SYRIA

Few can argue about the economic, societal and political transformations created by the Internet. In addition to its unprecedented power to facilitate trade and create knowledge-based economies and communities, the Internet has democratized communications and afforded the power of expression to all its users without discrimination. People can use the Internet to express their opinions, debate matters of public interest, and participate freely in the political discourse. These empowering features are warmly welcomed in environments that encourage participation and protect the individual's freedom of expression. Unfortunately, in places where these values are less cherished, the Internet's features, which promote self-expression and participation, are perceived as dangerous risks to the status quo, and are furiously resisted.

Freedom of expression and human rights do not seem to be well regarded in Syria's policy-making circles. The Syrian government has been accused by many international organizations of actively violating human rights and systemically oppressing freedom of expression. In its World Report of 2012, Human Rights Watch described Syria's human rights record as "poor", and accused the government of arbitrary detention, enforced disappearances, and torture. Amnesty International reported severe restrictions on freedom of expression in the country, and several cases of detention of human rights advocates.

Since 1963, Syria has been under emergency law, which gave security forces unrestricted powers to detain civilians and repress civic freedoms. The emergency law was lifted in 2012 as part of several reforms designed by the government to contain the growing unrest in the country. The new reforms however failed to provide sufficient guarantees for the protection of human rights and freedom of expression. In the 2012 referendum, the country's parliament approved a new constitution which was hailed as an important reform initiative. However, many observers dismissed the significance of the changes and doubted that the new constitution would protect freedoms and human rights.

The Press Law of 2001 imposed significant restrictions on the freedom of the press, and prohibited coverage of many broad topics such as issues of national security. The law also gave the Prime Minister the power to reject or revoke licenses for journalists. Additionally, the Ministry of Information was given the power to ban foreign publications if deemed inappropriate. The law was amended in 2005 to include electronic publishing and websites. In 2010, the government approved a new law which allowed the government to arrest and prosecute publishers of online content in a criminal court.

INTERNET OPENNESS

The Internet constitutes a revolutionary democratizing medium for self-expression

and access to information. In Syria however, it is perceived as a threat to status quo, and was consequently actively controlled by the government. Internet traffic in the country is solely provided by the Syrian Telecom Establishment (STE), a government institution dealing with all telecommunication services. STE owns all telecommunications infrastructure in Syria, and is the exclusive owner of the international Internet gateways which link the country to the outside world.

Internet users in Syria face many restrictions, including, for example, blocking ports used for sending and receiving emails, blocking websites of a political nature, and restricting use of voice calls over the Internet. Many reports claim that the government actually intercepts web browsing and users' emails, and cite several cases in which Internet users were detained and faced trials because of their online activities.[152][153]

These restrictions prevented many Syrian websites from establishing a presence inside the country. An advanced search on Google as of September 25th 2012 for all web pages under the country's top level domain (TLD) yielded 8,790,000 pages only. A similar search for the web pages under the Lebanese (.lb) TLD returned 9,540,000 pages (Syria's population is 5 times that of Lebanon). In order to secure better freedom and autonomy, most non-governmental Syrian websites opted to operate outside the country's borders, and are hosted on servers in other countries.

Other means of access to the Internet, such as Internet Cafes, are also strictly controlled. The government requires operators of Internet Cafes to obtain a photocopy of the ID cards of their visitors before they are allowed access.[154]

No clear rules and policies exist for the blocking of websites, and many popular websites (including the Arabic Wikipedia) are banned. The OpenNet Initiative reports pervasive filtering of political web content, and that blocking spans a range of unpublished categories.[155] In 2001, Reporters Without Borders placed Syria among the 12 "enemies of the Internet" (countries which, according to the organization, restrict their citizens' freedom of information and curtail their access to the Internet).[156]

INTERNET LEGISLATION AND POLICY

In 2010, the Syrian parliament approved a bill proposed by the Prime Minister to regulate Internet communication.[157] The law intends to impose more restrictions on online publishing and expression over the Internet. It grants authorities the right to detain online journalists, and seize their equipment if the government is apprehensive about the content published on the Internet. Under the provisions of the new law, journalists are tried in criminal courts rather than civil courts. Many believe that the new law will give rise to even more intense criticism of the government.

152. http://opennet.net/research/profiles/syria

153. http://www.freedomhouse.org/report/freedom-net/2012/syria

154. https://www.nytimes.com/2008/03/25/technology/25iht-media.4.11415911.html

155. http://opennet.net/research/profiles/syria

156. http://en.rsf.org/beset-by-online-surveillance-and-12-03-2012,42061.html

157. http://www.syria-today.com/index.php/december-2010/688-news/13090-new-e-law-sparks-debate-among-web-journalists

The Syrian president issued Decree No. 17, 2012 to regulate communications over the Internet and combat cybercrime.[158] The decree was intended to establish the legal basis for the fight against cybercrime, but it also included several provisions which are perceived as threats to freedom of expression over the Internet. For example, the decree requires all Internet Service Providers (ISP) to retain all information posted by their users, and store traffic information which facilitates the identification of users. Another provision mandates that owners of websites publish their real identities and addresses. Article 13 of the decree states that high penalties can be levied if the cybercrime affects the government or public safety.

FREEDOM OF SPEECH ON THE INTERNET IN SYRIA: CHALLENGES AND LIMITATIONS

The Internet has always been perceived by the Syrian authorities as a tool which could facilitate self-expression and enable communications between citizens inside and outside the country. This probably explains why the Internet was very late to enter the country. It was not until the year 2000 that some Syrians were able to access the web (mostly government agencies and foreign embassies). Authorities felt uneasy about allowing access to the new medium without having the technology to enable surveillance and interception of users' activity and traffic.

The 2012 Freedom House report on Internet Freedom gave Syria a mark of 83 on its Internet Freedom Index (where 0 means most free, and 100 means least free).[159] The report cites tight controls maintained by the regime over ICTs, and claims that costs for Internet access constitute a major obstacle to access. For example, the cost of a 1Mbps ADSL connection to the Internet as of October 2012 is 1,400 Syrian Pounds (around $20), representing 10% of the average monthly per capita income. The same report also documents extensive filtering and blocking of online websites. Internet users are forced to find solutions to circumvent government blocking and surveillance, whilst the government makes all efforts to prevent these tools and technologies from operating successfully.

Mounting evidence suggests that the Syrian authorities have actively pursued surveillance and monitoring technologies to track their citizens' activity on the Internet. For example, the California-based technology company Blue Coat, acknowledged that the Syrian government has used some of its products to censor Internet activity.[160] Other reports claim that the German firm Siemens has sold surveillance equipment to several Syrian telecom operators.[161] An Italian company, Area Spa, was accused of building an elaborate surveillance system to intercept and monitor email traffic flowing through the country.[162]

Many countries, including the United States and the European Union, have imposed sanctions

158. http://sana.sy/ara/2/2012/02/09/399498.htm

159. http://www.freedomhouse.org/report/freedom-net/2012/syria

160. http://online.wsj.com/article/SB1000142405297020368750457 7001911398596328.html

161. http://www.spiegel.de/international/business/ard-reports-siemens-sold-surveillance-technology-to-syria-a-826860.html

162. http://www.bloomberg.com/news/2011-12-01/european-union-bans-exports-to-syria-of-systems-for-monitoring-web-phones.html

on the export of surveillance technologies and equipment to Syria. However, these technologies seem to find their way into the country through alternative channels.

For Syrians, expressing opinions online can have severe and unpredictable consequences, including arbitrary detention and trial. With the lack of transparency surrounding the detention circumstances in the country, it is very difficult to determine the number of citizens and activists who have been arrested because of their activities on the Internet. Most Syrians believe that even simple online activities could result in them becoming targets for arrest, and the numbers of those in detention because of online activity are in the tens of thousands. Well-publicized cases include the arrest of blogger *Anas Maarawi,* as well as civil rights advocates *Mazen Darwish* and *Razan Ghazaawi* (from the Syrian Center for Media and Freedom of Expression). Some activists were even detained for years before the start of the Syrian uprising in 2011, including *Tal Al Mallouhi* who was arrested by security forces in 2009. She was then convicted on espionage charges.

ACCESS TO INFORMATION

It is difficult to imagine access to information flourishing in Syria where citizenship rights have little regard. The country has long suffered from very high levels of corruption, which placed it in the 129th rank among 183 countries on Transparency International's Corruption Perceptions Index of 2011.[163] This wide spread corruption is nurtured by a sever lack of transparency, creating ample opportunity for corruption.

Freedom of information is a universally recognized fundamental human right, and the government is obliged to protect and ensure their citizens' have access to information. Many countries have institutionalized these obligations by adopting legislations that ensure free access to information, which is considered a great tool with which to hold governments accountable and prevent abuse of power. Syria has no specific freedom of information legislation, thus indicating that the Syrian authorities lack the desire to share information. This is highlighted in many high profile events, including claimed investigations into torture of citizens. The case of *Maher Arar*, the Syrian-Canadian citizen who was imprisoned by the Syrian authorities for 13 months, is a striking example. *Mr. Arar* was allegedly tortured during his imprisonment, although the Syrian authorities deny these allegations.[164]

The government frequently opposes the principles of access to information by imposing complete bans on foreign media reporters, or by preventing coverage of specific events (either by media outlets or citizen journalists). One report puts the impact of the lack of access to information as "ensuring that energy is exhausted in the search for information rather than in any more productive pursuit of justice".[165]

During the recent crisis, the Syrian authorities were widely accused of using different techniques to block access to information, including jamming satellite signals for news broadcasters which do

163. http://www.transparency.org/country#SYR

164. http://en.wikipedia.org/wiki/Maher_Arar

165. Walls of Silence: Media and Censorship in Syria, http://www.article19.org/data/files/pdfs/publications/syria-walls-of-silence.pdf

not side with the government's version of the story, including the BBC, France 24, Deutsche Welle, Voice of America, Al Jazeera and Al Arabiya.[166]There is also blocking of opposition and political websites, and intercepting of voice and electronic communications and spying on the online activities of citizens.

TRANSPARENCY AND ACCOUNTABILITY

All of the previously mentioned factors (lack of freedom of information, lack of an appropriate legal and regulatory framework, and lack of respect of citizen rights) contribute to an environment in which transparency and accountability suffer greatly. It has even been argued that the nonexistent of transparency and accountability played a major role in igniting the civil uprising against the regime. It should be noted that Syria has remained under emergency law since 1963, and despite the law itself being lifted in 2011 in response to the uprising, it was quickly replaced by a vague and ambiguous anti-terrorism law which can be broadly interpreted and used to the same ends as its predecessor.

In an attempt to embrace e-government as a means by which to improve transparency and quality in public service provision, the Syrian Ministry of Communications and Technology (MoCT) launched an initiative in 2009 to develop a comprehensive strategy for e-government in the country.[167] The Ministry also developed the Syrian e-Government Interoperability Framework (SyGIF) to facilitate the integration of different

services provided by different government agencies. The strategy states that the vision of the e-government initiative is to "provide excellence services to beneficiaries through improving the efficiency, productivity and transparency of government work, and provide comprehensive electronic services, available through multiple channels, while protecting private information". However, little information exists regarding the uptake and utilization of e-government services by Syrian citizens. The frequent disruption of the Internet connectivity in several parts of the country during the recent uprising poses additional challenges when it comes to the viability of such initiatives within the current political environment.

E-PARTICIPATION

The tense relationship between Syrian citizens and their leadership resulted in a significant lack of trust between the two parties. On one hand, the government does not feel obliged to ensure free access to information for its citizens, or guarantee the application of the rule of law and fight corruption. On the other, citizens have a general feeling of neglect, and that the government does operate with their interests at heart. This is also reflected in very low levels of civic participation.

The few attempts to create a more inclusive public sphere, such as the "Manifesto of the 99" signed by a group of Syrian intellectuals and activists, and the many forums of the Damascus Spring, were faced by more repression by the regime, and several participants were arrested and imprisoned.

It is not surprising then that the 2010

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166. http://www.montrealgazette.com/news/Syria+suspected+jamming+news+broadcasts+Europe/7426394/story.html

167. http://www.moct.gov.sy/moct/?q=ar/node/218

E-Participation Index placed Syria in the 157th (last) rank, with an index value of 0.0143.[168] Some might argue that e-participation could provide a viable alternative to actual participation in the civic sphere, particularly for disadvantaged or underrepresented groups. However, the wide suspicion among the public of the government surveillance and control over the Internet prevents them from utilizing this medium to engage in the public discourse.

Several efforts were made in the hope of contributing to the reform of governmental institutions by means of providing e-government services, mostly lad by international development organizations. The Syrian E-Government Initiative, launched in 2008 by the United Nations Development Programme (UNDP), is probably the most significant. These efforts, however, seem to have had very limited impact and acceptance among Syrian citizens. The perceived lack of interest and seriousness on the government's behalf regarding real reform and transparency is the most probable source of the public resistance. Many Syrians believe that the current governmental system is immune to reform, and must be fundamentally transformed to be able to respond to their ambitions and aspirations.

THE IMPACT OF SOCIAL MEDIA ON CIVIL LIBERTIES

The widespread use of social media in the Arab revolutions in Tunisia, Egypt and Yemen have led many to believe that these emerging technologies can play an important role in empowering citizens and supporting civil liberties. It is important to understand the role of these different technologies as enabling tools for communication and self-expression which would support civil liberties, particularly in the Syrian context where other means of communications and expression are dominated by government control. One should however, not overstate the role of social media in a way that overshadows the actual, on the ground struggle for civil liberties.

In Syria, social media plays an important role in opening up new platforms for self-expression, creating channels for communication and facilitate reporting on emerging stories and events from citizen journalists on the ground. Syrians have experimented with social media tools since their emergence, starting with online discussion forums and blogs which were utilized to discuss and debate issues related to increasing personal liberties and pushing for transparency and accountability in the country. Most pioneers of these mediums used their actual names and identities to test the reactions of the authorities. Unfortunately, the response was quite harsh, and the detention and forced exile for many activists demonstrated how resistant the government is to discourse surrounding openness. Most activists now use pseudo-identities to enable them to communicate and express freely on the web.

One disadvantage of social media within this context is the fact that it can be easily used by authorities to track activists and their actions, which may result in more arrests and oppression. Authorities can, for example, force an activists to

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168. More than one country can share the same rank on the E-Participation Index. Syria shares the last rank with several other countries, including Senegal, Namibia, and the Democratic Republic of Congo.

give up their account passwords to social media platforms like Facebook, and use these accounts to monitor the activists' communications and activities with others, and to entrap other members of their network.

CONTENT FILTERING

A study by the OpenNet Initiative found filtering of online content of political nature in Syria to be pervasive.[169] The same study also indicates high and consistent levels of filtering and blocking of Internet security tools (tools used to circumvent government filtering and interception, like proxy servers and Virtual Private Networks VPNs). This type of filtering and surveillance resulted in very high levels of self-censorship among citizens.

Some network equipment obtained by the Syrian authorities is believed to be used for what is termed Deep Packet Inspection, a technique in which all packets passing through the Internet infrastructure pipes are sniffed and inspected to resemble the original communication. This would allow authorities to obtain copies of email communications, intercept online voice and instant messenger conversations, and track activities on social networks. The equipment from Blue Coat mentioned earlier is believed to be capable of Deep Packet Inspection. Another French company, Qosmos, was accused by the International Federation of Human Rights (IFHR) and the League of Human Rights (ILR) of supplying its Deep Packet Inspection technology to the Syrian regime. The company has denied these claims.[170]

In conclusion, the evidence from Syria suggests a grim picture for freedom of expression in general, and for Internet openness in particular. The government seems to be engaged in active surveillance and monitoring of its citizens through all means of communication, and the Internet is no exception. The public sphere cannot function properly as a forum for citizen participation and contribution until the essential basic freedoms are guaranteed and protected by the rule of law. These include freedom of expression, protection of privacy and private communications, and respect for human rights. Only when citizens feel free and secure to voice their concerns and express their opinions will they be willing to actively engage in and contribute to forming the future of their country. An open and accessible Internet is an important ingredient which can facilitate participation, and urgent action at the policy making level must be taken to create the prerequisite environment for openness, transparency and engagement to thrive.

RECOMMENDATIONS FOR POLICY MAKERS

- Establish a clear and robust legal framework for access to information by adopting laws that ensure citizens' access to information. Requests for access to information should be governed by an independent entity free of government influence and control.
- Review existing laws and regulations to ensure that their provisions can be properly interpreted and eliminate areas that can be broadly utilized to repress access to information.

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169. http://opennet.net/research/profiles/syria

170. http://www.qosmos.com/qosmos-position-on-recent-claims/

- Review the Press Law of 2001, the Internet Publishing Law of 2010, and the Communications over the Internet and Cybercrime decree (No. 17, 2012) to eliminate the restrictions imposed on freedom of expression online and on the Internet.
- Cease the detention of journalists and citizens on the grounds of expressing their views and opinions.
- Cease the practice of blocking websites based on their content, and initiate a public consultation to formulate clear, unambiguous rules to control censorship over the Internet.
- Cease the practice of Internet traffic interception for Syrian citizens and residents, and mandate a court order to be issued before any such activity.