

Persecution and Discrimination against Kurdish Citizens in Syria

I- Historical background:

Kurds make up about 15% of the total population of Syria, and are settled in the north and north-east of the country along the Syrian-Turkish borders, in the areas of Al-Jazeera, Afrin, and Ain al-Arab. They also constitute different percentages of the inhabitants in the coastal region, Aleppo, Damascus and its environs, Ar-Raqqa, Hama and other cities.

Successive Syrian governments continued to adopt a policy of ethnic discrimination and national persecution against Kurds, completely depriving them of their national, democratic and human rights — an integral part of human existence. The government imposed ethnically-based programs, regulations and exclusionary measures on various aspects of Kurds' lives – political, economic, social and cultural – among which are the following:

II- Dispossession and deprivation of Syrian nationality:

On 5/10/1962, based on Legislative Decree No. 93 dated 23/08/1962 and using what were known as “census committees” spread all over the province, the Syrian authorities in Hasaka randomly stripped tens of thousands of Kurdish families of their Syrian nationality.. The census was implemented exclusively in Hasaka province for a period of just 24 hours only, and as a result tens of thousands of Syrian citizens of Kurdish origins lost their nationality and found themselves deprived of their citizenship. By the stroke of a pen, they were deprived of all civil rights in an irrevocable resolution with no possibilities of revision.

The census process resulted in two categories of persons deprived of citizenship, namely:

1. *Foreigners of Hasaka Province:* Members of this category were given red identity cards written on which was the phrase “Did not have name on the list of Syrian Arabs according to the 1962 census. Holders of these cards were not entitled to freedom of movement; while the card allowed them to leave, they were not allowed to return to Syria. It also limited the holders' rights to some services, such as the right to stay in hotels, where the approval of the Division of Hotels is necessary for admitting someone with a red card.
2. *Unregistered:* The personal data of members of this category was not registered in any official records at all . They can acquire no identification documents other than a letter of reference from the mayor, or a residency certificate which is granted only after obtaining the approval of political security police. Therefore, in legal terms, those people do not exist.

At present, as a result of natural population growth, the number of people deprived of nationality is now more than a quarter of a million. A child born to parents deprived of nationality is automatically considered a "foreigner" whereas, a child born to a father who is deprived of nationality and a Syrian mother will get “unregistered” status. In order to become a "foreigner" a very complex procedures must be followed. The same applies when the father is deprived of nationality and the mother is "unregistered," or when both parents belong to the latter category.

The above-mentioned census prevented all those affected by it from exercising all the natural rights that are based on citizenship – civil, social, political, cultural and economic –from exercising their right to work, to employment, to education, travel, the right to own a property and use agricultural land and from living normal lives.

Observers of the plight of stateless Kurds in Syria noted the following situations:

- The father enjoys Syrian nationality but some or all of his children are deprived of it.
- The father is deprived of Syrian nationality and some, or all, of his children are deprived of it, or are "unregistered."
- Many of those deprived of the Syrian nationality still have military service documents dating back to 1962 and before.
- Some citizens of Kurdish origins were stripped of their Syrian nationality in 1970 because of their opposition to the Arab cordon project.

The issue of Kurdish citizens deprived of their Syrian nationality is still unresolved to this day; successive Syrian governments were not able to find appropriate solutions for it, despite persistent and repeated demands by those affected.

In 1999, the Committee on the Elimination of Racial Discrimination, a UN body that monitors the commitment of its member States to the covenant, reported that it was "still concerned about the stateless status of a large number of persons of Kurdish origin, who are alleged to have entered the Syrian Arab Republic from neighboring countries from 1972 to 1995 and who are said to number 75,000." (Paragraph 9).

The report also said:"The Committee is concerned about Syrian-born Kurds, who are considered either as foreigners or as *maktoumeen* (unregistered) by the Syrian authorities and who face administrative and practical difficulties in acquiring Syrian nationality, although they have no other nationality by birth."(Paragraph 10).

In 2005, The Commission on Human Rights at the United Nations issued a statement saying: it "remains concerned at the situation of the large number of Kurds treated as aliens or unregistered persons and the discrimination experienced by them. The Committee reminds the State party [Syria] that the Covenant [on Civil and Political Rights] is applicable to all individuals subject to its jurisdiction (arts. 2 (1), 24, 26 and 27).”).

III- Confiscation of lands historically maintained and cultivated by Kurds and the implementation of a policy of forced Arabization in those areas

In 1973, along the Syrian border with Turkey and Iraq, in the province of Hasaka, the Syrian authorities confiscated an area of fertile agricultural land owned and cultivated by tens of thousands of Kurdish citizens – a portion of land measuring 375 km long and 10-15 km wide, at a total of more than 750 square kilometers – and gave it to Arab families brought in from the provinces of Aleppo and Ar-Raqqa.

The National Leadership Bureau of the ruling Baath Party issued orders to establish 41 settlement centers in these areas, in order to change the demographic composition of these areas by evicting and displacing the Kurdish inhabitants. On 13/06/2007, Syrian authorities in the Agricultural Association in Malikiyah, Hasaka province, signed contracts granting 150 Arab families from the Shaddadi region, Hasaka province, about six thousand square kilometers in Malikiyah. At the same time, it evicted tens of thousands of Kurdish people from these villages, and forcing them to move to other areas inside and outside of Syria in search of a decent living. On 17/3/2010, the Ministry of Agriculture and Agrarian Reform issued order number 2707/ S instructing departments of agriculture in the province of Hasaka to remove some peasants' names from the records of wages or rental contracts under the pretext that they had not obtained legal licenses according to the provisions of Act No. 41 of 2004 and its amendments; all of them were Kurdish citizens.

IV- Excessive measures against Kurdish citizens:

- The Syrian government continues to prevent Kurds in Syria from enjoying or exercising the basic rights relating to their ethnic identity. The government applies various kinds of pressure to prevent Kurds from celebrating the Nowruz Festival, the Kurdish New Year; on 21/03/2010, the authorities in Ar-Raqqa province provoked Kurdish citizens celebrating Nowruz in the North Sawamia area attempting to break up the crowds as well as indiscriminately firing live bullets at them, which led to one person being killed and a number being wounded.

- The Syrian government continues to use every means available to prevent Kurds from exercising their natural right to speak their mother tongue. Not only is the Kurdish language not recognized as an official language in the state, but also the government uses every means possible to prohibit Kurdish citizens from speaking or conversing in Kurdish, including torture, limiting freedom of movement, and even issuing criminal indictments.

- The Syrian government continues to act upon the 1963 proclamation by the Minister of Interior, which prohibits inhabitants of Hasaka province, mostly Kurds, from transferring their Civil Entry Cards/Status to other provinces.

- Order No. (122/ S) by Minister of the Interior, specific to Hasaka Province, dated 03/09/1992, is still in effect. It demands that the process of verifying paternity must be done by one of the security police apparatuses. This applies for all births, both recent and old. All new births in Hasaka province are subject to authorization by the Political Security Police, an unusual arrangement believed to be due to the Kurdish majority in the province.

- Kurdish students and workers continue to be subjected to arbitrary transfer or expulsion from governmental institutes, departments and institutions under false and unjust pretenses stemming from ethnic biases.

- In 1967, all references to Kurds in Syria were removed from geography curriculum books, and many Kurdish citizens were subject to pressure from the staff of the Civil Registry Departments to not give their children Kurdish names.

-On 11/11/1986, the governor of Hasaka issued Resolution No. (1012/ S/ 25) which prohibits the use of the Kurdish language in the workplace.

-In 13/03/1989, the governor of Hasaka, Mohammed Mustafa Miro, issued resolution 1865/ S/ 25 to re-confirm this ban on speaking Kurdish and added to it a prohibition on non-Arabic songs at weddings and holidays.

- Stateless Kurdish citizens also suffer discrimination in health care, where they are denied admission in public or military hospitals (Tishreen Military Hospital, Assad University Hospital, etc.). Also, military hospitals that provide services to veterans do not provide free medical care to stateless Kurdish veterans who served in the army prior to 1962.

- Kurdish citizens are subject to discriminatory treatment regarding the right of property ownership, where Kurds, both citizens and those deprived of their nationality, are not allowed to own real estate (agricultural, houses) in some regions, such as Ar-Raqqa province . Because of this they are forced to register their property in other people's names.

In 2005, the Commission on Human Rights at the United Nations said in its concluding observations in the report on the Syrian government and its obligations under the International Covenant on Civil and Political Rights that the Committee "remains concerned at the situation of the large number of Kurds treated as aliens or unregistered persons and the discrimination experienced by them.")

V- National and religious discrimination against Yezidi Kurds in Syria:

Yezidis, estimated at 70 thousand people, are distributed across regions in the provinces of Hasaka, Aleppo, and in particular the cities of Qamishli, Ras Al Ain, Amouda, Derbassiyeh, and Afrin. Because they are of Kurdish ethnicity, they suffer the same discrimination and persecution as the rest of the Kurdish population, in addition to suffering religious persecution. Because Syrian law does not recognize the Yezidi religion, they are prevented from learning the basics of their religion in public schools. The government forces followers of this religion to study Islamic religion in public schools, despite the obvious different beliefs between the two religions.

Also, religious courts do not apply Yezidi religious rules, and do not even recognize Yezidis as a community, similar to the Ismaili or Druze communities. Recognized religious communities are allowed by the state to follow their own religious teachings and apply their own rules in personal status matters such as marriage, divorce and paternity. The Kurds are also not allowed to resort to civil courts, as in European countries.

VI- Recommendations:

First, we adopt the recommendations of the commissions of the United Nations concerning the Kurdish issue:

- In 1999, the Committee on the Elimination of Racial Discrimination advised the Syrian government to take "further action to protect the rights of all persons belonging to ethnic and national groups to enjoy, without discrimination, the civil and political rights listed in article 5 of the Convention, notably the right to nationality and cultural self-expression. In

particular, the Committee recommends that the State party review its legislation on nationality in order to find an expeditious solution to the situation of Syrian-born Kurds and refugee children born in the Syrian Arab Republic." (Paragraph 14)

- In 2001, the United Nations Committee on Economic, Social and Cultural Rights advised in its concluding observations on the report submitted by the Syrian government that it: "strongly recommends that the State party take effective measures to combat discrimination in practice against minority groups, in particular the Kurds. Such measures should be aimed especially at improving birth registration and school attendance and allowing for the use of their languages and other expressions of their culture." (Paragraph 30).

The Committee also strongly recommended that the State party "make sure that minority groups, such as the Kurds, are able to enjoy their right to use their own language and to live in accordance with their own culture without impediments in the form of legislative or administrative arrangements imposed by the State party." (Paragraph 45)

- In 2005, the Commission on Human Rights at the United Nations advised the Syrian government to ensure that all members of the Kurdish minority enjoy effective protection against discrimination, and be able to enjoy their own culture and to use their own language, in accordance with Article 27 of the Covenant. Therefore, it recommended that the Syrian government take urgent steps to address this situation of stateless Kurds in Syria. The Committee urges the Syrian government as well as to allow Kurdish children born in Syria to acquire Syrian nationality.

We also particularly recommend the following:

- Abolishing the policy of persecution arising from ethnic discrimination against Kurds in Syria, and the elimination of all its negative effects and consequences, such as racial and discriminatory projects, laws, measures and special procedures applied against them, and the constitutional recognition of their national existence, and securing their national, democratic and human rights.

- Reinstating Syrian nationality to Kurdish citizens who were deprived of it as a result of discriminatory and unjust census that was carried out in the province of Hasaka in 1962, cancelling all its effects and consequences, and compensating all those affected by it for material and moral damages they have suffered.

- Cancellation of the Arab Cordon Project, returning farmlands to Kurdish farmers who were evicted because of this project, and compensating them for the material and moral damages they had to endure.

- Lifting the ban on Kurdish culture and heritage, and allowing the Kurdish language to be taught in Syrian schools and universities.

- Legal and constitutional recognition of the religious rights of Yazidi Kurds, and the establishment special courts for their religious status cases, such as marriage and divorce, in Syrian courts.

