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C O N F I D E N T I A L SECTION 01 OF 04 DAMASCUS 000106

SIPDIS

DEPARTMENT FOR NEA/ELA, DRL/NESCA
NSC FOR MCDERMOTT
LONDON FOR MILLER, PARIS FOR NOBLES

E.O. 12958: DECL: 02/04/2020
TAGS: PHUM, PGOV, KISL, KMPI, KTIP, KWMN, SCUL, SOCI, SY
SUBJECT: HUMAN RIGHTS UPDATES -- SARG BUDGES ON TIP, BUT
LITTLE ELSE

REF: A. DAMASCUS 00036
B. 09 DAMASCUS 00787
C. 09 DAMASCUS 00780
D. 09 DAMASCUS 00734
E. 09 DAMASCUS 00727
F. 09 DAMASCUS 00534

Classified By: CDA Charles Hunter for reasons 1.4 (b) and (d).

1. (C) Summary: SARG pressure on civil society and human rights activists has been unrelenting since the 2007 detention of the Damascus Declaration National Council's leadership. The SARG consistently retaliated against any public statements, including press reports, deemed critical of the regime. The high-profile arrests of lawyers Muhanad al-Hasani and Haitham al-Maleh sent tremors through the domestic and international human rights community, eliciting high-level statements of protest from the U.S., U.K., France, Canada, and the European Parliament. Despite these condemnations, the SARG, enjoying what Foreign Minister Walid al-Muallim characterized in a December 29 speech to

parliament as "a year of political success in every sense of the term, and on all fronts," appeared ever more inclined to clamp down on potentially dissenting voices. To that end, the First Criminal Court rejected jailed DDNC members' appeals, including XXXXXXXXXXXXX, for early release. The first weeks of the new decade produced no evidence the SARG had resolved to improve personal freedoms in Syria. Nevertheless, as the United Nations Human Rights Council's 2011 Universal Periodic Review of Syria approaches, the SARG's responses to activists over the next eight months should provide a useful lens through which to view the regime's readiness to endure domestic political dissent. End summary.

Key Jailed Activists

2. (C) Muhanad al-Hasani Update: Jailed Syrian Human Rights Organization-SWASIAH leader and human rights lawyer Munahad al-Hasani XXXXXXXXXXXXX was last seen at the Damascus Second Criminal Court on January 4 and 5 as the result of a procedural error. The transfer judge, who is responsible for routing criminal cases to the appropriate court, sent Hasani's case to the Second Criminal Court for a pre-trial administrative interrogation. In doing so, the judge overlooked a pending appeal by Hasani's lawyer to have the case sent to the Supreme Court. Hasani's lawyers argued that until the appeal was ruled on, the transfer judge technically had no authority to assign the case. Oddly, Hasani disagreed with his lawyers, expressing a preference to get his trial underway quickly rather than wait on a potentially lengthy appeals process. Nevertheless, the administrative interrogation was canceled pending a ruling on the appeal.

3. (C) XXXXXXXXXXXXX

4. (C) Haitham al-Maleh Update: The case against human rights lawyer Haitham al-Maleh (refs C and D), arrested on October 14 and incarcerated at Adra prison, continued under the jurisdiction of the Military Magistrate. Maleh had a preliminary hearing at the Damascus Military Court on October 25, but diplomatic observers were denied entry. The MFA has verbally rejected appeals for admission to the court, which diplomats have always had in the past, by the Canadian Ambassador. On January 31, the Cassation Court rejected lawyer Hassan Abdul Azim's appeal that the case against Maleh be dropped. The court's decision cleared the way for the

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magistrate to send Maleh's file to the Military Court in Damascus for trial. No trial dates have been set.

5. (C) XXXXXXXXXXXXX

TIP Law: Next Steps

6. (C) XXXXXXXXXXXXXXX

(Comment: In the past, trafficked individuals, whether for forced labor or sexual exploitation, were often subject to detention on criminal grounds if involved in prostitution or lacked proper immigration status. End Comment.)

7. (C) On the SARG's capacity for implementing the law, XXXXXXXXXXXXXXX struck a note of caution. In requiring government agencies to work exclusively with licensed NGOs, the law effectively marginalized those NGOs with the most relevant experience in the field. XXXXXXXXXXXXXXX claimed unlicensed NGOs like SWO were ultimately best positioned to work on implementation.

8. (C) XXXXXXXXXXXXXXX

Barada TV: The Opposition in Klieg Lights?

9. (C) XXXXXXXXXXXXXXX of MEPI-supported Barada TV XXXXXXXXXXXXXXX outlined the many challenges facing the channel in a December 23 meeting. XXXXXXXXXXXXXXX also affirmed the channel's significance to the political opposition inside Syria and described future projects XXXXXXXXXXXXXXX hoped to see implemented. One of the main difficulties, XXXXXXXXXXXXXXX said, was that Barada had from its inception openly identified itself as part of the political opposition. In retrospect, XXXXXXXXXXXXXXX admitted, XXXXXXXXXXXXXXX regretted this decision since it had made in-country operations unnecessarily difficult from the outset. In an effort to shed its exclusively oppositionist image, XXXXXXXXXXXXXXX said the channel would mix political programming with shows

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about culture, the environment, and economic conditions in the country. XXXXXXXXXXXXXXX also expressed hope that a new Kurdish program would soon be broadcast. XXXXXXXXXXXXXXX admitted Hotbird was not the ideal satellite channel for Barada since few people in Syria had access to it. XXXXXXXXXXXXXXX In the future, XXXXXXXXXXXXXXX observed, the key to Barada's success would be harnessing the youth and bridging the gap between old-guard political opposition figures and young people who were prepared for political change, but not members of any opposition party.

10. (C) XXXXXXXXXXXXXXX confirmed reports we had heard from other contacts about the SARG's interest in chasing down the financial and political support structure behind Barada. Security agents called XXXXXXXXXXXXXXX in for questioning in October and repeatedly asked XXXXXXXXXXXXXXX about XXXXXXXXXXXXXXX affiliations with the U.S. Embassy and whether XXXXXXXXXXXXXXX knew Jim Prince and someone named "Ugo" (or "Hugo"), the latter of whom agents described as being involved with XXXXXXXXXXXXXXX. XXXXXXXXXXXXXXX truthfully denied personal knowledge of the individuals as well as ever having visited the Embassy, XXXXXXXXXXXXXXX.

Conservative Cleric on Trial

11. (C) In an animated talk-show performance in Qatar, televised October 20 on the al-Jazeera channel, conservative Syrian Sheikh Abdul-Rahman Kouki upbraided Egyptian Grand Sheikh Tantawi for banning the "niqab" at al-Azhar University, noting the decision coincided with the delay of vote on the Goldstone Report and the "European crusade against the hijab." In his comments, Kouki also implied First Lady Asma al-Asad should wear the niqab. In what many saw as a nod to the thawing Egyptian-Syrian relationship, Syrian authorities arrested Kouki immediately upon his October 22 return to Syria, charging him with weakening national sentiment (Penal Code Article 285), spreading false news aimed at undermining the prestige of the state (Article 287), inciting sectarian strife (Article 307), and contempt for the president (Article 374).

12. (C) During his first investigative hearing at the Damascus First Criminal Court on January 7, Kouki pleaded not guilty on all counts, noting he had "preserved" the prestige of the state during the telecast, not harmed it. In a second January 11 investigative hearing, judge Ahmad Bakkour accepted the defense lawyer's (Muhammad Sayyah al-Muarrawi and Muhammad Assam Zaghloul) arguments and questioned Kouki further. Because the judge's questions were formal and narrow in range, the court permitted Kouki to submit a more fulsome written testimony. His next hearing was scheduled for February 10.

13. (C) Comment: Setting aside the prospects for behavior change raised by recent TIP legislation, Post expects SARG pressure to continue up to and through the projected summer 2010 release of the 12 members of the Damascus Declaration convicted in 2008. We doubt the impending 2011 UNHRC Universal Periodic Review will have a profound affect on behavior, though it might induce the SARG to step more quietly for a short period. The request for agreement for a new Ambassador, combined with past and upcoming high-level visits, will not have disposed the SARG any more kindly towards human rights discussions. If appropriate, the Department, in its meetings with SARG interlocutors, could temper praise over the recent anti-TIP legislation with a message that improving bilateral relations obliges the USG to add frank and principled talks about human rights to the agenda, just as it does with all its international partners. If the SARG establishes firmly that the U.S. was continuing to fund Barada TV, however, it would view USG involvement as a covert and hostile gesture toward the regime. Just as SARG officials have used the U.S. position on Operation Cast Lead and the Goldstone Report to shut down discussions on human rights, it could similarly try to use Barada TV to diminish our credibility on the issue. End comment.

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HUNTER