

# **Years of Fear**

**The Forcibly Disappeared in Syria**

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*To all mothers who spend their lives hoping  
to see their disappeared sons*

You say twilight  
Unmercifully seized the universe!  
Or the blaze of the universe... kisses our castle!  
A barbarian tearing our tent  
What a pity!  
My father.. mother.. child.. all displaced!  
Left hearts and gone  
Established their tents in deserts  
Dispersed and forgot the castle!

—*Qasida* from unpublished *diwan* written by inmates of Tadmur Prison in the 1980s

The past is not dead. In fact, it's not even past.

—William Faulkner, *Requiem for a Nun*

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## PREFACE

“Mothers dream every night of seeing them again and remember them at sunrise: the smell of pillows that still rest on their cold beds, the shirts still arranged in the wardrobe. After three long decades they wait, imagining the legendary reunion. They prepare themselves for that moment. Rushing to every released prisoner, they seek news about their sons. Mothers always return home asking for divine guidance.”<sup>1</sup>

The story of those missing in Syrian prisons is the story of a country that has devoured its own sons. The enforced disappearances of oppositionists and the impunity of the perpetrators is the price paid for the “Kingdom of Silence” established by the authoritarian and abusive Syrian regime.<sup>2</sup> Among the portfolio of human rights violations in Syria, the issue of persons forcibly disappeared in particular has become a national disaster. While the missing number in the thousands, deleterious effects extend to hundreds of thousands of Syrian citizens who were stripped of their political and civil rights. The phenomenon has led to the psychological, social, and economic destruction of many Syrian communities for more than 30 years.

Enforced disappearances in Syria reached their peak in the early 1980s, often referred to in Syria simply as *al-Ahdath* (The Events). Grim questions haunt the thousands of distressed families that still do not know the fate of their missing children, parents, or brothers. Are they lingering in prison, accompanied by all kinds of inhuman psychological and physical treatment? Are they dead? How did they die? Were their bodies tortured to death? Maybe they died of disease. Or maybe they died more than once, as in the case of university student Amin Nassour. He died from torture and then the guards threw his body from the prison’s third-floor window to make it appear like a suicide.<sup>3</sup> Many questions need to be answered.

The families of the missing must be given the opportunity to mourn the deaths of loved ones. However, coping and healing processes cannot begin until families receive their bodies or at least ascertain the fate of those bodies. The absence of information about missing sons, fathers, brothers and husbands prolongs false hopes of their survival. Years of psychological torment have crippled thousands of Syrians.

This report addresses the issue of missing persons in Syria from 1979 to 2009. It attempts to fill a knowledge gap created by years of neglect on the part of the

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1. Excerpt taken from a letter written by a mother to her son, missing for nearly thirty years.

2. Riad al-Turk, “Hal Tabqa Suriyya Mamlaka li-l-Samt?” [Will Syria Remain a Kingdom of Silence?] *Al-Quds Al-‘Arabi*, June 11, 2000. The Syrian dissident and political prisoner Riad al-Turk coined “Kingdom of Silence” in this newspaper article.

3. See Al-Lajna al-Suriyya li-Huquq al-Insan [Syrian Committee for Human Rights], *Taqrir ‘an ‘Awda’ Huquq al-Insan fi Suriyya Khilal ‘Ashreen ‘Am, 1979–1999* [A Report on Human Rights Conditions in Syria, 1979–1999], ([Damascus?]: Syrian Committee for Human Rights, n.d.), 139–145.

international human rights community. This is shocking, especially considering the proliferation of Syrian literature exposing what happened inside Syrian prisons, including torture and extrajudicial killings that took place without any process of review or accountability.<sup>4</sup>

I attempt to tackle the political, legal, and humanitarian dimensions of enforced disappearances in Syria from the perspective of “transitional justice.” Redressing the Syrian regime’s pervasive crimes against humanity—and enforced disappearances are central to this story—should be a national priority in the quest for peaceful democratic change. The book explores ways to expose these crimes to the public and suggests how to transform the issue of the Syrian *desaparecidos* from an ongoing national catastrophe into a catalyst for national reconciliation. Syrians can employ domestic law and international humanitarian norms to reveal the truth about those disappeared and to explore initiatives for transitional justice.

Many Syrian researchers and human rights activists who contributed to this report asked not to be named for security reasons. Chapter four—addressing the social, economic, and psychological impacts of enforced disappearances on victims’ families—is based on interviews conducted with family members of the disappeared. For security reasons, we withhold the names of those interviewed and have changed some facts to disguise their identities. Similarly, we have scrambled the details of many human rights activists and former detainees whom we interviewed.

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4. Examples of literary works that address the subject of political prisoners in Syria include: Maha Rose Hassan’s *Negative*, Heba al-Dabbagh’s *Just Five Minutes: Nine Years in the Prisons of Syria*, translated from the Arabic by Bayan Khatib (ISBN: 0-9781726-0-4), Mustafa Khalifa’s *Al-Qawqa’a: Yawmiyyat Mutalassis* [*The Shell: Diary of a Syrian Voyeur*—translated into Turkish, French, but not yet into English, Khaled Khalifa’s *Madih al-Karahiyyah* [*In Praise of Hatred*], Munther Badr Halloum’s *Saqata al-Azraq min al-Sama’* [*The Blue Fell from the Sky*], and Faraj Biraqdar, *Khiyanat al-Lugha wa-l-Samt* [*Betrayals of Language and Silence*].

## ONE

### Authoritarianism in Syria Since 1979

Since he came to power in 1970, the late Syrian president Hafez Assad managed to centralize power during his 30 years of rule. He centralized the state's legislative, judicial, and executive institutions, eliminating all balance of power and pluralism that existed before. The new presidential system revolved around Hafez's personality and will. He built networks of social, economic and military interests on the basis of personal loyalty to the president. These networks existed on the margin of—or totally outside of—state institutions.

The socio-political origins of the Syrian elite reaches back to the 1950s, which witnessed a population explosion in Syria. Population growth rates rose to 4.4 percent in the 1960s from 3.5 percent in the 1950s. This increase was greatest in Damascus and Aleppo. The population of Latakia doubled between 1960 and 1970.<sup>5</sup> Syrian cities expanded at the expense of their hinterlands, with migrants bringing with them their traditions and life styles. City life acquired rural characteristics. Few migrants integrated into native urban society. This phenomenon weakened urban traditions in Syria's cities, while rural culture did not transform to forms amenable to modern urban society. The new migrants remained in conflict with the urban elite.<sup>6</sup>

Increased rates of education in rural areas caused a new class to migrate to major cities to improve their social status. However, these cities did not develop productive, industrial, or agrarian projects able to absorb the influx from the countryside that would have eased their assimilation into the urban social fabric. As a result, many resorted to employment in various state institutions—particularly the army and security agencies—which do not require educational or scientific qualifications. Meanwhile, socialism spread in rural areas, especially among 'Alawis and Druze, who found in this ideology a means to redistribute wealth and power.<sup>7</sup> The rise of the "Third Republic" accompanied a transformation of the Syrian socio-political order.<sup>8</sup> The ruralization of Syrian cities gradually led to a ruralization of

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5. Ghassan Salama, *Al-Mujtama' wa-l-Dawla fii al-Mashreq al-'Arabi* [Society and State in the Arab Levant] (Beirut: Markaz Dirasat al-Wehda al-'Arabiyya [Center for Arab Unity Studies], first edition, 1987), 229. Currently, the population of Syria is about 22 million.

6. Radwan Ziadeh, *Al-Muthaqqaf Dudd al-Sultah: Hiwarat al-Mujtama' al-Madani fii Suriyya* [The Intellectual Against the Regime: Discourses of Civil Society in Syria] (Cairo: Cairo Institute for Human Rights Studies, 2005), 55–60.

7. For a more detailed discussion of ideology in Syrian politics, see Hanna Batatu, *Syria's Peasantry, The Descendants of Its Lesser Rural Notables, and Their Politics* (Princeton, NJ: Princeton University Press, 1999).

8. I use the "First Republic" to refer to the period from independence in 1946 to 1958, when Syria and Egypt formed the United Arab Republic. Although this "First Republic" experienced several military coups, none led to fundamental changes in the political regime, which remained liberal and republican.

political power, contributing to the destruction of the legal traditions established by the post-independence urban elite. This accompanied fatal mistakes made by the urban elite in managing the state and its institutions. Although post-independence politicians believed in constitutionalism, they sometimes circumvented the legal framework in governing. Vast demographic change during the 1950s and 1960s and the militarization of politics created an environment conducive to the emergence of a new political elite.

When the Arab Socialist Ba‘th Party seized power in Syria in 1963, the rise of the “military committee” within the party apparatus was clear. This committee had a decisive role in defining who seized and controlled political power in the one-party “Third Republic.” After Syria’s independence in 1946, the military establishment had increased power steadily, obstructing the development of civilian institutions and sometimes paralyzing them. Successive military coups rocked Syrian politics between 1949 and 1970. Hafez al-Asad—Commander-in-Chief of the Air Force by 1965—relied mainly on his military comrades after overthrowing the government of Amin al-Hafez in 1966. Career advancement within the civil state that Asad built was determined by two hidden factors: one’s loyalty to Hafez, and one’s military background.

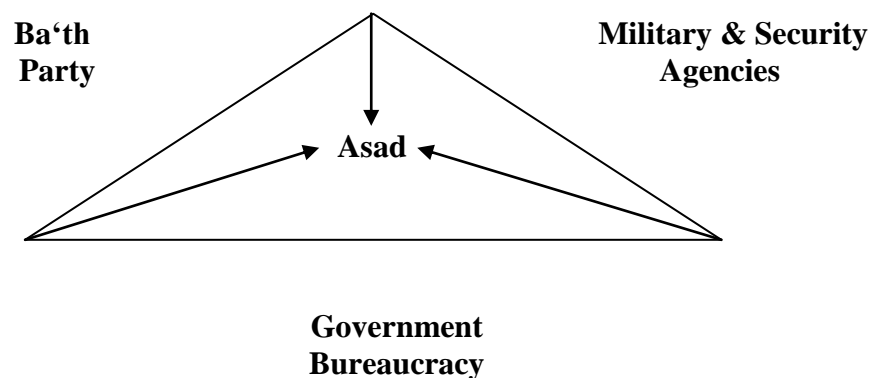
Asad reorganized institutions designed to consolidate his power over civilian structures that served as fronts for his regime. To this end, he revamped popular organizations such as the syndicates for workers and farmers, trade unions, and the Ba‘th Party itself to guarantee their full loyalty to his person. Arab financial assistance to Syria following the 1973 October War and oil revenues allowed Asad to expand the government bureaucracy, military, and security agencies. This increased citizen participation in state affairs—especially among his constituency: the rural, less-educated masses. These changes all refer to the shallow, militaristic philosophy behind the “Corrective Revolution” of 1970, when Hafez al-Asad gained full control.

The approach that Hafez adopted to build state institutions, and the means by which he could control them, were reflected in the permanent constitution that he

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The officers involved in these coups sought to legitimize their governments through constitutional and parliamentary measures. Hosni al-Za‘im’s first coup in March 1949 and Adib al-Shishakli’s coup of late of 1949 are such cases. The “Second Republic” begins with the Egyptian–Syrian Union in 1958 and ends with the Ba‘th Party takeover on March 8, 1963. Constitutional institutions in the “Second Republic” were structured in ways similar to those in other revolutionary states of the time. The prioritizing of socialism over pluralist republicanism was justified by the concept of “revolutionary democracy.” Gamal ‘Abd al-Nasser’s Egypt insisted that the union between the two countries should be integrative. Syria voluntarily scrapped all political parties, dissolved its democratically-elected parliament, and shelved its relatively free press. Though this unhappy union lasted only from 1958 to 1961, its impact on the consciousness of Syria’s political elites was profound. The constitutional institutions that operated in Syria before 1958 were never restored. The “Third Republic,” since 1963, has consolidated one-party, authoritarian rule by innovative means of management and control. See Radwan Ziadeh, *San’ al-Qarar wa-l-Siyasa al-Kharijiyya fii Suriyya* [*Decision Making and Syrian Foreign Policy*] (Cairo: al-Ahram Center for Strategic Studies, 2007).

drafted—and was approved—in 1973.<sup>9</sup> This same constitution is in effect today. Article 8 gives wide powers to the president, who is charged with leading the state *and* society in his capacity as the general-secretary of the Ba‘th Party. Article 103 stipulates the president’s role as commander-in-chief of the armed forces. He is also the president of the central command of the Progressive National Front, a coalition of political parties ideologically in step with the Ba‘th Party that have been co-opted to provide political legitimacy to Asad’s one-man, one-party rule. Presidential powers extend from the executive branch to the legislative arena, including the power to dissolve the People’s Assembly (Article 107), to issue legislative decrees while the Assembly is out of session (Article 111), and to veto bills (Article 108 of the People’s Assembly Statute). He is entitled to appoint one or more vice presidents, to define their powers, and to dismiss them. Article 95 grants him the right to appoint prime ministers, deputies, and ministers, as well as to depose them all at will. Finally, he has the power to declare war (Article 100), to announce a state of emergency (Article 101), and to extend martial law at will.<sup>10</sup> The powers vested in the president by the 1973 Syrian constitution reflect the extent of his “constitutional” domination over non-executive branch institutions. The regime formed a three-sided pyramid whose sides symbolize the government bureaucracy, the military and security agencies, and the Ba‘th Party. Together, they supported an authoritarian structure that centralized power in the hands of Hafez al-Asad.



These three sets of institutions extend in parallel from the president down to the city, village, and neighborhood. For example, the governors of Syria’s fourteen provinces represent the president, implementing his direct orders. The chief executive

<sup>9</sup> See The 1973 Constitution of the Syrian Arab Republic, (Damascus: Mu‘assasat al-Nuri, 2002); also see ‘Abd al-Aziz Shehada Mansour, *Al-Mas’ala al-Ma‘iyya fii al-Siyasa al-Suriyya Tujah Turkiyya* [*The Issue of Water in Syrian Policy Towards Turkey*] (Beirut: Center for Arab Unity Studies, 2000).

<sup>10</sup> The 1973 Constitution of the Arab Syrian Republic. For more, see Kamal Al-Ghali, *Mabade’ al-Qanun al-Dustouri wa-l-Nazm al-Siyasiyya* [*Basics of Constitutional Law and Political Regimes*], (Damascus: Dar al-‘Urouba, 1987).

of administration, they oversee all work in the province, down to the village level, affiliated with the central ministries and other public sector entities. The governor is also the chief of the provincial council (*al-Majlis al-Baladi*). In states of emergency (Syria has been under emergency law since 1963) the governor is the commander of the police and army troops stationed in his province.

In concert with the governor, the secretary of Ba‘th Party’s provincial branch also represents the central government. As such, secretaries of party branches in the fourteen provinces are vetted thoroughly by the president. Provincial secretaries receive their orders directly from the president, also Secretary-General of the Ba‘th Party. The provincial branches of the Ba‘th Party scrutinize the works of provincial government administrations in the areas of education, health, culture, arts, and sports to ensure proper implementation of both Ba‘thist principles and Asad’s will. Monitoring is done through Ba‘th members and party units interspersed throughout all government institutions. These agents report to the party’s provincial secretaries. When the governor is away, the provincial party secretary becomes assumes the governor’s responsibilities.

Ba‘th Party and government administration activities are subject to daily scrutiny by the four security agencies operating in Syria. These agencies include: General Intelligence, affiliated with the Ministry of the Interior; Political Security, a division of the Ministry of the Interior; and Military and Air Force Intelligence, both nominally under the Ministry of Defense. The Bureau of National Security of the Ba‘th Party Country Leadership oversees all of these agencies. Except for Air Force Intelligence, which has special tasks, all other security agencies conduct domestic surveillance at the local level.<sup>11</sup> Headquartered in Damascus, they have branches in all provinces.

Notwithstanding the atmosphere of competition between these different security agencies, the power of particular security agencies has expanded at the expense of their own head offices. Many heads of security branches boasted strong relationships with the president, which caused their influence to outstrip that of the parent ministry. As a result, these branches had a decisive say in political, economic, and administrative decisions while being accountable only to the president. This situation led to a dangerous legal impunity that will be discussed later.

Alan George noted that there are 65,000 full-time employees in Syrian security agencies, alongside several hundreds of thousand part-timers. According to these numbers, there is one full-time intelligence agent for every 257 Syrian citizens. Considering 59.5 percent of Syrians are above fifteen years of age, this means that there is one intelligent agent for every 153 citizens, the highest percentage in the

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<sup>11</sup> For more details, see James A. Paul, *Syria Unmasked: The Suppression of Human Rights by the Asad Regime*, edited by Middle East Watch (New Haven: Yale University Press, 1991).

world.<sup>12</sup> Similarly, statistics indicate the extent of bureaucratic expansion in different state bureaucracies during the “Third Republic.” The number of public sector employees exceeded 685,000 in 1991 compared to 70,000 in 1965.<sup>13</sup> In 2004, the number of employees has risen over 700,000, while the number of employees in the military and other security agencies exceeded 700,000 in 2004, compared to 530,000 in 1991 and 65,000 in 1965.<sup>14</sup>

The Ba‘th Party’s membership also increased due to the policy of Ba‘thification initiated by Asad. He replaced the election of lower-level party leaders with a policy of appointment. After his “Corrective” military coup, Asad encouraged a policy of open subscription into the Ba‘th Party, hoping to transform it into an instrument of security and discipline similar to that of the Soviet Communist Party. Several weeks after the coup, he declared, “After this day, the Ba‘th will not be the party of the elect, as some have envisaged.”<sup>15</sup> At the time of the 1963 military coup, the number of party members did not exceed 400. Party membership rose to 65,398 in 1971. As a result of Asad’s policy of mass party subscription, membership increased to 374,332 in 1981 and reached 1,008,243 by mid-1992.<sup>16</sup>

Ba‘thification awarded members simple benefits and privileges by mobilizing them as instruments of the authoritarian apparatus. They also became mechanisms for

“recruiting, mobilizing and raising loyalty to the president, who—with the assistance of other security agencies—is watching all government officials, who continuously need the party’s approval for all their activities, whatever civilian they are. By help from party members and informers, Asad’s eyes, ears and his wireless transmitter bugs reached to every neighborhood in big cities and towns. They even reached to far rural areas, where secret police and intelligence have not hopes to reach and efficiently watching.”<sup>17</sup>

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<sup>12</sup> Alan George, *Syria: Neither Bread Nor Freedom* (London, New York: Zed Books, 2003), 2–3.

<sup>13</sup> Volker Perthes, *The Political Economy of Syria under Asad*, (London: I.B. Taurus, 1995), 141–145.

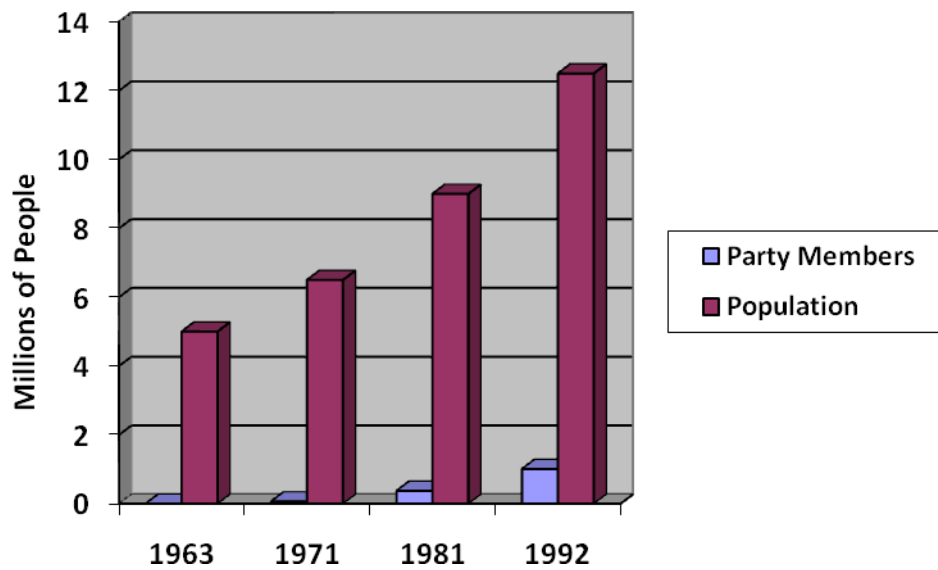
<sup>14</sup> Estimates and calculations are based on personal observation, because absolutely there are neither official nor non-official figures in that regard.

<sup>15</sup> See George, *Syria: Neither Bread Nor Freedom*, 71.

<sup>16</sup> George, *Syria: Neither Bread Nor Freedom*, 10. Records from the Ministry of the Interior indicate that the population of Syria reached nearly 20 million in early 2004. The same records show that in 2000, the population was 16,320,000, up from 15,066,000 in 1997. Census records show that the population of Syria in 1994 was 13,782,000, compared to 9,046,000 in the census of 1981 and 6,305,000 in the census of 1970 and 4,565,000 in the census of 1960.

<sup>17</sup> George, *Syria: Neither Bread Nor Freedom*, 87.

### Ba‘th Party Membership vs. Population



Such a bureaucratically-inflated, pyramid-like structure allowed Asad an Orwellian ability to oversee the state, the regime, and the Syrian people. Accordingly, political opposition and civil society organizations are severely limited—if not non-existent—due to difficulties avoiding the surveillance of different state agencies. In fact, Asad’s regime succeeded in penetrating many such associations to co-opt them into subordinate or collaborating institutions. Asad employed government administrations, the Ba‘th Party, and security agencies for control and surveillance. Over time, the first two networks—in spite of their importance to the Syrian state—gradually declined in influence whereas the security agencies became the decisive players in high-level political and security decisions.

As said previously, Asad restructured the political system in place since the Ba‘th Party seized power in 1963. In 1971, he established the People’s Assembly which served as parliament. In 1972, he legislated into existence a modicum of controlled political pluralism by founding the National Progressive Front (NPF). The charter adopted by the NPF mandates the Ba‘th Party as permanent leader. The 1973 constitution amended the interim constitution of 1969—which had tied legislative power to the ministries—to transform Syria into presidential system. Through these measures, Asad sought to broaden the base of his political and popular support and legitimize his regime.<sup>18</sup>

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<sup>18</sup> Perthes, *Political Economy of Syria*, 135–140.

## TWO

### Years of Fear:

#### Civil Strife

Asad realized the importance of pleasing Syria's religious establishment, due to their ability to question his legitimacy to rule a primarily Sunni Muslim country as an 'Alawi.<sup>19</sup> Therefore, he sought to contain the most volatile elements of the Islamist movement, particularly the Muslim Brotherhood, while he co-opted more moderate Sunni religious figures. Asad was convinced that this strategy would both deflect the danger inherent in the Muslim Brotherhood's popularity among the Sunni populace, and simultaneously gain the confidence of this critical demographic group. To this end, he appointed a number of prominent Islamic figures to the People's Assembly in 1971, including Grand Mufti Sheikh Ahmad Kuftaro and the Mufti of Aleppo, Sheikh Mohammed al-Hakim.<sup>20</sup>

Despite his secular, Arab nationalist rhetoric, he drew closer to the *ulama*, presenting large personal donations to Islamic law *madrasas* in Hama province and to Islamic charities in Homs province in 1973. In 1974, he raised the salaries of staff in the Ministry of Religious Affairs, including 1,138 imams, 252 teachers, 610 preachers and 280 Qur'anic reciters. He raised their compensation again in 1976 and in 1980. In 1976, Asad allocated 5.4 million Syrian pounds to build new mosques. He continued to share an Iftar meal during Ramadan with senior *ulama* every year until his death in 2000.<sup>21</sup> At first, Asad was first reluctant to assume the presidency, due to his 'Alawi affiliation in a majority Sunni country. Therefore, he took in 1970 the post of prime minister and placed as president an unknown, Sunni *madrasa* teacher named Ahmed al-Khatib. A popular referendum on March 12, 1971, installed him as president for seven years.<sup>22</sup>

The regime's first clash with the Islamists erupted when the new constitution of Syria was published on January 31, 1973. The requirement from the 1950 constitutions that the president be a Muslim had been deleted from the draft of the new constitution. Discontent led to protests in Hama and Homs; Sheikh Hassan Habnakeh led a campaign in the al-Midan neighborhood of Damascus. Asad retreated, and asked the appointed People's Assembly to add an article stipulating that "The

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<sup>19</sup> Asad belongs to the 'Alawi minority sect that never exceeded 12% of Syria's population, although there are no official statistics about sectarian demographics in Syria.

<sup>20</sup> Batatu, *Syria's Peasantry*, 260–261.

<sup>21</sup> Batutu, *Syria's Peasantry*, 261.

<sup>22</sup> Patrick Seale, *Assad of Syria: The Struggle for the Middle East* (London: I.B. Taurus, 1988), 261.

religion of the president shall be Islam.”<sup>23</sup> The question then raised was, “Is an ‘Alawi a Muslim?” Eighty leading ‘Alawi religious figures issued an official statement declaring that the Qur’an is the ‘Alawi holy book and they are Twelver Shi‘ite Muslims.<sup>24</sup> Imam Musa al-Sadr, head of the Supreme Islamic Shi‘ite Council in Lebanon, issued a *fatwa* proclaiming “‘Alawis are a sect of Shi‘ism.”<sup>25</sup> Despite escalating protests demanding Islam be declared the state religion, Asad noted that all previous Syrian constitutions did not include such an article. A popular referendum endorsed his position on March 12, 1973.

Asad realized that the Muslim Brotherhood’s influence varied from province to province, and that their popularity in Damascus was relatively weak. Therefore, Asad tried to co-opt the moderate Damascene *ulama* and establish a network of shared economic interests between them and Damascene merchants—major donors to the religious charities and supervisors of the *ulama*’s projects. The Damascene merchants and owners of capital supported Asad because his economic policies were more liberal than those of the previous Ba‘th Party era. Asad was able to neutralize the sector of the Sunni religious elite satisfied with maintaining their personal security, furthering their economic interests, and safeguarding the ability to perform their religious duties.

Simultaneously, Asad worked to capitalize on the deep divisions that surfaced in the ranks of the Muslim Brotherhood and that divided them into three groups. In 1975, Marwan Hadid formed the “Vanguard Fighters of the Party of God” (*al-Tali‘a al-Muqatila li-Hezb Allah*) which attracted the youth in Hama in particular. Hadid’s “Vanguard” espoused a radical line which justified the use of violence based on a religious *fatwa* that called for *Takfir al-Nizam*, or “Charging the Existing Political Regime of Unbelief [in the tenets of monotheism].” Esam ‘Attar founded what became known as the “Damascus Group.” This group positions were characterized by their prudence. Sheikh ‘Abd al-Fattah Abu Ghoda secured for his “third wing” in Aleppo the recognition of the Muslim Brotherhood’s International Shura Council in 1972.<sup>26</sup>

Before graduating from Egypt’s Ayn Shams University in agricultural engineering in 1962, he became influenced by the writings of Sayyid Qutb.<sup>27</sup> Qutb

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<sup>23</sup> For more details about the role of the city of Hama in the rise of the Syrian religious trend and religious currents in the city, see Itzhak Weismann, “The Politics of Popular Religion: Sufis, Salafis, and Muslim Brothers in 20<sup>th</sup> Century Hamah,” *Middle East Studies*, No. 37, (2005), pp. 39–58.

<sup>24</sup> Seale, *Assad of Syria*, 279.

<sup>25</sup> Seale, *Assad of Syria*, 279–280.

<sup>26</sup> Batutu, *Syria’s Peasantry*, 262–265.

<sup>27</sup> For about writings of Sayyid Qutb and his influence, see Radwan Ziadeh, *Su‘al al-Tajdid fii al-Khitab al-Islami al-Mu‘aser [The Question of Renewal in Contemporary Islamic Discourse]* (Beirut: Dar al-Madar al-Islami, 2004), 93–114. Also see Mohamed Tawfiq Barakat, *Sayyid Qutb: A Summary of His Life and his method in movement*, (Beirut: Dar al-Tawhid, n.d.); and ‘Adel Hamouda, *Sayyid Qutb: From Village to Gallows: A Documentary Investigation* (Cairo: Dar al-Sina’ li-l-Nashr, 1987).

took the radical step of describing the irreverence of modern Muslim societies by using the word *Jahiliyya*, previously only used to describe pre-Islamic pagan Arabia. He popularized the term *takfir*, accusing contemporary secular Arab regimes of failure to implement of the Islamic principle of *Hukm Allah*—"rule of God." From this truism, Qutb derived his famous term, *Hakimiya* ("Sovereignty of God"), which has been used by radical Islamist movements as a justification for violently opposing existing political regimes.<sup>28</sup>

Hadid's Fighting Vanguard movement flourished among the youth of middle Syria due to the political and social phenomena that swept Syria in the late 1970s. A severe economic crisis accompanied Syria's transition to authoritarianism and lack of civic and political freedoms. The financial aid given by Arab countries to Syria after the 1973 October War declined dramatically. By 1979, workers in the rapidly expanding public sector bore real income losses in spite of wage increases in 1975 and 1978. This contributed to the general popular discontent with the regime and led to political and social instability between 1975 and 1980.<sup>29</sup>

Popular protests started to erupt two years before in 1980, forcing Asad to change the government of 'Abd al-Rahman Khalifawi, on August or March 7, 1982. In December 1972, Khalifawi returned to the office that has been filled by Mahmoud al-Ayoubi in the second government under Asad's regime. Yet no political shuffling reversed deteriorating economic conditions. Signs of corruption, bribery, and plunder began to manifest. The nouveau riche, or *Hadeethu al-Ni'ma*, as they were called, began to multiply in such a way that upset the traditional social balance and Asad's economic vision of "balanced growth." In 1963, Syria had fifty-five millionaires (Syrian liras). By 1973, the number of millionaires increased to 1,000, and then to 2,500 in 1976. Ten percent of these millionaires had more than 100 million Syrian liras. At that time, the exchange rate was five Syrian liras to one U.S. dollar.

Many of the nouveau riche became wealthy from corruption made possible by government projects and other illegal means such as money laundry. An illicit alliance driven by greed emerged between senior regime officials, military figures, and businessmen.<sup>30</sup> This prompted Asad to create courts for economic security through a

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<sup>28</sup> For more about the concept of *Hakimiyya*, see Hisham Ahmad Awadh Ja'far, *Political Dimensions of the Concept of "Hakemiya: Epistemological Vision* (Herenden, Virginia: International Institute for Islamic Thought, 1995). The concept of *Hakimiyya* was spread by Abu al-'Ala Mawdudi, the founder of al-Jemaa e-Islami in India, then in Pakistan after secession from India, who invented this concept based on his own experience in Pakistan. Sayyid Qutb translated this book into Arabic. The term *Hakimiyya* is derived from several verses in the Qur'an. "No one has to rule, but God" and "It is not judge by what Allah hath revealed, they are the disbelievers," or "they are debauched" as said in another verse.

<sup>29</sup> Perthes, *Political Economy of Syria*, 28.

<sup>30</sup> Seale, *Assad of Syria*, 517. For more information, see Perthes, *Political Economy of Syria*, 109–114. Perthes gives details about the new elite, comprised of a few hundred people, who made big deals

legislative decree issued on July 8, 1977, and to establish the “Commission of Inquiry into Graft” on August 17. Its wide mandate included the investigation of financial embezzlement, misuse of office, bribery, and graft. Public prosecutors, judges, and magistrates were given powers to issue arrest warrants, to arrest the accused, and to freeze the funds of the accused. Senior officials, civil servants, and military personnel supposedly were subject to investigation.<sup>31</sup>

However, the commission retreated and froze its tasks when they found themselves clashing with figures close to the regime—especially Rifaat al-Asad. At the time, Hafez al-Asad felt the need to placate the security services—led by many involved in such criminal activity—in his campaign to confront the “terrorist attacks.” Such attacks against regime-affiliated institutions and personalities allegedly were carried out by Marwan Hadid’s Fighting Vanguard. The violence escalated into bloody “sectarian” attacks after the massacre of ‘Alawi students at the artillery school in Aleppo on June 16, 1979, led by Captain Ibrahim al-Yusuf.<sup>32</sup> The authorities’ response was harsh and violent, especially after the discovery of an assassination plot targeting Hafez al-Asad in June 1980. Defense Brigades units led by Rifaat al-Asad entered Tadmur Prison on June 27 and shot Muslim Brotherhood–affiliated detainees in their cells, massacring more than one thousand inmates.<sup>33</sup>

Marwan Hadid and Sa‘id Hawwa—considered the most prolific ideologue of the hard-line wing of the Muslim Brotherhood—are the godfathers of the Fighting Vanguard of the Party of God.<sup>34</sup> Both led the 1964 rebellion in Hama. Hadid’s survival of torture in prison radicalized him even more, convincing him to implement his hard-line political plan upon his release from prison. Specialists still argue over the extent of cooperation between the Vanguard and the parent Muslim Brotherhood organization and debate to what extent the larger group approved Vanguard policies. However, it is certain that most Vanguard members had previously been members of the Muslim Brotherhood.

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through their relations and through benefitting mainly from their partnerships with prominent figures in the military and political establishment.

<sup>31</sup> Mohamed Jamal Baroot, “The Arab Socialist Ba‘th Party in Syria: From the ‘Corrective Movement’ to dissolving Generals positions,” *Al-Hayat*, June 16, 2000.

<sup>32</sup> Perthes, *Political Economy of Syria*, 147–153; also see Akram al-Hourani, *Memoirs*, (Cairo: Madbuli Bookshop, 2000), Vol. 4, p. 3,544. For more details about the role of Rifaat al-Asad and his Defense Brigades in cases of smuggling and corruption, see: Middle East Watch Committee (ed), *Syria Unmasked, The Suppression of Human Rights by the Regime* (New Haven: Yale University Press, 1991); and Alasdair Drysdale, “The Succession Question in Syria,” *Middle East Journal*, Vol. 39, No. 2, (Spring 1985): 93–111; and Tomas Kozynovsky, “Rifaat al-Asad,” *Orient*, Vol. 4, (1984): 465–470.

<sup>33</sup> Seale, *Struggle for the Middle East*, 532–533; also see Syrian Human Rights Committee (SHRC), London, on June 26, 2001. Available at: [www.shrc.org](http://www.shrc.org)

<sup>34</sup> For more details about Said Hawwa, see Itzhak Weismann, “Sa‘id Hawwa and Islamic Revivalism in Ba‘thist Syria,” *Studia Islamica*, No. 85, (1997): 131–154; and Itzhak Weismann, “Sa‘id Hawwa: The Making of a Radical Muslim Thinker in Modern Syria,” *Middle Eastern Studies*, Vol. 29, No. 4, (October 1993): 601–623.

Hadid encouraged Syrians to take up arms against the regime during the adoption of the 1973 constitution. He openly disapproved of some members of the Muslim Brotherhood in Hama who stood for parliamentary elections in 1973. The group's leadership criticized him publicly and distanced itself from his actions, juridical interpretations, and political views. Syrian security forces arrested Hadid on June 30, 1975. He was subject to severe torture in prison and died in a prison hospital in 1976. His death gave Vanguard members further justification to escalate armed insurrection against the regime. The confrontation between 'Abd al-Sattar al-Za'im—who assumed leadership of the Fighting Vanguard—and Syrian security forces began with the assassination of Major Mohammad Ghora, Chief of General Intelligence, in Hama in early 1976. The violence reached its peak with the artillery school massacre of 1979.

Preceding these clashes, lawyers, doctors, and engineers syndicates conducted a strike demanding the respect of fundamental freedoms and the adherence to democracy, rule of law, and the respect for human rights.<sup>35</sup> Asad dissolved all of these unions and sent many members to jail. Protests escalated within Syrian political parties after Asad's announcement on October 4, 1979, when he refused to expand the powers of the Progressive National Front. A flurry of activity among the country and regional leaderships of the Ba'ath Party ensued to explain the party position to unions, party members, and the masses. In January 1980, Riyad al-Turk's Syrian Communist Party–Politbureau and Jamal al-Atassi's Democratic Arab Socialist Union led the formation of the National Democratic Rally. The alliance included three other left-wing, Arab nationalist, opposition parties: the Workers' Revolutionary Party, led by Hamdi 'Abd al-Majid; the Movement of Arab Socialists, led by 'Abd al-Ghani 'Ayyash; and the Arab Socialist Democratic Ba'ath Party, led by Ibrahim Makhos. The National Democratic Rally announced its adoption of a “third option:” the democratic path, neither joining the regime nor the armed opposition.

Riad al-Turk and other members of the Syrian Communist Party–Politbureau were immediately arrested. Members of the League of Communist Action, which did not join to the National Democratic Gathering, were also pursued and arrested. The regime inaugurated a campaign of mass arrests of Muslim Brotherhood members. On July 7, 1980, the infamous Law 49 was issued mandating capital punishment for those refusing to withdraw their membership in the Muslim Brotherhood by writing within one month. The law, however, excluded those already detained from benefiting from

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<sup>35</sup> See: Middle East Watch, *Syria Unmasked*, 163–185; Mohamed Jamal Baroot, Origins and windings of Muslim Brotherhood in Syria, in *Encyclopedia of Islamic parties, movements and groups*, edited by Faisal Darraj and Mohamed Jamal Baroot (Damascus: Arab Center for Strategic Studies, 2000, 2nd edition), Volume 1, p. 285 and followings (In Arabic). Also see Hashem 'Uthman, *Political Parties in Syria: Clandestine and Declared* (Beirut: Dar Riadh al Rayyis, 2001).

the one-month policy.<sup>36</sup> The regime adopted a “long arm” policy of assassinating dissidents living abroad. Esam al-Attar’s wife, Bayan Tantawi, was killed in a failed assassination attempt. Salah al-Din al-Bitar, a founder of the Ba’th Party, was killed in Paris for publishing the magazine *Al-Ihya’ Al-‘Arabi* (“Arab Revival”).<sup>37</sup> Many Lebanese journalists, including Salim Lozi and Riad Taha, were liquidated in Beirut.

The Seventh Country Conference of the Ba’th Party, held between December 22, 1979, and January 6, 1980, admitted a political, social and economic crisis. The conference concluded by stating the necessity of “intensifying the political and security campaign to eradicate the gang of the Muslim Brotherhood and its foundations in the state and society.”<sup>38</sup> The conference also recognized the negative practices within the Ba’th Party, the state, and Syrian society that led to economic bottlenecks, wealth re-distribution failures, and the emergence of a new class with great wealth and greed.<sup>39</sup> Asad appointed a new government led by a professor and urban planner, ‘Abd al-Ru’uf al-Kasm, to signal structural reform following growing popular protests. However, all such amendments and changes failed to stem the rising tide of violence. The formation of al-Kasm’s government was followed by a referendum that endorsed President Asad for a second term by a margin of 99.61 percent on February 8, 1978.

In early 1981, the Syrian regime detected a cell within the Syrian army called the Islamic Officers Bloc that had been planning a coup d’état. A group of participating officers—led by Brigadier-General Ibrahim Lutfi, head of operations—were arrested. The Syrian regime used this incident as further justification to pursue its campaign against Muslim Brotherhood “havens,” especially after the operations carried out by the Fighting Vanguard, including the bombing of the Presidency of the Council of Ministers building and the Air Force headquarter in Damascus. The response by Syrian security services—notably the Defense Brigades led by Rifaat al-Asad and military intelligence—was decisive and violent. The regime launched targeted operations to “terrorize” citizens in order to deter them from participating in any groups affiliated with, or sympathetic to, the Muslim Brotherhood.

The brutality of the security services reached its pinnacle with the infamous bombing of Hama in February 1982. Asad employed the Napoleonic precedent, when

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<sup>36</sup> Law No. 49 was issued on July 7, 1980, and published in the official journal (number 17 bis.), April 1982. To look at the discussions in the Syrian People Assembly on this law, see: Oppressive laws in Syria (1): Law 49 (London: Syrian Committee for Human Rights, no date).

<sup>37</sup> Akram al-Hourani, *Memoirs*, Vol. 4, 3,506–3,514; and Seale, *Struggle for the Middle East*, 533–534.

<sup>38</sup> Statements and decisions of the Seventh Country Conference. (Damascus: Country Leadership of Ba’ath Arab Socialist Party, 1980), Political report 1980, p. 25.

<sup>39</sup> See Baroot, *Arab Socialist Ba’th Party in Syria*, 450. For more details about the organizational expansion of Ba’ath party and overlapping between military and political elites within it, see Batatu, *Syria’s Peasantry*.

in 1800 Bonaparte sent one of his generals to quell an uprising in Egypt, advising to “burn down two or three large towns, chosen among those whose conduct is worst.”<sup>40</sup> Experience taught Napoleon that “A spectacularly severe act is, in the conditions you are facing, the most humane method. Only weakness is inhuman.”<sup>41</sup> Therefore, Asad decided in February 1982 to besiege and bomb the city of Hama, destroying whole residential neighborhoods with their civilians.<sup>42</sup> The number killed ranges between 5,000 and 15,000. Months were needed to remove the rubble of a city demolished beyond recognition.<sup>43</sup>

The massacre of Hama coincided with a campaign of indiscriminate arrests across Syrian cities that targeted thousands of activists, dissidents, their supporters, and even those “suspected” of supporting oppositionists. Prisons were filled, and most were sentenced to over ten years. Over a quarter century later, Syrian society has not overcome this national disaster, which one Syrian writer brilliantly described as “the triumph of a regime over its society in its war against it.”<sup>44</sup> The ferocity pursued by the regime in dealing with Islamists in particular, and the society in general, has left ascertainable scars on Syria’s citizenry, whose sons and daughters have become shell-shocked in their fortress of a country, out of touch with the outside world for many years. Whispered stories and leaked news about physical and psychological torture that thousands of Syrians endured has had a permanent disciplinary effect on society that continues today.<sup>45</sup> The crisis of missing and political prisoners continues. Hafez al-Asad avoided addressing the issue through the media or resolving it politically or legally. Instead, he continued arrests and executions until the mid-1990s. He only attempted to resolve the issue of the forcibly disappeared through secret envoys who engaged in negotiations with the Muslim Brotherhood leadership in exile.

Negotiations began in 1984, when the Shura Council of the Muslim Brotherhood made the strategic decision to negotiate with the Syrian regime. The first conversations were held in the autumn of 1984. Head of military intelligence Major-General ‘Ali Duba, Brigadier-General Hassan Khalil, and Colonel Hisham Bakhtiar met with MB (*al-Muraqib al-‘Am*) General Guide Munir al-Ghadban in Germany. The Brotherhood demanded the lifting of emergency law, the release of all political

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<sup>40</sup> Batatu, *Syria’s Peasantry*, 274.

<sup>41</sup> Batatu, *Syria’s Peasantry*, 274.

<sup>42</sup> See Nikolas Van Dam, *The Struggle for Power in Syria: Sectarianism, Regionalism and Tribalism in Politics: 1961–1978* (London: 1979); Fred H. Lawson, “Social Bases for the Hama Revolt,” *Middle East Research and Information Project Reports* (November–December 1982), 24–28; and Robert Fisk, *Times*, February 19, 1982.

<sup>43</sup> See Seale, *Struggle for the Middle East*, 537–540.

<sup>44</sup> This phrase is ascribed to the writer ‘Abd al-Razzaq Eid, an essayist in the Lebanese daily *al-Nahar*.

<sup>45</sup> Hossam Jezmany, “Youth and Islam in Syria,” *Al-Adab Magazine*, vol. 53, no. 11/12, November–December 2005, p. 111.

detainees, and the revision of the constitution. General Doba dubbed these demands “Guru Terms” and the meetings ended promptly without any result.<sup>46</sup>

These botched negotiations deepened the rift within the Muslim Brotherhood among the conflicted factions. The urgency of the humanitarian crisis afflicted the grassroots of the party in Syria, as many friends and family members were jailed. This is reflected in the Shura Council decision to pursue a second round of negotiations. The same group met in Germany in 1987. It took three days with a genuine desire by the Muslim Brotherhood to get out of the crisis.

The Brotherhood presented a memorandum of six demands: the freedom of Islamic action, or *al-‘Amal al-Islami*; the release of all political prisoners; amnesty for all wanted men from all groups; compensation for those victimized by regime brutality; the abolition of Law 49 of 1980; and a national reconciliation based on respect for the values and practices of Islam, public freedoms, and equality between citizens. The security delegation responded with a counter-memorandum, asking the Brotherhood to announce that the decision to resort to armed uprising was wrong, to agree to national reconciliation based on respect for the laws in force and the limits on freedoms as enumerated in the constitution. The security delegation also asked the Brotherhood to issue a statement outlining the position of different elements of the Muslim Brotherhood and others who conspire against the homeland and its citizens from abroad.

After efforts to reconcile the two memoranda, the Muslim Brotherhood agreed to renounce violence, to announce the circumstances which led them to take arms, and to denounce all attacks against the homeland and citizens from any group from abroad after the reconciliation. They also agreed to abide by a mutually acceptable formula for Islamic action. In return, the final Syrian government memorandum offered to release prisoners, grant amnesty for all those wanted except those who had engaged in violence, compensate the victims, ease the difficulties of the return of fugitives including the reinstatement of government employees, re-enrollment of university students, amnesty for the retarded and army deserters, and the restitution of property and confiscated private funds, and to redress damaging social consequences arising from this stage of Syrian history.<sup>47</sup>

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<sup>46</sup> According to Bayanouni interview with Special Visit Show of al-Jazeera TV, December 3, 2005, see: [www.aljazeera.net](http://www.aljazeera.net). Gourault is the French general who entered Damascus as an occupier in 1920, after sending conditions that would be impossible to respond, and he asked Prince Faisal, who was ruling Syria at the time to accept them in a very short time otherwise he would invade the city. He did so after the famous battle of Maysaloun in July 1920.

<sup>47</sup> According to Bayanouni interview with Special Visit Show of al-Jazeera TV, December 3, 2005, see: [www.aljazeera.net](http://www.aljazeera.net).

Only one point of contention remained: Which side would take the first step after the final exchange of memoranda? Bayanouni claimed that on the following day he suddenly found different wording: “You are only asked to renounce violence and you may return... Do not make conditions or demand anything of the President. His heart is large and extends to every Syrian. Because he considers all Syrians his sons, he will automatically release all detainees and forgive all those wanted. But he will not accept any conditions or demands.”<sup>48</sup> The Muslim Brotherhood responded with direct refusal. They felt they had been betrayed again, prompting them to issue a statement against negotiations.

Saddam Hussein's invasion of Kuwait in August 1990 caused a rift within the Muslim Brotherhood. The faction strategically allied with Saddam's Iraqi regime quarreled with the faction aligned with Saudi Arabia, which claimed the loyalty of many religious leaders of the Muslim Brotherhoods. Division increased after the resignation of General Guide (*al-Murshid al-'Am*) Abu Ghoda, and the election of 'Ali Sadr Eddin Bayanouni, still active as General Guide of the Muslim Brotherhood today.<sup>49</sup> However, all negotiations between Bayanouni and leaders of Syrian security services failed to resolve the issue of the Muslim Brotherhood as a political party and the amnesty of its leaders.

Contacts did not resume until 1995, when Hafez al-Asad invited Sheikh 'Abd al-Fattah Abu Ghoda back to Syria to discuss the problem of prisoners and the exiled. Abu Ghoda consulted with the Shura Council, which agreed unanimously on the negotiations. However, Asad kept Abu Ghoda waiting for a meeting. This affront closed the book of negotiations for good. Instead, the regime granted individual amnesties and bargained for the return of MB leaders not as such, but simply as individuals. This happened with Sheikh Abu Ghoda, who announced his disagreement with the Brotherhood in late 1995 and returned to Syrian on his own accord. The hard line position taken by the authority against the return of the Brotherhood since the late 1980s is reflected through the continued enforcement of the Law No. 49. Although the implementation of the death penalty has been frozen for years, prison sentences over ten years for members of the Syrian Muslim Brotherhood are common.<sup>50</sup>

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<sup>48</sup> Ibid.

<sup>49</sup> After Ali Sadr Eddin Bayanouni's arrest on March 16, 1975, he was imprisoned for twenty-five months in Sheikh Hassan Prison in Damascus with other sixteen members of the Muslim Brotherhood before being released in 1977. He studied literature and law while beginning his career in the field of auditing. After his release from prison, he took over the presidency of Service of legal issues in the Public Transport Corporation, but because of his affiliation with the Muslim Brotherhood he left the Corporation and worked as a lawyer until his departure from Syria in 1979. He was elected first Vice-General Guide to 'Adnan Saad Eddin before becoming Superintendent of the Muslim Brotherhood in 1990.

<sup>50</sup> Razan Zeitouneh and Abd al-Hay al-Sayyid, Can Extraordinary Courts Ensure Justice: The Supreme State Security Court, Damascus Center for Human Rights Studies (DCHRS), May 2007.

After the death of President Hafez al-Asad in June 2000, his son and successor Bashar al-Asad followed his father's approach in dealing with the Muslim Brotherhood. This portfolio is completely closed from public debate, despite the snowballing social and humanitarian catastrophe. The issue is managed solely through the perspective of the security agencies, which have succeeded in instilling fear of involvement in politics among both the new generation and elders released from prison. With the closure of any form of dialogue between the Syrian government and the Muslim Brotherhood, extended by Bashar al-Asad, the Brotherhood has taken extremist positions and sought strange political bedfellows. For example, the Brotherhood joined forces with former Vice President 'Abd al-Halim Khaddam, who announced his defection from the regime in early 2006 and declared the so-called "National Salvation Front" in June of that year.

In the aftermath of the 2001 "Damascus Spring," the Syrian opposition developed what became known as the "Damascus Declaration," announced in October 2005. This included opposition political parties in Syria which are not recognized by the NDA and a number of Kurdish parties in addition to many independents. The Brotherhood supported the Declaration minutes after its announcement. Key demands include the release of political prisoners, exposing the truth about the missing, and compensating their families.