and Television Corporation<sup>26</sup> [a state-run agency under the control of the Ministry of Information] outlining how the magazine should approach the issue of the protests, recommending phrases such as 'terrorist gangs'. Neither the April nor May editions of the magazine mentioned the protests at all."*

*"In May 2011, I received a call from the Syrian Radio and Television Corporation asking me to go to their office in Damascus for a meeting with the General Director, Majed Halima. When I arrived he asked why I had not been writing what they wanted me to write about the protests. I told him I did not want to drag the magazine into politics to protect it from being shut down."*

*"He warned me to start writing about 'armed terrorists' or he would ensure the publication of the magazine stops. I said, 'Let it stop'."*

The Information Ministry revoked Ayad Sharbaji's journalist's licence in May 2011 following repeated warnings about the magazine's coverage of the escalating protests.

On 13 July 2011, Ayad Sharbaji was arrested during a protest which was organized in Damascus by prominent Syrian intellectuals and artists.<sup>27</sup> He was arrested along with at least 28 other protesters<sup>28</sup> and held for four days at the Criminal Security branch in Damascus. He said that he was frequently beaten there, predominantly on the head and legs. He was then transferred to the Criminal Court in Damascus to face charges of demonstrating without authorization.<sup>29</sup> After attending three court sessions, Ayad Sharbaji went into hiding while he was free on bail and before a verdict was reached.

In August 2011, while he was in hiding, unknown individuals reportedly raided the *Shabablek* office in Damascus, breaking furniture and taking away documents.

On 24 December 2011, Ayad Sharbaji wrote an article criticizing the authorities and posted it on Facebook.<sup>30</sup> On 3 January 2012, officials from the Air Force Intelligence branch in al-Mezzeh district of Damascus raided Ayad Sharbaji's family home, arresting his brother Mahmoud Sharbaji. Ayad Sharbaji said:

*"They told my parents 'if you want to see Mahmoud again, Ayad should give himself up.' My brother was detained for three months at the Air Force Intelligence branch. When he was released he told me that every time I gave an interview during his detention, they would take him out of his cell and torture him. He told me they would whip him with electric cables and beat him with wooden sticks. That was very difficult for me to hear."*

Ayad Sharbaji, who has now fled Syria with his family, told Amnesty International that he had been receiving threats since late 2011. He claims that some were delivered as notes to his home in Syria, others were sent via Facebook and SMS messages. His trial is continuing and, as far as he is aware, no verdict has been reached, although he has received unconfirmed reports that his case was transferred to the Anti-Terrorism court in Damascus.<sup>31</sup>

## **SYRIAN CENTRE FOR MEDIA AND FREEDOM OF EXPRESSION**

The Syrian Centre for Media and Freedom of Expression (SCMFE), a non-governmental body, was established in 2005. It aims to monitor and defend the rights of journalists, bloggers, media activists and freedom of expression more generally in Syria. The office has been raided by government forces twice since 2006 and shut down twice, in June 2006 and September 2009. It has operated unofficially since its formation as the Syrian authorities repeatedly refused to register or license it.

A November 2011 report by the SCMFE said it had documented "109 human rights violation cases against 88 media workers between February and October 2011" in connection with their reporting of the protest movement. On 16 February 2012, the SCMFE was raided again by Air Force Intelligence. Laptops, mobile phones and documents were confiscated, and SCMFE founder Mazen Darwish, 13 of his colleagues and two guests were arrested.

According to a number of the detainees who were subsequently released, all of the activists were initially taken to the al-Mezzeh branch of Air Force Intelligence in Damascus. All of the women and three of the men were later released. Of these, Bassam al-Ahmad, Ayham Ghazzoul, Juan Farso, Yara Badr, Sana Zitani, Mayada Khalil and Razan Ghazzawi were referred to a military court in Damascus.

Bassam al-Ahmed, who was released on 15 May 2012, told Amnesty International that he spent 33 days at the al-Mezzeh branch with his colleagues Ayham Ghazzoul, Hani Zatani, Mansour Omari, Abd al-Rahman Hamada and Juan Farso. All were then transferred to the custody of the Fourth Armoured Division, an elite section of the army under the de facto command of the Syrian President's brother Maher al-Assad. There, according to Bassam al-Ahmed, they were questioned and tortured regularly.

*"We were held with approximately 86 other men in a small room measuring around 4 metres by 4 metres. There was no bathroom in the room. The people who were returned after being tortured no longer looked human, they looked like monsters. We were beaten during interrogations so that we would confess about our activities. During my interrogations they asked me who was funding the SCMFE and what type of work we did."*

*"Conditions in the Fourth Division were dire. Most of the prisoners had some form of skin disease. I got scabies"*

*and was seen by a doctor who prescribed me medicine; however, I was never given this medicine by officials.”*

Bassam al-Ahmed, Ayham Ghazzoul and Juan Farso were brought before a military court on 22 April 2012, where they told the judge about their torture. They were then transferred to Adra prison and finally released on 15 May 2012. Ayham Ghazzoul was rearrested in November 2012 and died in detention three days later – one of the more than 1,000 individuals reported to have died in custody since March 2011. Mansour Omari and Abd al-Rahman Hamada were released in early 2013. Mazen Darwish and two of his colleagues – Hussein Ghareer and Hani Zetani – remain held incommunicado at an unconfirmed location.

During the military court trial sessions for some of the released activists, the judge ordered the Air Force Intelligence to present Mazen Darwish as a witness, but the officials did not comply. During one session on 6 August 2012, the judge received a letter from the Air Force Intelligence stating that Mazen Darwish was unable to attend as a witness because he was being transferred to a secret military court.

According to information received by Amnesty International, these secret court sessions - known as military field trials - are conducted by military officers and no legal representation or witnesses are allowed. The dates of the sessions remain secret. Verdicts are not subject to appeal. A letter received by the court stated that the SCMFE operated without a licence but did not specify what charges Mazen Darwish was facing.

## CITIZEN JOURNALISTS AND MEDIA ACTIVISTS

Citizen journalists have been described by the United Nations Educational, Scientific and Cultural Organization as follows:

*Like their professional counterparts, citizen journalists employ journalistic principles and rules related to issues of credibility, accuracy, sourcing, investigations, reporting and timeliness. They rely on similar mechanisms to establish authority, including eye-witness accounts, sourcing, quotes, images, video and reputation. The integration of alternative self-published media sites (including blogs, video-sharing and photo-sharing sites, and microblogs) with mobile phones has enabled instantaneous reporting and transmission, sometimes even without access to a computer or the Internet. These unedited, free, instantaneous informational platforms challenge the ability of the state or private corporations to control the information environment, while giving activists tools for building national coalitions and transnational support. Thus much citizen journalism amounts to activism.*

*Citizen journalists often contribute to professional media outlets, though many are also often driven by different objectives than their professional counterparts, and tend to be more interpretive and subjective, often explicitly disavowing the norm of objectivity. This has implications for shaping news flows, agendas and framing choices in the 21st century, while also posing distinct challenges for the verifiability of information, accuracy of reporting, and definition of what constitutes news. The building blocks of information gathering, reporting, publishing and dissemination are potentially available to anyone with an Internet connection or mobile phone, yet laws and regulations to protect press freedom in many countries are insufficient or are unclearly applied in this new media ecosystem. Like freelance journalists, citizen journalists operate outside the organizational protection mechanisms of traditional journalists working for media outlets, making them vulnerable and susceptible to distinct safety and security threats.<sup>32</sup>*



The number of citizen journalists in Syria mushroomed following the outbreak of popular protests in 2011. Their role became ever-more critical as foreign journalists were not authorized to enter certain parts of Syria on their own. Placing themselves at great risk, citizen journalists have documented and reported on human rights violations committed by the Syrian authorities and, at times, by armed opposition groups. They continue to do this vital work.

The surveillance by the Syrian authorities of telecommunications - including emails and internet traffic - is believed to be advanced. In October 2011, the US company Blue Coat Systems confirmed that the Syrian authorities had somehow obtained its surveillance software from items shipped elsewhere in 2010.<sup>33</sup> Data obtained by the online activists revealed that the Syrian authorities' surveillance was focused on social networking and video-sharing sites,<sup>34</sup> reflecting the degree to which they saw citizen journalists and media activists as a threat. Individuals who provide information, videos or images to local and foreign news outlets have repeatedly been harassed, arrested, tortured and, in some cases, killed.

As the situation in Syria evolved into an internal armed conflict,<sup>35</sup> citizen journalists and media activists faced even greater risks and more difficult challenges when trying to document events. Artillery shelling by the authorities, and then aerial bombardments, coupled with government checkpoints, made it increasingly difficult for citizen journalists to move around the country. To facilitate undetected movement, citizen journalists developed networks with other types of activists, for instance those providing humanitarian aid, and often used pseudonyms. Some also began travelling with armed opposition groups, including the main armed opposition structure, the Free Syrian Army (FSA), but at no time taking part in hostilities. This has allowed them to document events in towns and villages to which they could not otherwise gain access.

Most of the citizen journalists mentioned in this report are men; however, there are many Syrian women who have been working as citizen journalists since 2011, some of whom have also been targets of violations. For instance, according to Reporters without Borders<sup>36</sup>, **Fatima Khaled Saad**, a 22-year-old nurse who became a citizen journalist working under the name Farah al-Rayes, was arrested from her home in Latakia on 28 June 2012, along with her brother and father, who were both released shortly afterwards. According to Al Jazeera, she was reportedly moved to the Military Intelligence HQ in Damascus on 17 July.<sup>37</sup> Contradictory reports regarding her fate later emerged. The Syrian Network for Human Rights reported on 23 October 2012 that she had died in custody after being tortured but a family member was reported to have told AFP that she was still alive<sup>38</sup>.

While some citizen journalists mentioned in this report have at times travelled with the FSA, they consider themselves autonomous and are unarmed. This means their status as journalists and civilians under international humanitarian law is not compromised. By contrast, members of armed groups who record events, including of killings, hostage-taking, and other abuses, but also directly participate in hostilities would not be granted the same protection as journalists under international humanitarian law.

**Farzat Jarban** was killed after he was arrested at an anti-government demonstration in the town of al-Qusayr, Homs governorate, on 19 November 2011. Farzat Jarban was filming demonstrations in order to send the footage to various Arabic-language news outlets. The day

after his arrest, his body was found on a main road in al-Qusayr. A video of his dead body showed what appeared to be both minor and severe injuries.<sup>39</sup>

A forensic expert consulted by Amnesty International said the video showed signs of minor injuries to the corpse in the form of bruises and abrasions over the forehead and left eyebrow region. He added that the facial bones appear distorted and that the nose had been flattened by pressure. He also noted that there was a circular penetrating wound to the right eye socket and a large lacerated ragged wound to the right lower face. He stated that these severe injuries were beyond what might be expected from a beating, even a severe one, and raised the possibility of shotgun or explosive injuries or other forms of high energy trauma.

It is unclear from the footage alone whether Farzan Jarban died under torture or was extrajudicially executed by a shotgun or any other means.

**'Abd al-Ghani Ka'ake**, an 18-year-old high-school student, was shot in the back of the neck while filming security forces who were firing on a demonstration by Salah al-Din roundabout, in Aleppo, on 4 May 2012. An eyewitness told an Amnesty International who visited Aleppo that month:

*"It was about 12.45 and we had just got to the roundabout from the nearby mosque after Friday prayers. Members of the Hafedh al-Nizam [anti-riot] forces shot indiscriminately and many demonstrators ran away. 'Abd al-Ghani kept filming; he was in the middle of the road, opposite the school and was wearing a bright blue sweatshirt which made him stand out. He was filming the security forces and was shot in the neck from a height, probably by a sniper. As we were trying to rescue him we kept being shot at. Once we managed to put him in the car, the car too was shot at as we drove away. He died shortly after, just as we got him to a medical facility."*

This description of events was corroborated by the accounts of two other witnesses who were standing near 'Abd al-Ghani Ka'ake when he was shot.

'Abd al-Ghani Ka'ake's relatives told Amnesty International that he had previously been arrested by Air Force Intelligence on 8 September 2011 and detained for eight weeks while still a minor. He was eventually released on 3 November, his 18th birthday, and told his family that during his incommunicado detention he was tortured.<sup>40</sup>



Citizen journalist Ali Mahmoud Othman has been the victim of an enforced disappearance since March 2012. @Baba Amro News.

**Ali Mahmoud Othman**, a citizen journalist from Homs, was arrested in March 2012 in Aleppo province and remains held in conditions which amount to an enforced disappearance. During the army's assault on the Baba 'Amr neighbourhood of Homs in February 2012, Ali Mahmoud Othman was part of a network of activists who ran the Homs media centre (see below), providing footage and information to satellite TV channels and news outlets. Ali Mahmoud Othman was also well known for helping foreign journalists enter Baba 'Amr, and

facilitating the movement of foreign journalists in and out of Homs, including British journalist Paul Conroy and French reporter Edith Bouvier after they were injured in shelling. Speaking about Ali Mahmoud Othman, Paul Conroy told Amnesty International:

*"He was one of the activists who just made things happen at the media centre. He would take journalists to the front line or to field hospitals, or anywhere where they would be able to get a good camera shot."*

A Syrian activist who worked with Ali Mahmoud Othman in Baba 'Amr, and who was arrested shortly before him, told Amnesty International that government forces had sent Ali Mahmoud Othman a text message to lure him to the meeting where he was arrested. Amnesty International was told that he was initially taken to the Military Intelligence branch in al-Bab in Aleppo, before being transferred to the Palestine branch detention centre in Damascus.

In April 2012, Syrian state TV aired footage of Ali Mahmoud Othman being questioned by TV presenter Rafiq Lutuf about his involvement in the protest movement in Homs and his media activities.<sup>41</sup> He was asked about the different news outlets and television channels to which he had sent footage, and why he believed protests continued despite the reforms supposedly introduced by President al-Assad. Activists close to Ali Mahmoud Othman, as well as British journalist Paul Conroy, publicly dismissed this interview, saying that they believe he had been coerced into taking part in the interview and providing rehearsed answers dictated by the authorities or the state TV.

Shortly after the interview was broadcast, Rafiq Lutuf spoke on Syrian state TV about his encounter with the citizen journalist and the significant role Ali Mahmoud Othman had played in distributing "fabricated" information and footage.<sup>42</sup> He also said that Ali Mahmoud Othman had agreed to the televised interview.

No one has heard from Ali Mahmoud Othman since the televised interview. The last sighting was at the end of May 2012; a fellow activist told Amnesty International that they had seen him at the State Security branch in Kafr Souseh in Damascus, but was not able to speak to him. A relative of Ali Mahmoud Othman who lives outside Syria told Amnesty International that in November 2012, the family had received word from an unofficial source that he had been transferred to the infamous Saydnaya Military Prison near Damascus, although Amnesty International has been unable to confirm this.

**'Abu 'Obaidah al-Idlibi'**, aged 20, is a citizen journalist from al-Dana, Idlib province. He told Amnesty International that as well as giving radio interviews, he had filmed events and uploaded footage on YouTube. He was arrested in May 2012 and held at the Central Prison in Idlib for a week after he was caught photographing security forces on the street. He said:

*"I was beaten at the start, but I had heard that the punishment for people who make videos is eye-gouging so I denied being a citizen journalist. They repeatedly asked me why I was taking the photographs and with whom I worked. They also threw other accusations at me, such as, 'Where are the weapons you had?' I kept on telling them that I was not armed. Thankfully I did not have any saved videos on the phone I was carrying, only pictures of Bashar al-Assad and some nationalist songs that I had put on my phone in case I was stopped at a checkpoint. When they searched my phone and saw these pictures they became much less suspicious."*

Following his release, 'Abu 'Obaidah al-Idlibi' reportedly wrote online criticizing the behaviour of *shabiha* militias in Idlib. Soon after, he said, he was attacked in his office by a group of armed men:

*"I was in my office in June 2012 when it happened, men in civilian clothing barged in with their faces covered. They held me at gunpoint with their weapons in my face and stole all my equipment. They did not say much beyond talking about the report I had published about them. They left me in the office with the threat: 'Let's see if you take another photo'."*

**Mu'az al-Ta'ani**, known as 'Abu Ayas al-Hourani', aged 25, is a citizen journalist and a member of a local co-ordination committee in Dera'a, south-western Syria. He began working as a citizen journalist in May 2011 while he was a student at Tishreen University in the governorate of Latakia. He said that he had filmed demonstrations; gathered and verified names of people killed or injured, and disseminated this information to international organizations and media outlets.



Mu'az al-Ta'ani recorded his reports as 'Abu Ayas al-Hourani' to avoid identification by the Syrian authorities, but was nevertheless arrested and tortured by Military Intelligence officials in January 2012. ©Private.

Footage of Mu'az al-Ta'ani reporting from Dera'a as 'Abu Ayas al-Hourani' has been aired on Al Jazeera and is available on YouTube. For instance, in a video<sup>43</sup> – apparently aired on a number of TV channels in August 2012 - Mu'az al-Ta'ani reported on displaced families fleeing from Dera'a to Jordan.

Initially, Mu'az al-Ta'ani carried out these media activities in secret and anonymously in order to avoid detection by the authorities. However, his identity soon became known and in January 2012 he was arrested and detained in a Military Intelligence branch in Latakia for six days, during which he was tortured. He told Amnesty International:

*"I was first made to strip naked. On the first two days I was beaten with a whip, mostly on my feet and my back. The psychological torture was unbearable. They told me that I had betrayed my country and made me believe that I would be hanged at the end of the interrogation".<sup>44</sup>*

Mu'az al-Ta'ani was released after agreeing to provide the authorities with information about the activities of his colleagues at Tishreen University. Following his release, he was made to visit the grave of the late President Hafez al-Assad with a group of students. Mu'az al-Ta'ani told Amnesty International that his visit was later shown on Addounia TV channel and a photograph of Mu'az al-Ta'ani laying flowers on the grave was published in a number of pro-government newspapers, including *al-Thawra* newspaper.

Mu'az al-Ta'ani told Amnesty International that after his release he felt unable to remain at Tishreen University as he believed the teachers were monitoring his activities closely. He returned to Dera'a, where he continued his activities as a citizen journalist and attending anti-government demonstrations. He said the authorities have raided his family home in Dera'a eight times, harassed his family and, on one occasion, physically abused members of his family. During one of the raids, on 7 March 2012, security forces allegedly beat Mu'az al-Ta'ani's mother and 16-year-old sister.

*“They beat my younger sister and locked her in one of the rooms in our house by herself. They then questioned my mother about my whereabouts and when she would not tell them where I was hiding, they hit her over the head with the butt of a rifle until she fainted.*

*“They targeted my family in order to weaken me, but they did not succeed. I will carry on recording and distributing information, I will put up with what they have done and what they will do, because I feel that by recording their crimes, I am defending my country.”*

Mu'az al-Ta'ani told Amnesty International that he originally travelled and worked as an independent citizen journalist, but as the conflict escalated he became a media activist with an armed group affiliated with the FSA.

*“In July 2012 I had little option but to work with the Free Syrian Army just so I can move between different neighbourhoods with their protection. It became too dangerous to travel alone. I worked as a media activist with an armed FSA group in Dera'a. Even though I travelled with the battalion, I remained unarmed; to this day my only weapon is my camera.”*

**'Adel Walid Kharsa**, a 25-year-old citizen journalist from Hama, north of Damascus, began filming demonstrations and reporting for satellite TV channels in June 2011 after mass protests broke out in the governorate. He sent reports to Al Jazeera<sup>45</sup> and other outlets under the alias of 'Abu Fidaa' al-Hamawi'. He had been living in the United Arab Emirates but returned to Syria in May 2011. He reportedly told a close contact: “When my children ask me what I did for the revolution, I don't want to say I watched it from Dubai. I want to go and contribute somehow.”

In July 2011 'Adel Walid Kharsa's identity became known to Syrian security forces and he began receiving telephone calls from unknown men who urged him to “repent” and report to the authorities. Security officials visited his neighbours to ask about him, making clear that they knew that he was reporting on the government's response to local protests. A raid on his family's home on 1 August 2011 prompted 'Adel Walid Kharsa to go into hiding.

On 17 August, after 16 days in hiding, 'Adel Walid Kharsa was arrested by State Security and detained incommunicado for five weeks, before he was released without charge. He was once again arrested, this time by Military Intelligence, on 21 October and held in a State Security-run detention centre in Damascus until 9 January 2012.

According to someone close to 'Adel Walid Kharsa, he was tortured in detention, possibly in an attempt to extract a forced “confession.” He reportedly told a friend following his release: “If you are arrested they will hold a knife to your neck in order to force you to confess, as they did to me.”

After his release 'Adel Walid Kharsa stopped being a citizen journalist. He was killed on 12 September 2012; his family say it is unclear whether he died in a motorcycle accident or in shelling.

## FOREIGN JOURNALISTS

From March 2011 onwards, as the protests spread, the Syrian authorities increased restrictions on visas for foreign journalists, and closely monitored and in some cases expelled foreign journalists already working in Syria.

On 26 March 2011, for instance, Reuters news agency said that its Senior Correspondent, Jordanian national **Khaled Yacoub Oweis**, who had been working in Syria since 2006, had been expelled. Its statement said that a senior Information Ministry official had told Khaled Yacoub Oweis: “Your accreditation has been withdrawn and you are being expelled because of your unprofessional and false news. You have to leave immediately.”<sup>46</sup>

Sometimes, those granted journalist visas were not allowed to travel freely in Syria, and often had official “minders” to accompany them into a neighbourhood deemed suitable by the authorities. According to a report published by the independent international Commission of Inquiry on 22 February 2012, journalists granted visas in accordance with the protocol between the League of Arab States and the Syrian government signed in December 2011 were restricted in their movement and had “their contacts monitored by Government officials accompanying them.”<sup>47</sup>

In April 2011, Al Jazeera TV suspended its operations in Syria indefinitely after its staff reportedly faced severe restrictions and harassment by the authorities, and were repeatedly blocked from entering Dera’a where protests first broke out.<sup>48</sup>

Such restrictions, as well as attacks against Syrian journalists, meant that between March 2011 and approximately December 2011, there was a virtual news blackout from mainstream media in certain cities, including Dera’a, Hama and Homs. News reports during this period depended heavily on video footage recorded and distributed by media activists and citizen journalists.

From early 2012, armed opposition groups began to gain ground in certain parts of Syria, foreign journalists gained access through the Turkish or Lebanese borders to areas under the control of armed opposition groups, such as parts of Homs and Aleppo. This meant that foreign journalists have entered Syria unofficially and with the help of armed opposition fighters, often placing themselves at great risk. Once inside Syria, these journalists have had to travel either with armed opposition groups or citizen journalists and media activists in order to avoid government checkpoints or to visit certain neighbourhoods.

## ARRESTS AND HOLDING OF HOSTAGES

**Dorothy Parvaz**, a journalist with Al Jazeera English, arrived in Syria on 29 April 2011. The Iranian-Canadian-US national told Amnesty International that due to the difficulties of obtaining a journalist visa to Syria, she entered the country using her Iranian passport which did not require a visa. At Damascus Airport, a scan of her luggage revealed a satellite phone and an internet hub. This prompted a further search, which uncovered her US passport with a residency permit for Qatar. She told Amnesty International:

*“They immediately asked if I was a spy and whether I was working for Israel. I was taken to a small office in the airport, seated and told that I shouldn't move. After a short period of time of sitting in this room, the security guards told me that they are going to take me to my hotel; I knew this was a lie. Armed men in civilian clothing then put me in a car outside the airport. The car drove for around 20 minutes.”*

Dorothy Parvaz was then taken to an unknown security compound, believed to be in Damascus, where she was put in a cell.

*“One of the armed men pulled me by my hair and led me to a small office inside the building. There were blood stains on the ground and a bunk bed with handcuffs attached to its railings. They searched my belongings while I repeatedly asked them ‘Why am I being held?’, ‘Who are you?’, and ‘Can I call my family?’*

*“I was then blindfolded, handcuffed and taken to my first cell. There was another woman in the cell, she was crying and asking why she was being held. After approximately two hours, I was taken out of the room for questioning. The interrogator repeated the same questions: ‘Who are you?’ and ‘What are you doing here?’ I told them that I worked for Al Jazeera and that I was not a spy, although it appeared as if they believed the two were the same, he told me Al Jazeera had been making up stories about the protests. After that I was led to a courtyard, blindfolded again, handcuffed and shoved up against a wall. I could hear people screaming all around me. I thought I was going to be executed - perhaps the idea was to scare me.*

*“I was then taken to the second cell, where I would spend the rest of the night. In this cell, blood was smeared across the walls... On one side of the wall, a bloody palm print was smeared all the way from the wall to the floor, as if the bleeding prisoner finally collapsed.*

*“Following that, I was led to a third holding area, a room I shared with another girl I did not speak to. I could hear men screaming and begging from other cells all night. It briefly paused at around 1am but resumed again around 4am.”*

The next day Dorothy Parvaz was blindfolded and taken out of her cell for interrogation, during which the same questions were repeated. She then spent two additional nights in the third cell, and was interrogated three more times, although this time without the handcuffs and blindfold.

On 1 May, Dorothy Parvaz was forced onto a plane and flown to Iran. There, she was met by officials who took her to Iran's infamous Evin Prison and held her there for 16 days before being released and returned to Qatar on 18 May 2011.<sup>49</sup>

**Sean McAllister**, a British freelance film-maker, had been filming undercover in Syria when he was arrested along with a Syrian activist, Jamal Jihad, in mid-October 2011 in Damascus. Sean McAllister told Amnesty International that he had entered Syria on a tourist visa several times in 2011 in order to film for Channel 4 TV and was meeting Jamal Jihad in a cafe in Fardose hotel when they were arrested.

*“There were two men in civilian clothing guarding the door to the cafe and with them entered*

*what appeared to be their chief as he was the only one in green military clothing. The chief initially went to the bar and then approached us with some other men in civilian clothing; there were around 10 men all together. He spoke English and told us we have to go with them but he did not say where. Jamal initially resisted but they overpowered him and walked him out, leaving me alone with the chief in the cafe. He asked me what I was meeting Jamal for. I told him I was in Syria on business and Jamal was helping me. It was obvious they did not believe me. I then walked with them out of the building, there were three cars outside. They put me in the same car as Jamal and then blindfolded me when the car began to drive.”*

Both Sean McAllister and Jamal Jihad were driven to an unidentified security building. Sean McAllister told Amnesty International that on arrival he was taken up several flights of stairs while blindfolded.

*“As I reached the top, I began to hear screaming. They took me into an empty room and removed my blindfold. I was left to stand alone in the room. Around five teenage boys in civilian clothing then entered the room with me and began speaking to me in Arabic. They kept on asking me to praise Bashar and it was clear that they had some intelligence about my activities because they named a bar that I would regularly visit in Damascus.*

*“I could hear beatings from a nearby room. There was a clear pattern; first I heard the ‘bang’ then the howling. With every ‘bang’ the teenage boys in my room would raise their hands to me in a threat to hit me, but none of them did.”*

Sean McAllister told Amnesty International that he was kept in this room for approximately four hours before being taken to the general's office.

*“I realised that the safest thing to do was to tell him I am a filmmaker and that I was in Syria on a filming assignment. He was angry and told me: ‘This war is not about freedom, these people are Islamists’. He also told me that the minimum prison sentence for filming without permission is four years.”*

According to Sean McAllister, he was then taken to a neighbouring building where he remained for around six days before being released. During this time, he said he was interrogated every day for between one and four hours each time.

*“The questions focused on what I was doing in Syria, but mostly they were trying to get contacts and sources out of me. They did not mistreat me, and kept on showing me Addounia TV and saying; ‘Watch this, this is the truth’.”*

Jamal Jihad was detained for approximately 30 days and then released. He was later rearrested and again released. Sean McAllister told Amnesty International that he saw Jamal Jihad twice in custody. He said:

*“Throughout my time in custody I did not feel like I was the real target, I felt that the Syrian activists were who they were really after.”*

**Cuneyt Unal**, a Turkish cameraman working for US government-owned al-Hurra TV station, entered Syria in August 2012 from Turkey, with his journalist colleague, **Bashar Fehmi Kadumi**, a Jordanian national of Palestinian origin. On 20 August, as they were travelling in



Aleppo in a car with Japanese journalist **Mika Yamamoto** and an armed opposition group affiliated with the FSA, they were caught up in clashes between opposition and government forces. Mika Yamamoto, aged 45, was killed and Bashar Fehmi Kadumi was said to have been injured. Cuneyt Unal reportedly dragged Bashar Fehmi Kadumi to an empty apartment building and then left to seek help. However, he was captured by a group of people, believed to be *shabiha*, who handed him over to the Syrian authorities.

No information about Cuneyt Unal was provided by the Syrian authorities until 27 August, when he appeared in a televised “confession” aired on pro-government TV station Ikhbariya in which he claimed to have entered Syria with armed groups.<sup>50</sup> The footage included a picture of what appeared to be Cuneyt Unal carrying a weapon.

Cuneyt Unal was released on 17 November 2012. He told Amnesty International that he had been arrested by a group of young men in civilian clothing on 20 August 2012:

*“I was just outside the building where I had taken Bashar Fahmi Kaddumi when a young man came running from the street shouting at me in Arabic, then he called others and some more came. The handful of boys covered my head with my t-shirt and so I didn't see who else came after that. I was severely beaten by these people on the street before they forced me on to the back of a pick up truck and drove off. The drive felt like it was around 10 minutes.”*

Cuneyt Unal was initially taken to an unknown security building, believed to be in Aleppo and held there for a period of four hours while being blindfolded. Following this, he was moved to a unidentified prison in Aleppo where he was further tortured and questioned in the presence of a Turkish-speaking interpreter.

*“They repeatedly asked me: ‘Why did you come to Syria? What is your motivation? Who sent you? Are you a member of the Turkish intelligence services?’ Despite having both my passport and press card with me, they kept telling me that I had entered Syria illegally and with armed terrorist groups. I was consistently beaten during my time at this prison; they would use their legs, the butt of the rifle, or whatever they could find.”*

Regarding the alleged TV confession, Cuneyt Unal told Amnesty International that he was told to read the statement that was originally in Arabic but had been translated into Turkish.

*“Initially I told them I would not read it but they beat me until I agreed. The text of the ‘confession’ included a part about belonging to the Turkish intelligence services, I did not read that part during the recording. I told them no one would believe it anyway as I have been a journalist for 25 years and I am well-known for that.”*

Cuneyt Unal also told Amnesty International that he believes the photograph of him carrying a gun shown during his televised “confession” was a doctored version of a photograph of him holding his camera over his right shoulder. As Amnesty International has no access to the original copies of the photograph, it cannot independently verify this.

No information has emerged as to the fate or whereabouts of Bashar Fehmi Kadumi, and the authorities have denied holding him.<sup>51</sup> According to Cuneyt Unal, the journalist was badly injured and in a critical condition at the time he left him to seek help.

Journalist **Adem Özköse**, aged 34, and cameraman **Hamit Coşkun**, aged 21, both Turkish nationals, entered Syria on 5 March 2012 to record a documentary on the situation in the country. They were kidnapped in Kafria, a village in Idlib governorate, five days later by members of a *shabiha* militia group and held captive in three different houses until 17 March. Adem Özköse described to Amnesty International what happened:

*“When we were taken from house to house we had our faces covered so it was difficult to make out the location of the houses. Inside the houses, they would uncover our faces and speak with us normally. The treatment was worse when we moved from house to house; they would wake us up in the early hours of the morning with guns in our faces and shout that we have to move.*

*“One of the men once told us that his brother was being held by an opposition group who are holding him because he is shabiha. He told me: ‘We took you so that we can negotiate with the group and get my brother back’. He also told me that they had captured 30 other men but that we were the only Turks. We did not see any of these alleged 30 men. The number of men holding us varied significantly. In the initial days there would be around 60 or so men in the houses where we were held, but at other times only 10 or 15.*

*“They asked us what we were doing in Syria and we told them that we were journalists. At the beginning they did not believe us and insulted the Turkish Prime Minister Erdogan, but they later learned from the press that we really were journalists. Every day they would tell us that they would release us that day, but did not. On 17 March they told us that there was a delegation from Turkey coming to collect us, but instead they took us to the Syrian authorities.”*

On 17 March, Adem Özköse and Hamit Coşkun were taken to a police station in Idlib. The next day they were transferred to an unidentified prison in Damascus’ Kafr Souseh neighbourhood. They said they were treated well at the police station, but were held in solitary confinement in Kafr Souseh, forced to sleep on the floor and only allowed to use the toilet at three scheduled times each day. Adem Özköse said:

*“The room I was kept in was around 1 metre by 2 metres with almost nothing in it. We had scheduled times to use the bathroom, but some days we were not allowed to go at all. I once stayed 35 hours without being allowed to go to the bathroom. Although we were not tortured at this prison, we could hear people screaming from other cells every day, but did not know what was happening to them.*

*“We were questioned a number of times by officials at the prison. The questions were mainly about what we were doing in Syria and about our relationship with the Turkish authorities. One official told us that they know we are journalists but were holding us because we had entered illegally.”*

On 19 April, Syrian authorities denied that the two men were in their custody. Both were released in early May 2012 after reported negotiations between Turkey, Iran and Syria were brokered by the Turkish NGO, Humanitarian Relief Foundation (IHH). IHH told Amnesty International that they were able to visit the men once in prison in the presence of a prison official. During this visit, Adem Özköse and Hamit Coşkun were allowed to make a quick

phone call to their families in the presence of the IHH and the prison official.<sup>52</sup>

## RESPONSIBILITIES OF JOURNALISTS IN ARMED CONFLICTS

Some foreign journalists who have accessed prisons administered by the authorities or an armed opposition group have interviewed captives or hostages. Under international humanitarian law, hostage-taking is always prohibited<sup>53</sup> and captives in the custody of non-state armed groups or government forces must “at all times be humanely treated and protected, particularly against acts of violence, from insults and from public curiosity. Measures of reprisal against them are forbidden”.<sup>54</sup> Although this legal obligation applies to the captors, journalists and others must make sure that their actions do not inadvertently contribute to ill-treatment or otherwise put detainees at greater risk of harm.

Amnesty International is concerned that some published interviews with captives could end up serving the same purpose as public or televised “confessions”, where information provided by prisoners, often under duress, may be used as evidence against them or others allegedly involved in crimes. For example, some journalists have interviewed men in Syrian government custody who “confessed” to being members of jihadist groups. Journalists have also interviewed captured members of the Syrian armed forces being held by armed groups about their participation in the conflict.

Amnesty International urges journalists who enter Syria to take great care in ensuring that their journalistic activities are carried out in a manner that avoids putting vulnerable prisoners and captives at increased risk of torture, degrading treatment, unfair trial and cruel punishments.

### HOMS MEDIA CENTRE

In early February 2012, the authorities launched a ferocious assault on Baba ‘Amr, a neighbourhood in the south-west of the city of Homs, where armed opposition groups were operating. Shelling of Homs increased significantly following a veto of a draft UN Security Council Resolution on Syria by Russia and China on 4 February,<sup>55</sup> and continued for several weeks.

The heavy bombardment of largely civilian neighbourhoods restricted the movement of journalists in and out of the area. During the siege of Baba ‘Amr, media activists and citizen journalists helped foreign journalists move around and set up what became known as the Homs Media Centre. This temporary house was used as a base by citizen journalists and media activists for posting footage and information online and broadcasting news reports to foreign news outlets. The hub of the media centre was described to Amnesty International as a rectangular room on the ground floor of the main house. The room was about 7 metres by 4 metres, packed with laptops connected to a wireless network linked to a two-way satellite transmitter on the roof of a nearby building. Some journalists, including *Sunday Times* correspondent **Marie Colvin**, French photographer **Remi Ochlik** and British journalist **Paul Conroy**, sometimes slept in a room in the back of the house.

Government forces shelled the house on 22 February 2012, killing Marie Colvin and Remi Ochlik, and injuring Paul Conroy and French reporter **Edith Bouvier**, who were all staying there. Paul Conroy told Amnesty International that on the night before the attack, Marie Colvin gave her final report to CNN, in which she said that most of the victims of the shelling in Homs were civilians:

*"Absolutely horrific, a 2-year old child had been hit... His little tummy just kept heaving until he died. It's a complete and utter lie that they are only going after terrorists... There are no military targets here."*<sup>56</sup>

He added:

*"On 22 February, Marie and I had planned to visit a field hospital with the help of a Syrian activist who was also staying at the media centre. We planned to wake up and leave around 5am, as we knew the shelling would begin around 6.30 as it did every morning, and it would be unsafe to leave the house then.*

*"At 5am, the activist who was supposed to be assisting us that day was still asleep, so we also went back to sleep and woke up around an hour later from the sounds of the shelling in the neighbourhood. We immediately went to the main room where Edith Bouvier and the others were.*

*"At around 6.45am there were two loud explosions what sounded like around 100 metres from the house to the left and right side. Around a minute later, there were another two explosions around the house, this time around 50 metres away. We had been hearing the constant humming noise of a drone circling over the building for days before the attack; it sounded like a wasp circling the building and was possibly an unarmed surveillance drone. I have military experience<sup>57</sup> and so just after the second shells fell, I knew we were going to be hit. The technique they were using is what we call 'bracketing' in the military... And it was true, around 30 seconds after the second explosion the first artillery shell fell on the house, then two others, and finally the fourth one which we believe killed Marie and Remi."*

Activists in the media centre waited for the artillery shells to stop and the arrival of armed opposition fighters, before being able to transport Paul Conroy and Edith Bouvier to a field hospital. The bodies of Marie Colvin, Remi Ochlik were left in the rubble until later that evening when activists returned for them with members of the FSA.

The Syrian authorities have denied claims that the army deliberately targeted the media centre. In a statement on 23 February 2012, the Foreign Ministry stressed that foreign journalists must respect Syria's laws regulating the access of journalists and must not enter "Syrian territories illegally to access turbulent and unsafe places." A spokesperson for the Ministry added:

*"On the human level, we offer condolences to the media institutions and the families of the journalists who died on the Syrian territories... [we reject] all statements that hold Syria accountable for the death of journalists who infiltrated Syria at their own risk without the Syrian authorities' knowledge of their entry and whereabouts."*<sup>58</sup>

Paul Conroy believes the makeshift media centre was deliberately targeted by Syrian officials who were aware of its location and its work at the time:

*"The night before the attack, both Marie and I had done interviews with BBC World and CNN that were picked up widely. I believe the authorities found this embarrassing and wanted to put an end to it."*

Syrian Information Minister Adnan Mahmoud told AFP on 22 February 2012 that "the authorities had no information that the two journalists had entered Syrian territory."<sup>59</sup>

Without having access to Syria at the time of the attack, Amnesty International cannot verify whether or not the building was targeted. Even if the media centre was not deliberately targeted, the repeated use of imprecise artillery to bombard civilian neighbourhoods in Homs would still constitute a serious violation of the prohibition, under international humanitarian law, of indiscriminate attack.

Like other civilians, journalists are protected from attack under international humanitarian law. Additionally various UN bodies, including the UN Security Council, have condemned attacks on journalists – including that of Marie Colvin and Remi Ochlik<sup>60</sup> – who were exercising their professional duties in relation to armed conflict and have emphasised that they must be respected and protection.<sup>61</sup>

## MISSING IN SYRIA

Several foreign journalists have gone missing in Syria, with no confirmed information about where they are held, who captured them, or their fate.

Among them is US freelance journalist **Austin Tice**, aged 31, who has been missing since mid-August 2012. He entered Syria from Turkey in May and was reporting regularly for various news outlets, including the Washington Post, McClatchy and Al Jazeera English. Austin Tice was reportedly near Damascus when he went missing in unclear circumstances. On 28 August, Czech Embassy officials in Syria, who oversee US interests in Syria, said that they believed he was in the custody of Syrian forces. No other information emerged until 26 September 2012, when a video posted on YouTube appeared to show him in the custody of unidentified armed individuals. The video, posted by an unknown individual and later circulated on a pro-government social network site, is unlike most videos posted by opposition forces, and appears to be an attempt by those holding him to deny responsibility for his detention.

US freelance reporter **James Foley**, aged 39, was abducted in Taftanaz in Idlib province, north-western Syria, on 22 November 2012. He had entered Syria many times in the months before his abduction to report on the conflict. His reports were published in various outlets, including the US online news site Global Post and Agence France-Presse (AFP). According to eyewitness accounts relayed to his family, James Foley was travelling in a car on his way to the Turkish border to leave Syria when he was stopped by unknown armed men in an unmarked car. The identity and affiliation of the abductors, as well as the whereabouts and fate of the journalist, remain unclear. His family told Amnesty International that as far as they are aware, James Foley was not travelling with an armed opposition group, but with a Syrian fixer and driver.

On 21 January 2013, AFP said it delivered a letter to Syria's Information Minister, Omran al-Zohabi, seeking assistance in finding James Foley. AFP said that the Minister promised to do all that was possible but that "conditions are difficult" in the region where he went missing. No official statement has been provided by any armed opposition group regarding the abduction of James Foley.

### 3. ABUSES BY ARMED OPPOSITION GROUPS

“The Sheikh referred to him as a *shabih* after inspecting his phone and declared that he must be executed according to Sharia Law.”

Correspondent Yara Saleh, explaining to Amnesty International why she believes her colleague Hatem Abu Yehyeh was killed by an armed group affiliated to the FSA after they were abducted

As the conflict in Syria has developed, the number and scale of abuses committed by armed opposition groups against journalists and media workers has substantially increased. Amnesty International has recorded at least 17 incidents where such groups have deliberately targeted journalists, and media workers – including deliberate attacks on buildings where they work - because they are perceived to be allied to the Syrian authorities or have produced pro-government reports. Journalists who work for media outlets associated with the Syrian state or authorities, including SANA, Ikhbariya, Press TV, al-Alam and Addounia, have been particularly at risk of threats, harassment, abduction and even killing by armed opposition groups. Media objects believed to be pro-government have also been targeted. For example, on 6 August 2012, a bomb exploded in the Syrian state-TV building in Damascus, injuring around at least three people. Information Minister Omran al-Zoabi told Syrian state TV that national media had been targeted in the "desperate and cowardly" attack. No group claimed responsibility for planting the bomb inside the building.<sup>62</sup>

Some armed opposition groups, usually affiliated with the FSA, have launched online campaigns branding individual journalists as “media *shabiha*”, implying that they are linked to the militias loyal to President al-Assad. Facebook groups and Twitter users have identified journalists they believe are “media *shabiha*” by posting videos of news reports, or extracts from the journalists’ work, as evidence. Some Facebook and Twitter users have posted threats against these journalists, either directly to their private accounts, or through a public statement. Armed opposition groups have also used social networking sites such as Facebook, Twitter and YouTube to claim responsibility for attacks against journalists they have branded as “media *shabiha*”.

For example, **Hussain Mortada**, a Lebanese national, is a correspondent and the Damascus bureau chief for al-'Alam News Network, an Iranian state-owned Arabic language news channel, who had broadcast reports hostile to the opposition in Syria.<sup>63</sup> He told Amnesty International that he had been receiving threats for many months before a sniper attack injured him and killed Maya Nasser on 26 September 2012 (see below).<sup>64</sup> He said that

often, after his reports or news stories were aired on television, he received anonymous phone calls, text messages or emails. Facebook pages of various opposition groups often describe him as a “media *shabih*”. Hussain Mortada had been injured 10 days earlier, on 16 September, in an attack by an armed opposition group when he was travelling with four other colleagues to the Yarmouk Palestinian refugee camp in Damascus and was caught up in clashes between the army and armed opposition fighters. He told Amnesty International that a man called him afterwards and said: “We will get you next time”. No brigade or group has claimed responsibility for the attack on 26 September. However, on 30 September, a Twitter account in the name of “Free Syrian Army”, which has more than 140,000 followers, posted a photograph of Hussain Mortada being interviewed in a hospital bed with the caption: “Iranian dog Hussain Mortada, a correspondent for al-Alam TV station, after he was targeted by the heroes of the Free Syrian Army. The next time, if God is willing, will be greater”.<sup>65</sup>

## UNLAWFUL KILLINGS

Armed opposition groups have killed at least 12<sup>66</sup> journalists during targeted attacks on them or attacks on media premises.

On 27 June 2012, an unknown armed group stormed the headquarters of the pro-government privately owned Ikhbariya TV station in Damascus, killing three journalists, Mohammad Shamma, Sami Abu Amin and Zaid al-Kihil.<sup>67</sup> Four security workers were also reportedly killed in the attack. The station has broadcast programmes throughout the conflict that blame the violence on “terrorists” and show what appear to be forced “confessions” of alleged dissidents. It has also carried apparently coerced statements denouncing as “traitors” individuals who have criticized the Syrian government.

Under international humanitarian law, in an armed conflict only combatants and military objectives may lawfully be attacked. Military objectives are limited to those objects that make an effective contribution to military action and whose destruction offers a definite military advantage. As far as Amnesty International is aware, the Ikhbariya TV station is a civilian object and has not been used for any military purpose. In any case, journalists and other media workers are civilians and must be protected from any deliberate and targeted attack.

Among those individually targeted because of their media work was **Maya Nasser**. The 33-year-old Syrian correspondent for Press TV, an Iranian state-owned English-language satellite channel known to be close to the Syrian government, was shot and killed on 26 September 2012 in Umayyad Square in Damascus while reporting live from where a bomb had exploded at the Syrian army headquarters. He was well known among opposition groups for travelling with the Syrian army and being critical of the opposition.

A supervisor at Press TV told Amnesty International that Maya Nasser had been receiving threats by telephone and on Twitter in the weeks before his killing. He appears to have expressed concern for his life on Twitter and on his own blog page. In a blog written on 2 July 2012, he wrote: “Bottom line is, my people are dying and I am still in the line waiting my turn”.<sup>68</sup> In a separate conversation on 17 September with another Twitter user, Maya Nasser wrote: “I have not said anything I don’t believe in... on the other hand my family and I receiving repeated threats of killing”.<sup>69</sup>

Maya Nasser's colleague Hussain Mortada, who was injured in the same shooting (see above), told Amnesty International that Maya Nasser was wearing a bullet-proof vest when he was killed, but two bullets hit him in the neck. Press TV told Amnesty International that medical reports concluded that the first shot to the neck killed him. Hussain Mortada said that he and Maya Nasser had gone to Umayyad Square by car with a cameraman and driver, and were not accompanied by the Syrian armed forces. By the time they arrived, a second bomb had exploded. Hussain Mortada said:

*"When we first arrived at the square there was sporadic shooting from the armed groups but the clashes had not begun because the Syrian army was still positioning itself in different locations around the square. The shooting was about 100 metres away from us, and the army was approximately 20 metres away. Maya and I were still reporting at one entrance of the square when we were shot."*

The FSA's Military Council for Damascus and its suburbs<sup>70</sup> claimed responsibility for the twin bomb attacks in Umayyad Square, but no group claimed responsibility for Maya Nasser's killing. However, Facebook groups and pages aligned to the Syrian opposition and the FSA posted news celebrating the "squashing of the media *shabih* Maya Nasser".<sup>71</sup>

**Mohamad al-Sa'eed**, a presenter for Syrian state TV, was abducted from his home in Damascus on 19 July 2012 by Jabhat al-Nusra, a Jihadist armed opposition group. In a statement published on their website on 3 August 2012, the group announced:

*"With the will bestowed by God on the Mujahedeen of Jabhat al-Nusra, the heroes of Eastern Ghouta abducted the media shabih Mohamad al-Sa'eed on 19 July 2012, and killed him after he was interrogated. Mohamad al-Sa'eed worked as a presenter for the Syrian state satellite channel, and used to present the program Talk of the Town."*

*"This operation should be presented as a lesson to all those who support the regime, they should repent to God, the swords of the Mujahedeen will decapitate them and clean Syria of their wickedness".<sup>72</sup>*

The statement was accompanied by a photograph of Mohamad al-Sa'eed, who appears to be fragile and frightened, sitting on the floor at an unknown location. As far as Amnesty International is aware, his body was not returned by the armed group.

There have been several instances where journalists working for some of the main Syrian channels believed to be supportive of the Syrian authorities were shot near their homes by unknown armed individuals. These attacks appear to have been precise and targeted.

One of these journalists was **Bassel Tawfiq Yousef**, a Syrian state TV journalist born in 1971, who was killed on 21 November 2012. Armed individuals shot him as he left his home in the Tadamon suburb of Damascus. On 22 November 2012, a Twitter account called The Free Army posted, "Urgent: the *shabih* Bassel Tawfiq Yousef has been liquidated in Tadamon".<sup>73</sup> This message was also posted on an FSA-affiliated Facebook page.<sup>74</sup> Although no group claimed direct responsibility for the killing, several other armed groups affiliated with the opposition posted similar messages online. For instance, a group called The Battalions of the Martyr Abd al-Razaq Abd al-Malik, affiliated with the FSA and active in the suburbs of



Damascus, posted a message on its Facebook page stating: “Bassel Tawfiq Yousef – the *shabih*, professional liar, fabricator and criminal – has been liquidated in Tadamon”.<sup>75</sup> Syrian state TV later announced that Bassel Tawfiq Yousef was killed by a “terrorist group linked to al-Qa’ida”.<sup>76</sup>

The Syrian Arab News Agency (SANA) also claimed that, as well as Ali Abbas<sup>77</sup> (see introduction) its cameraman **Haider al-Sumudi**, aged 45, was shot and killed outside his house in the Damascus suburbs of Kafr Souseh by unknown armed individuals on 22 December 2012. Another reporter, **Naji As’ad**, who worked for government-linked Tishreen newspaper, was reportedly shot and killed by unknown armed individuals outside his house in the Tadamon suburbs of Damascus on 4 December 2012.

On 2 March 2013, the body of media activist **Abdallah al-Yassine** was discovered outside a small hospital in an opposition-controlled area of Aleppo. Abdallah al-Yassine, who was an opposition media activist, had worked as fixer and translator for a number of foreign journalists in Aleppo before he was killed. An Amnesty International delegate saw Abdallah al-Yassine’s body when it was discovered and noted that he had been shot in the back of the head. The size of the entry wound suggested that he was shot at close range. The alleged killer is the leader of one of the many armed opposition groups operating in Aleppo, who was reportedly taken into captivity by Jabhat al-Nusra in response to the killing. His subsequent fate is unknown to Amnesty International.

## ABDUCTIONS AND HOSTAGE-TAKING

In several cases documented by Amnesty International, armed opposition groups have taken journalists hostage, promising to return them safely if the authorities meet certain demands. Treating captives as hostages or harming them in any way is a violation of the rules of international humanitarian law, which applies to all parties to an armed conflict (see Chapter 4).

On 11 August 2012, an Ikhbariya crew of four people set out from the Ikhbariya office in downtown Damascus to cover a story in al-Tal in the northern suburbs of the capital. The crew included news presenter **Yara Saleh**, cameraman **Abdullah Tubara**, assistant cameraman **Hatem Abu Yehyeh** and their driver **Hussam Imad**. According to Yara Saleh, the crew had driven approximately 200 metres into al-Tal when their van was stopped by an armed opposition group affiliated with the FSA and they were abducted at gunpoint. The crew were held captive for six days by the FSA group, in a number of different houses in al-Tal, with no contact with the outside world. According to information gathered by Amnesty International, the four captives were tortured.

Yara Saleh and Abdullah Tubara were freed by the Syrian army following clashes with the group that had abducted them. Hussam Imad remained but escaped the following day by reportedly leaping from a window. Some sources say that Hatem Abu Yehyeh was killed on the first day of captivity. His body has not been returned or found.

Two days after the abduction, two videos emerged on YouTube showing an FSA-affiliated armed group holding the Ikhbariya crew. In the first,<sup>78</sup> Yara Saleh, Abdullah Tubara and

Hussam Imad are shown sitting on a sofa. A statement is read out by a member of the group:

*“This is a statement from the Free Syrian Army in al-Tal. As the Ikhbariya crew drove into al-Tal on the morning of 11 August 2012, they were rescued by the Free Syrian Army from the shelling by Assad’s gangs that al-Tal is currently being subjected to.*

*“Following the arrival of the Ikhbariya team to us, we took their camera on a tour to record the destruction caused by the shelling. The cameraman Hatem Abu Yehyeh was killed as a result of the indiscriminate shelling, along with two members of the Free Syrian Army who were there to protect him. The rest of the team is healthy and we continue to work to secure their safe return to their families.”*

The statement went on to list the group’s demands. In the second video,<sup>79</sup> which appears to have been recorded at the same time and to be a continuation of the first video, the crew is seen introducing themselves. An unknown man asks Yara Saleh to direct a message to the public. She responds:

*“To the public I would like to say that we need to find out more about what is happening before we can judge anything. And to my parents, I would like to tell my mother that I am very well.”*

The same question is directed at Abdullah Tubara:

*“I came to al-Tal in order to tape footage, to see if it was safe or free from gangs. We discovered that it was Assad’s gangs that were bombarding the civilians. These honourable people rescued us from the shelling... I would like to thank them and thank their dignified treatment. During our tour with them, we saw that the targets of the bombardment were all civilian areas.”*

The unknown man then asks Abdullah Tubara about how his colleague, Hatem Abu Yehyeh, was killed. Abdullah Tubara replies:

*“In the shelling when we were recording footage during the tour. His name is Hatem Abu Yehyeh.”*

According to the surviving members of the crew, however, Hatem Abu Yehyeh was summarily killed by the armed group on the first day of captivity. Yara Saleh reiterated this to Amnesty International. She said that the captives were seen by a man wearing traditional white Islamic clothing, believed to be a sheikh (Islamic cleric), who sentenced Hatem Abu Yehyeh to death in accordance with Sharia law. Yara al-Saleh told Amnesty International that she believes the sheikh reached this decision after inspecting Hatem Abu Yehyeh’s phone and finding a photograph of the official Syrian flag, and possibly another of Hatem Abu Yehyeh in military uniform during his mandatory military service.

Hussam Imad and Hatem Abu Yehyeh were reportedly blindfolded and taken outside the building where the crew was being held. Yara Saleh said that she and Abdullah Tubara remained inside but heard gunshots from outside before Hussam Imad was returned alone. Hussam Imad later told his colleagues – as well press and media outlets – that after the shots

were fired, one of the men removed his blindfold in order to show him Hatem Abu Yehyeh's body. A spokesperson for Ikhbariya told Amnesty International that as Hatem Abu Yehyeh's body has not been found.

Amnesty International has previously interviewed members of armed opposition groups who have described summary "trials" carried out by Islamic clerics. Although such proceedings vary between different armed groups, in several instances the organization was told that if the sheikh has reason to suspect that the captive is involved in killings then they are executed. A member of the FSA-affiliated Farouq Battalion in Homs told Amnesty International that the sheikh's decision is based on information obtained during interrogation and if there is no evidence to indicate that the individual was involved in killings, then they are kept as hostages and often exchanged for prisoners held by the Syrian authorities.<sup>80</sup>

Yara Saleh described how she and her colleagues were treated by the group which captured them:

*"On the first day of our captivity, my male colleagues were beaten while their hands were tied. Hussam was slapped across the face many times. On Monday 13 August, they changed our location. There was a man present in the new building whom they called 'Abu Waleed'. This man hit Hussam in the chest area so hard that he was not able to eat or drink properly for three days after. During these beatings they kept asking us 'Why do you spread lies about the revolution?'"*



Yara Saleh, Abdullah Tubara and Hussam Imad were coerced into delivering rehearsed answers in footage published on YouTube by their abductors. Source: FSA affiliated group.

*"Abdullah was also badly beaten, both with hands and with a belt. By the end of the first two days in custody, Abdullah's clothes were ripped from the tugging and beating. They brought him a white shirt to change into before they recorded our statements. That's the white T-shirt that Abdullah is seen wearing in the video the group posted online."*

Yara Saleh told Amnesty International that she was treated differently from her male colleagues:

*"They slapped me across my face on the first day, when they first captured us. Later that day when they took us to the first house, I asked if I could go to the bathroom. One man refused and pushed me forcefully, which caused me to hit the wall behind me and fall to the ground."*

*"After that they tried hard not to touch me because they considered me a filthy woman. They brought me a hijab and jalabiya [a traditional long dress for women], because they considered me uncovered and dishonourable. They would not allow me to raise my voice or my gaze and on several occasions referred to me as a dishonourable woman."*

Yara Saleh told Amnesty International that a man who was referred to as Abu Suleiman attempted to rape her on 14 August:

*"He took me into another room by myself and tried to force himself on me. I begged him to*

*see me as a sister. He told me he had needs. We then heard the noise of clashes nearby and he was called by another of the armed men, and so he left me alone. He told me I should be grateful that they were treating me as a hostage and not a 'concubine'.<sup>81</sup>*

Other forms of torture and ill-treatment were described to Amnesty International. For instance, Abdullah Tubara, a member of Syria's Christian minority, was reportedly forced to perform Muslim prayers with the abductors whenever they were praying.

Yara Saleh said that she has received anonymous threats since her abduction, including from men who reportedly told one of her relatives over the phone: "We will find her again and cut her into pieces". She also said speculations about what happened to her during her abduction had resulted in social stigma, but stressed that she would continue her work with Ikhbariya:

*"I knew as a journalist I would face difficulties. I also knew as soon as I was freed that I would go back to work. It is my right to have an opinion that may be different to what they believe. Freedom of expression is my right; they cannot kill me for it."*



Anhar Kochneva was abducted by an armed group affiliated with the FSA in October 2012. The group posted two videos of her online during her abduction. ©YouTube Channel Homs Revo.

Ukrainian journalist **Anhar Kochneva**, aged 40, was abducted on 9 October 2012 by an unknown armed opposition group believed to be affiliated with the FSA. A friend told Amnesty International that Anhar Kochneva regularly visited Syria as she also owns a travel agency.<sup>82</sup> She had been living in Syria since January 2012 and helped Russian journalists and often commented herself on the conflict in interviews for the English-language state-owned satellite news channel Russia Today and the pro-Syrian government TV channel Addounia TV. Anhar Kochneva was known as an opponent of Syria's opposition movement. In an interview with Addounia TV in September 2011 she

described the political opposition as part of a 10-year US plan for regime change in Syria.<sup>83</sup> She often referred to armed opposition groups as "terrorists" and stressed the presence of foreign fighters among them.<sup>84</sup>

On 6 November 2012, a video posted on YouTube by a group called Syrian Revolution in Homs showed Anhar Kochneva alive and in the custody of an unknown group. In the video, she says: "My name is Anhar. I am in Homs. I implore the Ukrainian and Russian embassies and the Syrian authorities to meet the demands of my captors." Another video was posted on YouTube by the same group on 28 November. This time, Anhar Kochneva made an apparent "confession" that she had entered Syria on the false pretext of being a journalist and in possession of fake press identification.<sup>85</sup>

On 7 December, a statement from the armed opposition group holding her said that the Ukrainian and Russian authorities had until 13 December to meet their demands or they would kill her.<sup>86</sup> Details of the group's demands were not made public, but according to media reports, the group requested US\$50 million in return for Anhar Kochneva,<sup>87</sup> later reduced to US\$300,000.<sup>88</sup> On 11 March 2013 it was revealed that Anhar Kochneva had

escaped her captors.<sup>89</sup>

**Mus'ab al-Hamadi**, aged 32, is a well-known media activist and member of the Local Coordination Committee (LCC) in Hama. He has been heavily involved in collating information and posting videos of abuses committed by Syrian government forces and has given interviews to a number of news outlets. Despite being a supporter of the opposition movement, Mus'ab al-Hamadi told Amnesty International that he also reported abuses by armed groups affiliated with the opposition. For instance, on 11 January 2013, he posted an article on the Facebook page of an LCC-affiliated newspaper in which he criticized rebels for "obeying their leaders blindly... even if commanders ordered them to kill a man acquitted they did without hesitation".<sup>90</sup> Around this time, Mus'ab al-Hamadi said he posted an anonymous report on an online LCC forum that criticized an armed opposition group for taking over a civilian house as their base. He told Amnesty International:

*"The battalion who had taken over a lawyer's house is known as the Hawks of the Jungle Battalion.<sup>91</sup> In the report I posted online I referred to them as shabiha, because they were acting in the same way as the government shabiha. Even though I posted this report anonymously, they found out it was me and on 13 January 2013 the battalion sent four men who said their colonel wanted to see me. I knew what this will be about because the men confronted me and told me: 'You called us shabiha'.*

*"We drove to Karm al-Zaytoun to the battalion's own prison. I told them to take me to the Military Council set up by the FSA in Hama, but they took me to their own prison.*

*"They initially put me in a cell with around seven other men who they said were shabiha, but that is untrue, maybe some of them were shabiha, but others were civilians. I recognized an 80-year-old Alawite man I knew from Hama, he was not a shabih. After around 10 minutes they took me out of the cell. They said they know I am with the opposition and not a member of the shabiha, and took me upstairs to have tea with them.*

*"Upstairs I met the captain. He is known in the area as he used to work in the Air Force Intelligence branch. He still had the mentality of the regime. He told me: 'I haven't gotten hold of you yet, wait and see what I will do to you'.*

*"I told them that I needed to use the bathroom, so one of the men escorted me out to the rubble outside the house. A little while later I told them I needed to use the bathroom again, this time another one of the men escorted me out. When we got outside, I began to run. He started shooting at me but I ran into the fields and kept going."*

It is crucial that Syria's many armed opposition groups, which now control significant areas of the country, acknowledge the importance of upholding their obligations under international humanitarian law and undertake to respect human rights and take immediate action to halt the sort of grave abuses described in this section.

## 4. LEGAL FRAMEWORK

**“The journalist's freedom is secured by the law and the journalist's view should not be a reason to affect this freedom except within the limits of the law.”**

Legislative Decree 108, issued by President Bashar al-Assad on 29 August 2011<sup>92</sup>

### FREEDOM OF EXPRESSION AND THE LAW IN SYRIA

Freedom of expression and the media have long been heavily restricted in law and practice in Syria. The new Constitution, which came into force on 27 February 2012, theoretically provides for freedom of expression and the press; however, a number of laws introduced since 1963 and more recent ones issued after the start of the uprising restrict these rights. Violations of free expression became more flagrant and widespread following the outbreak of popular protests in 2011.

Under the state of emergency in force between 1963 and 2011,<sup>93</sup> the Emergency Law severely restricted a wide range of human rights and freedoms, particularly the rights to freedom of expression, association and assembly, and meant that journalists routinely faced intimidation, arrest and harsh punishments if they dared to express independent thought or reported on issues in ways opposed by the authorities. On 21 April 2011, nearly five weeks after the protests began, President al-Assad issued Decree 161 ending the state of emergency.<sup>94</sup>

In its Article 3, the Emergency Law designated the prime minister to be the martial law governor of the country upon the declaration of a state of emergency. It also designated the interior minister as his deputy. Both, the martial governor and his deputy, were given extraordinary powers. These included the power to refer to military tribunals anyone who violated the rules set out by the Emergency Law, including restrictions on the press.

Article 4 of the Emergency Law enables the martial governor and his deputy to place restrictions on freedoms of individuals with respect to meetings, residence, travel and passage in specific places or at particular times; to preventatively arrest anyone suspected of endangering public security and order; to authorise investigation of persons and places at any time; and to delegate any person to perform any task.

Well after the repealing of the Emergency Law, people continue to face severe restrictions on freedom of opinion and expression, and to be arrested and investigated in a similar manner to when they lived under the State of Emergency. Thousands of people have been subjected to arbitrary arrest since the Emergency Law was cancelled. Many detainees have been tortured or otherwise ill-treated, contributing to the more than 1,000 deaths in custody reported since 2011.

Article 4(b) of the Emergency Law allowed the authorities to monitor letters and all types of communications as well as newspapers, leaflets, files, drawings, publications, broadcast material and all methods of expression, propaganda, and advertisement. It also added that such monitoring shall take place prior to the publishing of such material, and it allowed the authorities to regulate, confiscate, suspend, cancel the privilege and close down the printing place of such material. Article 4(g) specified a punishment for violators to these rules: imprisonment of up to three years and a fine of 3000 Syrian Pounds or either of the two.

More than two years after the repealing of the Emergency Law, Amnesty International has interviewed released detainees who have recounted how they were forced to provide their passwords of their social media accounts, such as their email and Facebook accounts, without seeing any judicial authorization.

However, other legislation adopted over the decades in which the state of emergency was in force has transferred the sort of arbitrary powers included in the Emergency Law to ordinary laws. For example, the Law for Protecting the Revolution imposed restrictions on the right to freedom of expression and criminalized any expression of criticism or opposition to “the goals of the revolution”.<sup>95</sup> Article 3(a) prohibits acts considered hostile to the implementation of the socialist system in Syria, whether these acts are done by an action, speaking, writing or any means of expression or publishing.

Eleven months after repealing the Emergency Law, a new Constitution was passed after a public referendum was conducted on 26 February 2012, which many in the opposition described as “sham”. The new Constitution<sup>96</sup> set a limit of two seven-year terms for future presidents, which would not be applied retrospectively allowing President Bashar al-Assad to serve for 14 more years, dropped reference to the “socialist” nature of Syria from its text, and also removed the ruling Arab Socialist Baath Party monopoly over the political life in Syria, which was enshrined in article 8 of the previous Constitution<sup>97</sup>.

The new Constitution, however, continued to carry articles similar in meaning to those existing in the Constitution of 1973 and which affect freedom of expression.

Both constitutions include articles protecting freedom of expression and the press and both describe freedom as “a sacred right.” Article 42 of the new Constitution and article 38 of the old Constitution both stated that “every citizen shall have the right to freely and openly express his views in words, in writing, and through all other means of expression.” However, the new Constitution dropped reference to the “right to participate in supervision and constructive criticism in a manner that safeguards the soundness of the domestic and nationalist structure and strengthens the socialist system”.

Article 37 of the new Constitution guarantees the confidentiality of postal correspondence,

telecommunications and radio and other communication, and Article 43 says the state shall guarantee freedom of the press, printing and publishing, the media and its independence in accordance with the law. Additionally, other articles of the new Constitution give the rights to citizens to assemble and peacefully demonstrate.

However, such constitutional protections are undermined by existing laws, such as some provisions in Syria's Penal Code of 1949, and its amendments.<sup>98</sup> These have been used by the Syrian authorities to target journalists and others exercising their rights to freedom of opinion, expression, and association, and to arbitrarily restrict their work.

The Penal Code punishes with imprisonment anyone found to be "undermining national sentiments or inciting racial and sectarian strife" during war or if it is expected (Article 285).<sup>99</sup> The same punishment applies to anyone found to have disseminated information that they know is false or exaggerated and which could impact on the morale of the nation (Article 286).<sup>100</sup>

Article 287 provides for imprisonment of at least six months for anyone convicted of "broadcasting false news abroad that could harm the reputation of the state". Article 278 punishes with imprisonment anyone who has "taken action or made a written statement or speech that has not been sanctioned by the government and which endangers the State or harms its relationship with a foreign country, or exposed it to the risk of hostile action". Article 307 states that "any act [committed], any writing [composed], any speech [made] with the intention of or that results in the incitement of sectarian or racial strife or the encouragement of conflict between the sects and other elements in the nation is punishable by imprisonment from six months to two years..."<sup>101</sup>

On 28 August 2011, five months following the breakout of popular protests, President Bashar al-Assad issued Legislative Decree No. 108<sup>102</sup> promulgating a new Media Law which ostensibly granted greater freedoms to journalists and media outlets. This new Media Law – which established a national Media Council to oversee its provisions - introduced a few superficial reforms while maintaining prohibitions on news and media outlets publishing information on a number of topics, and introducing vague legal provisions that can be interpreted very broadly to arbitrarily restrict freedom of expression. This Media Law cancelled the 2001 Law on Printed Material.<sup>103</sup> The media law also cancelled Legislative Decree No. 26 relating to the internet which was issued on 14 February 2011 a few days after the government lifted a four-year ban on social network website Facebook.<sup>104</sup>

Articles 2 and 3 of the new Media Law acknowledge the rights of the media to operate freely and without restrictions and the rights of Syrian citizens to access information about public affairs. Article 3 also acknowledges that freedom of expression is guaranteed in the Syrian Constitution, the Universal Declaration of Human Rights and other international conventions which Syria has ratified. However the same article states that the media should operate based on "the patriotic and national values of the Syrian society and the responsibility to spread knowledge and the expression of the interest of the people and the preservation of national identity." The law does not explain what constitutes these patriotic and national values, the interest of the people or national identity.

Also, Article 4 of the Media Law says that the media must "respect freedom of expression



that must be practised with awareness and responsibility," without clarifying what is meant by awareness and responsibility.

Articles 12 and 60 prohibit print, audio-visual and online media from publishing "any content that could affect national unity and national security, or harming religions [Islam, Christianity and Judaism] or religious beliefs or inciting sectarian tensions." They also prohibit media institutions from publishing "any content that could instigate the commission of crimes and acts of violence and terrorism, and that incites hatred and racism." The media law also prohibits publishing any information about the army and the armed forces with the exception of material issued by the army and the armed forces and permitted to be published, and it also forbids the publishing of content that harms the 'symbols of the state.'

These prohibited content outlined above not only applies to website owners but also those posting statements and comments on the website, as stated in article 60 of the media law.

Article 79 of the Media Law punishes those failing to comply with the prohibitions listed in article 12 in accordance with penalties prescribed in other existing laws. This implies that legal provisions in the Penal Code providing for imprisonment and fines on those convicted of 'undermining national sentiment', 'inciting racial and sectarian strife' and 'broadcasting false news' will continue to apply on journalists and other media workers.

Article 99 states that any crime not mentioned in the media law shall have the punishment stated in the Penal Code, exposing journalists and others who work in the media or who give statements to the media to the vague and loosely-worded provisions that usually constitute the basis of the charges brought against journalists (see above).

The media law prohibits the arrest of journalists or searching them or their offices on suspicion of having committed crimes without informing the Journalists' Union or the media council to delegate a representative to be present at the time of the arrest and search.<sup>105</sup>

The law also bans journalists and media outlets from receiving 'donations or aid or any other advantages from any side directly or indirectly'. It holds editors-in-chief, journalists, and spokespeople accountable for actions that constitute a violation of the law and imposes fines on them of up to one million Syrian Pounds (equivalent to around US \$14,000)<sup>106</sup>.

In its report on 22 February 2012 independent international Commission of Inquiry criticised the law for not addressing "the vaguely defined criminal offences described in articles 285 to 287 of the Penal Code that have long been used to punish and silence critical journalists, human rights defenders and political dissidents"<sup>107</sup>. Indeed these articles as well as articles 307, 308 and 336<sup>108</sup> continue to be used by the Syrian authorities to prosecute journalists, including some referred to in this report.

In addition to the restrictions imposed on the work of the journalists, the Media Law also restricts the granting of media licenses. For example, Articles 39 and 41 state that those eligible to apply for licences to issue periodicals and those eligible to be editors-in-chief for periodicals should have held Syrian nationality for at least five years. The law therefore discriminates against non-Syrians, including hundreds of thousands of stateless Kurds and Palestinian refugees resident in Syria who have lived there all their lives. The same articles

also specify that those eligible for licences and for serving as editors-in-chief must have university degrees, thereby discriminating against many individuals who were unable or chose not to pursue a university education.

On 8 February 2012, the President issued Legislative Decree No. 17, promulgating the Law on the Regulation of Network Communication against Cybercrime, which sets out broad offences that restrict freedom of expression on the Internet.<sup>109</sup> Similar to the 2011 media law, this legislative decree obliges internet service providers to record statements and communication movement for a period of time specified by the relevant governmental body in charge of online activities to enable the Syrian authorities to identify users.<sup>110</sup> It also authorises the police to inspect computers and software connected to a suspect's devices "whatever is their position within location limits assigned to the suspect"<sup>111</sup>. This would appear to authorise the authorities to enter premises and seize digital equipment of suspects.

In short, despite the lifting of the state of emergency in April 2011, Syria's laws continue to severely restrict the press and can be used to violate the rights to freedom of opinion, expression, association and assembly of individual journalists, including by the arrest, trial and imprisonment of anyone who tries to peacefully exercise such rights in a manner deemed unacceptable by the authorities.

## INTERNATIONAL HUMANITARIAN LAW

International humanitarian law contains the rules and principles that seek to protect primarily those who are not participating in hostilities, notably civilians, but also certain combatants, including those who are wounded or captured (*hors de combat*). It sets out standards of humane conduct and limits the means and methods of conducting military operations. Its central purpose is to limit, to the extent feasible, human suffering in times of armed conflict. There has been a non-international armed conflict in Syria since early 2012 and therefore all parties to the conflict are bound by the applicable rules of international humanitarian law.

Syria is a state party to the four Geneva Conventions of 12 August 1949 and the Additional Protocol relating to the Protection of Victims of International Armed Conflicts (Protocol I). Article 3 common to the four Geneva Conventions applies to all parties to non-international armed conflicts. Many of the specific rules included in these and other international humanitarian law treaties form part of customary international humanitarian law applicable to non-international armed conflicts and are thus binding on all parties to this conflict, including Syrian government armed and security forces and non-state armed groups.<sup>112</sup> Violations of these rules may amount to war crimes.

Under international humanitarian law, journalists in areas of armed conflict must be respected and protected as long as they are not taking a direct part in hostilities.<sup>113</sup>

A fundamental rule of international humanitarian law is that parties to any conflict must at all times "distinguish between civilians and combatants", especially in that "attacks may only be directed against combatants" and "must not be directed against civilians."<sup>114</sup> A similar rule requires parties to distinguish between "civilian objects" and "military objectives." These rules are part of the fundamental principle of "distinction".

For the purposes of distinction, anyone who is not a member of the armed forces of a party to the conflict is a civilian, and the civilian population comprises anyone who is not a combatant.<sup>115</sup> (In this report, Amnesty International uses the terms “civilians”, “citizen journalists”, “media professionals” and “journalists” to refer to individuals who are not taking a direct part in hostilities.) Like other civilians, journalists are protected against attack unless and for such time as they take a direct part in hostilities.<sup>116</sup> This report concludes that both the Syrian authorities and non-state armed opposition groups have repeatedly failed to make the necessary legal distinction between journalists and combatants.

Civilian objects are all objects (that is, buildings, structures, places and other physical property or environments) which are not “military objectives”. Military objectives are “limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage”.<sup>117</sup> This means that places associated with the media such as television and radio stations, newspaper and news agencies offices, etc are civilian objects and protected against attack, unless and for such time as they become military objectives because all of the criteria for a military objective just described become temporarily fulfilled.<sup>118</sup> Even when journalists or media objects are engaged in broadcasting propaganda on behalf of the authorities or the opposition, this would not constitute an effective contribution to military action and cannot justify, under international humanitarian law, an armed attack.

Intentionally directing attacks against civilians not taking direct part in hostilities, or against civilian objects (in the case of non-international conflicts, medical, religious or cultural objects in particular), is a war crime.<sup>119</sup> The principle of distinction also includes a specific rule that “acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited”.<sup>120</sup>

The corollary of the rule of distinction is that “indiscriminate attacks are prohibited”.<sup>121</sup> Indiscriminate attacks are those that are of a nature to strike military objectives and civilians or civilian objects without distinction, either because the attack is not directed at a specific military objective, or because it employs a method or means of combat that cannot be directed at a specific military objective or has effects that cannot be limited as required by international humanitarian law.<sup>122</sup>

International humanitarian law also prohibits disproportionate attacks, which are those “which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.”<sup>123</sup> Intentionally launching an indiscriminate attack resulting in death or injury to civilians, or a disproportionate attack (that is, knowing that the attack will cause excessive incidental civilian loss, injury or damage) constitutes a war crime.<sup>124</sup>

International humanitarian law applicable in non-international armed conflicts also provides fundamental guarantees for civilians as well as fighters or combatants who are captured, injured or otherwise rendered unable to fight (*hors de combat*). These rules are particularly important for protection of those in the power of armed groups, which are not legally bound by human rights treaties. Between them, Common Article 3 of the 1949 Geneva Conventions

and customary international humanitarian law include the following rules: murder is prohibited; humane treatment is required; discrimination in application of the protections of international humanitarian law is prohibited; torture, cruel or inhuman treatment and outrages on personal dignity (particularly humiliating and degrading treatment) are prohibited, as are enforced disappearance, the taking of hostages, and arbitrary detention. No one may be convicted or sentenced except pursuant to a fair trial affording all essential judicial guarantees. Collective punishments are also prohibited.<sup>125</sup> Depending on the particular rule in question, many or all acts that violate these rules will also constitute war crimes.<sup>126</sup>

## INTERNATIONAL HUMAN RIGHTS LAW

International human rights law, including civil, cultural, economic, political and social rights, applies both in peacetime and during armed conflict and is legally binding on states, their armed forces and other agents. It establishes the right of victims of serious human rights violations to remedy, including justice, truth and reparations.

Syria is a party to some of the major international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); and the Convention on the Rights of the Child (CRC) and its Optional Protocol on the involvement of children in armed conflict. Syria is legally bound by its obligations under these international treaties, as well as by relevant customary international law.

The International Court of Justice as well as the UN Human Rights Committee have affirmed that international human rights law applies in time of armed conflict as well as peacetime. Some treaties, such as the ICCPR, allow states to temporarily "derogate from" some (but not all) specific provisions (ie aspects of some rights may be modified in their application or limited) in situations of armed conflict and other emergencies, but only to the extent strictly required by the exigencies of the particular situation and without discrimination.<sup>127</sup> Syria has not formally derogated from its obligations under the ICCPR or other human rights treaties.

The findings in this report demonstrate that the Syrian authorities have systematically violated the right, enshrined in Article 19 of the ICCPR, "to hold opinions without interference" and the "freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

Also relevant to this report are Syria's international human rights law obligations related to the right to life, the prohibition of torture and other ill-treatment, the prohibition of enforced disappearance, and the prohibition of arbitrary detention.<sup>128</sup> These rights cannot be derogated from under any circumstances.

Certain violations, such as torture and enforced disappearance, amount to crimes under international law and states are required to make such violations a criminal offence in

domestic legislation. States are also obliged to bring to justice those responsible for these and other serious violations, including extrajudicial executions.

As well as being a state party to the ICCPR, Syria also acceded to the CAT on 19 August 2004. Consequently, the Syrian authorities are obliged to prevent torture; investigate whenever there are reasonable grounds to suspect acts of torture and other ill-treatment have occurred; bring those responsible to justice; and provide reparation to victims.

Syrian law fails to provide an absolute prohibition of torture as required under Article 1 of the CAT, although there are some provisions for protection from torture or other ill-treatment. Article 53(2) of the new Syrian Constitution states: "No one may be tortured or treated in a humiliating manner, and the law shall define the punishment for those who do so." The Penal Code provides that: "[a]nyone who batters a person with a degree of force that is not permitted by law in a desire to obtain a confession for a crime or information regarding it..." can be sentenced from three months to three years in prison. This definition of the crime of torture falls well short of the definition of the crime in international law.

Amnesty International is not aware of any prompt, thorough, independent and impartial investigation established by the Syrian authorities to look into any of the cases of torture reported since March 2011. Nor is it aware of the prosecution of any individuals for their alleged role in ordering or administering torture. Amnesty International is aware of only two of the many cases of reported deaths in custody since mid-March 2011 for which the authorities announced that they had opened an investigation, and in both cases the investigations appeared deeply flawed.<sup>129</sup>

Moreover, Syrian law effectively grants immunity from prosecution to members of security forces. Since 1950, members of Military Intelligence and Air Force Intelligence have been granted immunity from prosecution for crimes committed in the course of exercising their duties except in cases where a warrant is issued by "the general leadership of the army and military forces".<sup>130</sup> In 1969, immunity was granted to members of State Security for crimes committed while exercising their duties except in cases where its director issues a warrant.<sup>131</sup> In 2008, similar immunity was granted to members of Political Security, as well as police and customs officials, with the same exception for cases where the "general leadership of the army and military forces" issues a warrant.<sup>132</sup> In other words, no cases can be brought against members of the security services except where special permission is given by their own or military leaders.

Torture and other ill-treatment are generally most prevalent during pre-trial detention and especially in incommunicado detention. As a state party to the ICCPR, Syria is also obliged to prevent arbitrary arrest and detention and to allow anyone deprived of their liberty an effective opportunity to challenge the lawfulness of their detention before a court.<sup>133</sup> It must ensure that those arrested are promptly informed of any charges against them. Those charged must be brought before the judicial authorities within a reasonable time. Articles 104(1) and 104(2) of the Syrian Code of Criminal Procedure sets 24 hours as the limit for bringing a suspect before a judicial authority; failure to do so renders him or her legally entitled to immediate release. According to article 105 of the same Code, if the detainee is kept in custody for more than 24 hours without having appeared before a judge, the authority holding him or her is acting arbitrarily and is liable to prosecution for the crime of deprivation of

personal liberty, punishable by imprisonment for one to three years, as stipulated by article 358 of the Penal Code. Similarly, according to article 72(2) of the Code, suspects are guaranteed the right to contact their lawyers at any time and in private, except in cases of espionage. All of these safeguarding provisions are routinely flouted in Syria.

## INTERNATIONAL CRIMINAL LAW

Individuals, whether civilians or military personnel, can be held criminally responsible for certain violations of international humanitarian law and human rights law. This means that even non-state actors and members of armed groups can be held criminally responsible for crimes under international that they order or commit.

Grave breaches of the Geneva Conventions and Additional Protocol I and most other serious violations of international humanitarian law are war crimes. Definitions of these crimes are included in the Rome Statute of the International Criminal Court. The list of war crimes in Article 8 of the Rome Statute basically reflected customary international law at the time of its adoption, although they are not complete and a number of important war crimes are not included.

According to the Rome Statute, certain acts, if directed against a civilian population as part of a widespread or systematic attack, and as part of a state or organizational policy, amount to crimes against humanity. Such acts include, among others, murder, extermination, enslavement, deportation or forcible transfer of population, imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law, torture, rape and other sexual crimes, and enforced disappearances. All governments have a duty to investigate and prosecute crimes against humanity,<sup>134</sup> including by exercising universal jurisdiction over the crimes.<sup>135</sup>

Amnesty International welcomes the decision of the independent international Commission of Inquiry to deposit with the UN High Commissioner for Human Rights information to assist “future credible investigations by credible authorities.” Such authorities include national police and prosecutors. However, information should be provided only subject to guarantees of fair trial without the death penalty.

## 5. RECOMMENDATIONS

In light of the range of serious human rights abuses committed by both government and opposition forces against professional and citizen journalists, and other media workers and activists, Amnesty International is making the following recommendations:

### TO THE SYRIAN AUTHORITIES

- Stop arbitrarily arresting and detaining those who peacefully express their opposition to the government by exercising their rights to freedom of expression, association and assembly – including journalists and media activists.
- Release immediately and unconditionally anyone held solely for exercising their right to freedom of opinion, expression, association and assembly, including journalists and media activists.
- End the systematic use of torture or other ill-treatment of detainees and end practices, including incommunicado and secret detention, which facilitate torture.
- End the use of televised and/or forced confessions and/or interrogations.
- Stop subjecting individuals to enforced disappearances; inform families about the whereabouts of their detained relatives and clarify the fate of those who are missing, including those who have died, and disclose the circumstances of their deaths and the location of their burial.
- Grant journalists and independent human rights monitors, including the UN Commission of Inquiry, legal and unhindered access to the country so that they are able to report on the situation in Syria without putting themselves or others at additional risk.

### TO ARMED OPPOSITION GROUPS

- Publicly acknowledge their legal obligations to comply fully with international humanitarian law and make a public commitment to respect the human rights recognized in the Universal Declaration of Human Rights and under international human rights treaties and customary international law.
- Publicly condemn, from the highest level of leadership, all human rights abuses and violations of international humanitarian law, in particular violations against civilians (including journalists) and captured members of the security forces, such as summary and other unlawful killings, abductions, hostage-taking, torture and other ill-treatment, and punishments amounting to torture and other ill-treatment, and issue instructions to members strictly prohibiting such acts in all circumstances.
- Inform families about the fate of missing relatives, including those who have died, disclosing the circumstances of their deaths and the location of their burial.
- Release immediately and unconditionally any civilian (including journalists, media

workers or citizen journalists) held solely for expressing their right to freedom of expression, or on the basis of their religion or ethnicity; and cease the treatment of captured individuals as hostages.

- Remove from the ranks any member suspected of involvement in violations of international humanitarian law.

## TO THE INTERNATIONAL COMMUNITY

In such a grave situation, the burden of protecting the human rights of people in Syria is now falling on the shoulders of the international community. In particular, the international community should

- Accept a shared responsibility to investigate and prosecute crimes under international law committed by all parties to the conflict. In particular, states should seek to exercise universal jurisdiction over these crimes before national courts in fair trials and without recourse to the death penalty.
- As part of this shared responsibility, establish joint international investigation and prosecution teams to investigate crimes under international law committed by all parties to the conflict in Syria to improve the effectiveness of investigation, improve the chances of arrest and co-ordinate prosecutions.
- In the absence of a UN arms embargo, halt immediately transfers to the Syrian government of all weapons, munitions, military, security, and policing equipment, training and personnel.
- Any state considering supplying arms to armed opposition groups in Syria must first carry out a rigorous human rights risk assessment and establish a robust monitoring process which would enable all arms transfer proposals to be carefully considered before any approval is granted and for any such transfers to be rapidly halted if arms are used to commit human rights abuses or violations of international humanitarian law.

## TO THE UN SECURITY COUNCIL

- Refer the situation in Syria to the Prosecutor of the International Criminal Court to investigate crimes under international law, including war crimes and crimes against humanity.
- Immediately impose an arms embargo on Syria aimed at stopping all weapons, munitions, military, security and policing equipment from reaching government forces; and establish an effective mechanism to monitor compliance.
- Implement an assets freeze against President Bashar al-Assad, his close associates and any others who may be involved in ordering or perpetrating crimes under international law.



# ENDNOTES

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<sup>1</sup> According to international press freedom organizations such as the Committee to Protect Journalists and Reporters Without Borders, in the period since 2011 more journalists have been killed in the line of duty in Syria than in any other country.

<sup>2</sup> Citizen journalists are people who are not media professionals but who collect evidence, report and disseminate information on social networking websites and to foreign and local media outlets.

<sup>3</sup> Figures for journalists and citizen journalists killed in Syria since 2011 vary from 44 (according to the Committee to Protect Journalists) to over 100 (Doha Centre for Media Freedom). This variation may be due to the fact that some activities of citizen journalists can also be described as activism, so some of those targeted who were labeled citizen journalists by one organization, may be labeled activists by another, and therefore not counted in their death toll of journalists and citizen journalists.

<sup>4</sup> The Office of the High Commissioner for Human Rights reported on 2 January 2013 that its research indicated that more than 59,648 people had been killed between 15 March 2011 and 30 November 2012, and that further deaths since then had increased the total to in excess of 60,000. Many further killings have been reported in the first quarter of 2013.

<sup>5</sup> As of 18 April 2013, the United Nations High Commission for Refugees (UNHCR) reported that the total number of persons of concern to it in neighbouring countries and Egypt had reached 1,349,356 individuals. UNHCR regional public information officer Reem Alsalem said on 4 April 2013 that "it would be safe to say that [internally displaced persons] are around four million".

<sup>6</sup> The government also refused to allow access to Syria by the independent international Commission of Inquiry on the Syrian Arab Republic established by the UN Human Rights Council in August 2011 and by an earlier fact-finding investigation that the Council had established to investigate allegations of human rights violations in Syria. See *Amnesty International Report 2012*, p325.

<sup>7</sup> For example, Syria's Information Ministry withdrew the press accreditation of Reuters correspondent Khaled Yacoub Oweis, a Jordanian national who had been based in Damascus since 2006, in March 2011 and ordered his immediate expulsion on account of what the Ministry accused was his "unprofessional and false news" reporting. See Reuters, *Syria withdraws accreditation of Reuters correspondent*, 26 March 2011, accessed at <http://www.reuters.com/article/2011/03/26/syria-reuters-idUSLDE72P0AM20110326>

<sup>8</sup> See, for example Channel 4 News, *Q&A: How foreign journalists operate in Syria*, 2 April 2013, accessed at <http://blogs.channel4.com/alex-thomsons-view/qa-foreign-journalists-operate-syria/4592>

<sup>9</sup> United Nations Educational, Scientific and Cultural Organisation (UNESCO)- Journalists killed in Syria <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists/countries/syria/>

<sup>10</sup> The Committee to Protect Journalists, <http://www.cpi.org/killed/mideast/syria/>

<sup>11</sup> See chapter 3, Abuses by armed opposition groups.

<sup>12</sup> See chapter 2, Violations by state and pro-government forces.

<sup>13</sup> Amnesty International, *Syria must reveal the truth about 2008 prison disappearances*, 5 July 2010,

<http://www.amnesty.org/en/news-and-updates/report/syria-must-reveal-truth-about-2008-prison-disappearances-2010-07-02>

<sup>14</sup> Article 19 of the International Covenant on Civil and Political Rights.

<sup>15</sup> [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-69\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-69_en.pdf)

<sup>16</sup> Journalists in Syria are required to obtain in order to work legally in accordance with the Press Law of 2001. <http://www.freedomhouse.org/report/freedom-press/2011/syria>

<sup>17</sup> “Syria and the New Constitution: The End of Reform?” by Salameh Kaileh, <http://english.alkhbar.com/content/syria-and-new-constitution-end-reform>

<sup>18</sup> Amnesty International, *Health Crisis: Syrian government targets the wounded and health workers*, Index: MDE 24/059/2011, 25 October 2011, <http://www.amnesty.org/en/news-and-updates/report/climate-fear-syrias-hospitals-patients-and-medics-targeted-2011-10-25>

<sup>19</sup> In 2004, the majority Kurdish town of Qamishli, a city in north-eastern Syria, witnessed the outbreak of mass anti-government demonstrations. Government forces quickly and violently crushed these demonstrations. The demonstrations initially broke out following a riot at a football match which caused the death of at least six people. See Amnesty International, *Syria: Kurds in the Syrian Arab Republic one year after the March 2004 events*, Index MDE 24/002/2005, 10 March 2005, <http://www.amnesty.org/en/library/info/MDE24/002/2005/en>

<sup>20</sup> See Amnesty International, *Syria: Briefing to the Committee against Torture*, Index: MDE 24/008/2010, 20 April 2010, <http://www.amnesty.org/en/library/info/MDE24/008/2010/en>

<sup>21</sup> “Mu’asasat al-Hiwar al-Mutamedin”.

<sup>22</sup> Israel has occupied Syria’s Golan Heights since the 1967 war.

<sup>23</sup> Syrian Arab News Agency, *Decrees on Ending State of Emergency, Abolishing SSSC, Regulating Right to Peaceful Demonstration*, 21 April 2011, <http://sana.sy/eng/21/2011/04/21/342711.htm>

<sup>24</sup> See Amnesty International Urgent Action, *Syria: detained Syrian writer at risk of torture*, Index: MDE 24/055/2011, 15 September 2011, <http://www.amnesty.org/en/library/info/MDE24/055/2011/en>

<sup>25</sup> <https://www.facebook.com/pages/SHABABLEK-MAGAZINE/96258764848>

<sup>26</sup> The General Organization of Radio and TV is a state-run agency subordinate to Syria’s Ministry of Information. It is responsible for operating Syria’s state-owned television channels, two terrestrial and one satellite, as well as the government radio stations. It has been on the US sanction list since May 2012. <http://www.treasury.gov/press-center/press-releases/Pages/tg1443.aspx>

<sup>27</sup> On 13 July 2011, around 200 actors, writers and intellectuals protested in the Midan neighborhood of Damascus. Up to 30 people were reportedly arrested from these protests including activist and screen writer, Rima Flihan.

<sup>28</sup> [http://news.xinhuanet.com/english2010/world/2011-07/16/c\\_13989634.htm](http://news.xinhuanet.com/english2010/world/2011-07/16/c_13989634.htm)

<sup>29</sup> Legislative Decree No 54 issued on 15 May 2011 by the Ministry of Interior outlined new regulations regarding peaceful demonstrations, including that all demonstrations need to be licensed.

<sup>30</sup> <https://www.facebook.com/notes/eiad-charbajii/%D9%81%D8%B6%D9%8A%D8%AD%D8%A9->

<http://www.unesco-ci.org/cmscore/events/30-citizen-journalism>, accessed at <http://www.unesco-ci.org/cmscore/events/30-citizen-journalism>

<sup>31</sup> The Anti-Terrorism court was established in September 2012, under on a July 2012 Anti-Terrorism Law. See SANA, *Minister of Justice Inaugurates Anti-terrorism Court in Damascus*, 30 September 2012, <http://sana.sy/eng/21/2012/09/30/444488.htm>

<sup>32</sup> From UNESCO WSIS+10 session description on Citizen Journalism, held on 27 February 2013, <http://www.unesco-ci.org/cmscore/events/30-citizen-journalism>, accessed at <http://www.unesco-ci.org/cmscore/events/30-citizen-journalism>

<sup>33</sup> The Bureau of Investigative Journalism, *US technology used to censor the Internet in Syria claim experts*, 23 October 2011, <http://www.thebureauinvestigates.com/2011/10/23/us-technology-used-to-censor-the-internet-in-syria/>. Blue Coat denied that they had supplied the technology to the Syria government, but later acknowledged that products shipped to Dubai and intended for the Iraqi government had apparently made their way to Syria. See Wall Street Journal, *U.S. Firm Acknowledges Syria Uses Its Gear to Block Web*, 29 October 2011, <http://online.wsj.com/article/SB10001424052970203687504577001911398596328.html>

<sup>34</sup> Syria censorship, <http://arturo.filasto.net/syria-censorship/>

<sup>35</sup> The International Committee of the Red Cross stated in July 2012 that the fighting in Syria had reached the level of non international armed conflict.

<sup>36</sup> <http://en.rsf.org/syria-number-of-citizen-journalists-01-06-2012,42715.html>

<sup>37</sup> <http://www.aljazeera.net/mob/c54c246c-3a58-42e6-8ebc-076c30f509ce/f560f992-9f47-429e-8e9d-7f2883577106>

<sup>38</sup> <http://en.rsf.org/syria-media-workers-under-constant-06-11-2012,43642.html>

<sup>39</sup> <http://www.youtube.com/watch?v=BbyDJ3w0PoE>

<sup>40</sup> Amnesty International, *Syria: All-out repression: Purging dissent in Aleppo, Syria*, Index: MDE 24/061/2012, 1 August 2012, <http://www.amnesty.org/en/library/info/MDE24/061/2012/en>

<sup>41</sup> <http://www.youtube.com/watch?v=4b6d1ItOnAg>

<sup>42</sup> <http://www.youtube.com/watch?v=4b6d1ItOnAg>

<sup>43</sup> <http://www.youtube.com/watch?v=XSnRkWrOLf8>

<sup>44</sup> Skype interview with 'Abu Ayas al-Hourani' in January 2013.

<sup>45</sup> <http://www.youtube.com/watch?v=nOY6k3sAoPO>

<sup>46</sup> Reuters, "Syria withdraws accreditation of Reuters correspondent", 26 March 2011 <http://www.reuters.com/article/2011/03/26/us-syria-reuters-idUSTRE72P1TD20110326>

<sup>47</sup> Report of the independent international Commission of Inquiry on the Syrian Arab Republic, 22 February 2012: "In late December 2011, in accordance with the League of Arab States protocol, the

Government recommenced issuing short-term visas to selected foreign journalists. Their movements within the country were often restricted and their contacts monitored by Government officials accompanying them”.

[http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-69\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-69_en.pdf)

<sup>48</sup> Committee to Protect Journalists, *Al-Jazeera suspends Syria bureau; attacks on Lebanon crew*, 27 April 2011, <http://cpj.org/2011/04/al-jazeera-suspends-syria-bureau-attacks-on-lebano.php>

<sup>49</sup> Dorothy Parvaz has also written about her experience in prison in Syria at Al Jazeera, Dorothy Parvaz: Inside Syria's secret prisons, 18 May 2011,

<http://www.aljazeera.com/indepth/opinion/2011/05/2011518184325620380.html>

<sup>50</sup> <http://www.youtube.com/watch?v=gCKbWXRvfCg>

<sup>51</sup> al-Thawra Newspaper: Syrian Information Ministry: The Palestinian journalist Bashar Fahmi Kaddumi is not with us and we call on his kidnappers to release him, 5 September 2012, in Arabic

<http://thawra.alwehda.gov.sy/archive.asp?FileName=69784095220120904235822>

<sup>52</sup> Phone conversation on 11 May 2012.

<sup>53</sup> Article 3 of the Geneva Conventions which includes a prohibition on hostage-taking.

<sup>54</sup> Article 2 of Convention relative to the Treatment of Prisoners of War. Geneva, 27 July 1929

<http://www.icrc.org/ihl.nsf/full/305?opendocument>

<sup>55</sup> On 4 February 2012 the Russian Federation and China vetoed a Security Council draft resolution that would have expressed grave concern at the deteriorating situation in Syria and profound concern over the deaths of thousands of people. It would have condemned widespread gross violations of human rights and “all violence, irrespective of where it comes from”, while demanding that the Syrian Government implement, “without delay”, the elements of a plan set out by the League of Arab States on 22 January 2012. <http://www.un.org/News/Press/docs/2012/sc10536.doc.htm>

<sup>56</sup> <http://www.youtube.com/watch?v=nww7rRSq0x8>

<sup>57</sup> Paul Conroy was a former soldier with the British Royal Artillery between 1980 and 1987.

<sup>58</sup> SANA, Foreign Ministry Calls on Foreign Journalists to Respect Journalistic Work Laws in Syria and Not Enter It Illegally, 23 February 2012, <http://sana.sy/eng/21/2012/02/23/402195.htm>

<sup>59</sup> AFP, West slams Syria over killing of journalists, 22 February 2012,

[http://www.google.com/hostednews/afp/article/ALeqM5hIbRvdqbhalpacSVLD3w0\\_cZJi0g?docId=CNG.6a5a10bf108ecd20e9fc217e139f19bc.741](http://www.google.com/hostednews/afp/article/ALeqM5hIbRvdqbhalpacSVLD3w0_cZJi0g?docId=CNG.6a5a10bf108ecd20e9fc217e139f19bc.741)

<sup>60</sup> [http://www.unesco.org/new/en/media-services/single\\_view/news/director\\_general\\_condemns\\_attack\\_on\\_media\\_centre\\_in\\_homs\\_syria/](http://www.unesco.org/new/en/media-services/single_view/news/director_general_condemns_attack_on_media_centre_in_homs_syria/)

<sup>61</sup> See for example, US Security Council Resolution 1738 on the protection of journalists in armed conflict, available at <http://www.un.org/News/Press/docs/2006/sc8929.doc.htm>

<sup>62</sup> BBC, “Syria TV 'hit by bomb attack' in Damascus”, 6 August 2012, <http://www.bbc.co.uk/news/world-middle-east-19145431>

<sup>63</sup> <http://www.youtube.com/watch?v=C53MvmlpDCY>

<sup>64</sup> Following the attack on 26 September, Hussain Mortada left Syria to received medical treatment in

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Lebanon and Iran. He has since returned to Syria and plans to resume work when he can.

<sup>65</sup> <http://www.youtube.com/watch?v=BDpAFIEyJTs&feature=related>

<sup>66</sup> According to corroborated data from Reporters without Borders (RSF), The Committee for the protection of Journalists (CPJ) and UNESCO.

<sup>67</sup> SANA, Armed Terrorist Group Attacks al-Ikhbariya TV Channel, Three Journalists Martyred, 27 June 2012, <http://sana.sy/eng/337/2012/06/27/427931.htm>

<sup>68</sup> <http://syriapolitics.blogspot.co.uk/2012/07/night-in-damascus.html#!/2012/07/night-in-damascus.html>

<sup>69</sup> <https://twitter.com/nasermaya/status/247790099813781504>

<sup>70</sup> <http://www.fsa-dam.com/main/1671>

<sup>71</sup> <https://www.facebook.com/HomsumAlhnaien/posts/427894347272723>

<sup>72</sup> <http://www.as-ansar.com/vb/showthread.php?t=67569>

<sup>73</sup> [https://twitter.com/Army\\_Free/statuses/271674746125565952](https://twitter.com/Army_Free/statuses/271674746125565952)

<sup>74</sup> [https://www.facebook.com/permalink.php?id=453773951300191&story\\_fbid=527894517221467](https://www.facebook.com/permalink.php?id=453773951300191&story_fbid=527894517221467)

<sup>75</sup> <https://www.facebook.com/shaheed1abdalrazzak/posts/174513456026206>

<sup>76</sup> <http://www.dc4mf.org/en/content/state-tv-journalist-killed-syria>

<sup>77</sup> <http://sana.sy/eng/337/2012/08/11/435946.htm>

<sup>78</sup> [http://www.youtube.com/watch?v=r9NlugK8trg&feature=player\\_embedded](http://www.youtube.com/watch?v=r9NlugK8trg&feature=player_embedded)

<sup>79</sup> <http://www.youtube.com/watch?v=imJFuOKMfIQ>

<sup>80</sup> Interview with member of Farouq Battalion in Jordan, July 2012.

<sup>81</sup> "Jariya" in Arabic.

<sup>82</sup> Phone interview on 18 December 2012.

<sup>83</sup> [http://www.youtube.com/watch?v=nela5\\_m6vqo](http://www.youtube.com/watch?v=nela5_m6vqo)

<sup>84</sup> <http://www.youtube.com/watch?v=RNmOvvgKSZk>

<sup>85</sup> <http://www.youtube.com/watch?v=NdI5i6dxtzI&feature=plcp>

<sup>86</sup>

<https://www.facebook.com/photo.php?fbid=145551898925262&set=a.108133172667135.17617.10004113583443&type=1&theater>

<sup>87</sup> Voice of Russia, *Ukrainian journalist life threatened in Syria*, 10 December 2012, [http://english.ruvr.ru/2012\\_12\\_10/Voice-of-Russia-Journalist-Life-Threatened-in-Syria/](http://english.ruvr.ru/2012_12_10/Voice-of-Russia-Journalist-Life-Threatened-in-Syria/)

<sup>88</sup> Korrespondent.net, Боевики снизили сумму выкупа за жизнь Анхар Кочневой до \$300 тыс, деньги надо собрать в течение недели, 16 January 2013, <http://korrespondent.net/ukraine/events/1477474-boeviki-snizili-summu-vykupa-za-zhizn-anhar-kochnevoi-do-300-tys-dengi-nado-sobrat-v-techenie-nede>

<sup>89</sup> TV-Novosti, *'If you were a man, we'd kill you': Captive journalist tells RT how she escaped Syrian rebels*, 13 March 2012, <http://rt.com/news/kochneva-syria-escape-interview-224/>

<sup>90</sup> <https://www.facebook.com/notes/%D8%B7%D9%84%D8%B9%D9%86%D8%A7-%D8%B9%D8%A7%D9%84%D8%AD%D8%B1%D9%8A%D8%A9-%D8%AC%D8%B1%D9%8A%D8%AF%D8%A9-%D9%84%D8%AC%D8%A7%D9%86-%D8%A7%D9%84%D8%AA%D9%86%D8%B3%D9%8A%D9%82-%D8%A7%D9%84%D9%85%D8%AD%D9%84%D9%8A%D8%A9/%D9%85%D8%B4%D8%A7%D9%87%D8%AF%D8%A7%D8%AA-%D9%85%D8%A4%D9%84%D9%85%D8%A9-%D9%85%D9%86-%D9%82%D9%84%D8%A8-%D8%A7%D9%84%D8%AB%D9%88%D8%B1%D8%A9/560150603996979>

<sup>91</sup> *Katibat Suqoor al-Ghab*, see: <http://www.youtube.com/watch?v=E552-he0RqE>

<sup>92</sup> <http://www.syriaonline.sy/details.php?t=syria&id=1845>

<sup>93</sup> The Emergency Law, promulgated by Legislative Decree No. 51 and dated 22 November 1962, permitted the declaration of a state of emergency during a state of war or in situations threatening of ensuing a war or during internal disturbances in part of or all of Syrian territories.

<sup>94</sup> "Decrees, laws and decisions issued in 2011." Syrian Arab News Agency, 1 January 2012. <http://sana.sy/eng/361/2012/01/01/pr-391574.htm>; last seen by Amnesty International on 5 March 2013.

<sup>95</sup> The Law for Protecting the Revolution was promulgated through Legislative Decree No. 6 of 1965.

<sup>96</sup> An English translation of the new constitution may be viewed at <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/91436/106031/F-931434246/constitution2.pdf>; last seen by Amnesty International on 17 April 2013.

<sup>97</sup> The Permanent Constitution of the State was promulgated on 13 March 1973.

<sup>98</sup> This was issued through Legislative Decree No. 148 on 22 June 1949. It has been amended on various occasions, most recently in January and August 2011 and January 2012.

<sup>99</sup> Article 285.

<sup>100</sup> Article 286. If the person thinks the false or exaggerated information is true, then Article 286(2) provides for a reduced punishment of three months in prison.

<sup>101</sup> Article 308 of Penal Code: 1. Any person belonging to an association established for the purpose referred to in the previous article will receive the same penalty. 2. If the perpetrator holds an office within the association, the minimum prison sentence will be one year and the fine at least 100 liras. In addition, the association will be dissolved and its assets seized pursuant to Articles 109 and 69.

<sup>102</sup> <http://www.sana-syria.com/eng/361/2011/08/29/366490.htm>

<sup>103</sup> In 2001, a Law on Printed Material was passed, through Legislative Decree 50, which significantly restricted writing on topics deemed sensitive to the government and the publication of "inaccurate" information. Journalists prosecuted under the law faced one to three years in prison and a substantial fine. This law also prescribed that journalists must apply for licences from the Prime Minister in order for them to practice their profession legally in the country. Finally, Article 28(c) of the Law on Printed Material empowered the Minister of Information to revoke a journalist's press card if he or she refuses to

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reveal the identity of an official source of information. Article 29 prohibited the publishing of articles and news that are deemed to undermine “national security and social unity.”

As well as evident legal restrictions on print media, in 2005 an amendment was added to the Law on Printed Material which meant the law now applied to electronic publications, requiring editors of electronic media to be at least 25 years old, Syrian nationals and current residents of Syria, and not employees of a foreign government.

<sup>104</sup> <http://www.reuters.com/article/2007/11/23/us-syria-facebook-idUSOWE37285020071123> and <http://www.guardian.co.uk/world/2011/feb/08/syria-facebook-unbanned-people>

<sup>105</sup> In accordance with article 101 of the media law.

<sup>106</sup> According to conversion rate in April 2013.

<sup>107</sup> [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-69\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-69_en.pdf)

<sup>108</sup> Article 336 of Penal Code as amended by Legislative Decree No. 110 of 2011 states: All crowds gathered in processions on public roads or in places open to the public is considered to be the gathering of a riot, and is punishable by imprisonment of one month to a year and a fine of fifty thousand Syrian pounds. [http://www.ilo.org/dyn/natlex/natlex\\_browse.details?p\\_lang=en&p\\_isn=90201](http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_isn=90201)

<sup>109</sup> <http://sana.sy/ara/2/2012/02/09/399498.htm>

<sup>110</sup> In accordance with article 61 of the media law.

<sup>111</sup> Article 26 (C) of Law on the Regulation of Network Communication against Cybercrime. <https://syria.hackivist.me/?p=52>

<sup>112</sup> Red Cross study, Customary International Humanitarian Law: Volume 1: Rules, J-M Henckaerts and L Doswald-Beck, eds, 2005 (“ICRC Customary IHL Study”).

<sup>113</sup> ICRC Customary IHL Study, Rule 34; see also Protocol I, article 79.

<sup>114</sup> ICRC Customary IHL Study, Rule 1; see also Protocol I, article 48 and Protocol II, article 12(2).

<sup>115</sup> ICRC Customary IHL Study, Rule 5; see also Protocol I, article 50.

<sup>116</sup> ICRC Customary IHL Study, Rule 6; see also Protocol II, article 13 (3); Protocol I, art 51(3)

<sup>117</sup> ICRC Customary IHL Study, Rules 8 and 9; Protocol I, article 52.

<sup>118</sup> ICRC Customary IHL Study, Rule 10.

<sup>119</sup> ICRC Customary IHL Study, Rule 156, pages 591,593,595-598. See also Rome Statute of the ICC, articles 8(2)(b)(i) and (ii) and 8(2)(e)(i)(ii)(iv) and (xii). See also discussion in ICRC Customary IHL Study, page 27.

<sup>120</sup> ICRC Customary IHL Study, Rule 2; see also Protocol I, article 51(2) and Protocol II articles 12(2).

<sup>121</sup> ICRC Customary IHL Study, Rule 11; Protocol I, article 51(4).

<sup>122</sup> ICRC Customary IHL Study, Rule 12; Protocol I, article 51(4)(a).

<sup>123</sup> ICRC Customary IHL Study, Rule 14; Protocol I, articles 51(5)(b) and 57.

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<sup>124</sup> ICRC Customary IHL Study, Rule 156, pages 599-601.

<sup>125</sup> Customary IHL Study, Rules 87-105

<sup>126</sup> ICRC Customary IHL Study, Rule 156, pages 590-603.

<sup>127</sup> International Court of Justice, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territories, 9 July 2004, paragraph 104; Human Rights Committee, General Comment no 31, paragraph 11.

<sup>128</sup> ICCPR, Articles 2, 6, 7, 9.

<sup>129</sup> See the cases of Hamza Ali al-Khateeb and Sakher Hallak in the Amnesty International report, Deadly Detention: Deaths in custody amid popular protests in Syria (MDE 24/035/2011), July 2011.

<sup>130</sup> Legislative Decree No. 61 of 27 February 1950, Article 53.

<sup>131</sup> Legislative Decree No. 14 of 25 January 1969, Article 16.

<sup>132</sup> Legislative Decree No. 69 of 30 September 2008, Article 1.

<sup>133</sup> Article 9 of the ICCPR.

<sup>134</sup> See, for example: UN Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity (1973 UN Principles of International Co-operation), adopted by the General Assembly in Resolution 3074 (XXVIII) of 3 December 1973, para. 1: "crimes against humanity, wherever they are committed, shall be subject to investigation and the persons against whom there is evidence that they have committed such crimes shall be subject to tracing, arrest, trial and, if found guilty, to punishment". See also: Rome Statute, Preamble: "it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes".

<sup>135</sup> See Amnesty International: Universal Jurisdiction: the duty of states to enact and implement legislation, Chapter 5, Crimes against humanity: the legal basis for universal jurisdiction, Index: IOR 53/008/2001, 31 August 2001, <http://www.amnesty.org/en/library/info/IO53/002/2001/en>





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## SHOOTING THE MESSENGER

### JOURNALISTS TARGETED BY ALL SIDES IN SYRIA

Syria has become the most dangerous country in the world for journalists since the eruption of popular protests in 2011 and the development since then of a bitter internal armed conflict. In the vicious battles for power, both the Syrian authorities and armed opposition groups have deliberately targeted professional and citizen journalists who are risking their lives to report on the conflict and expose abuses. Several foreign correspondents have lost their lives, but the vast majority of professional and citizen journalists who have been killed and injured have been Syrians.

This Amnesty International report, which includes the findings of research conducted in the field and elsewhere, documents human rights abuses committed against journalists and others involved in reporting the conflict. These include summary killings, enforced disappearances, torture, hostage-taking, and destruction of homes and property. The report concludes that some of these may amount to war crimes.

Without the efforts and bravery of journalists, much less would be known about the conflict and suffering in Syria over the past two years. Urgent action is needed to ensure their safety.

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