



# **Crimes against Humanity in Syria**

## **Systematic Torture to Quell Public Dissent**

**Report submitted to the Committee against Torture in follow-up  
to the special review of the Syrian Arab Republic**

**11 October 2012**

Alkarama recalls that it concentrates its work on four priority areas: extrajudicial executions, enforced and involuntary disappearances, torture and arbitrary detention. We base our work primarily on the documented individual cases we submit to UN Special Procedures and Treaty Bodies, as well as our contacts with local actors including victims, their families, lawyers and human rights defenders.

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## Introduction

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1. When the Committee against Torture (the Committee) considered the implementation of the Convention against Torture (the Convention) in the Syrian Arab Republic in the absence of a special report in May 2012, the situation in Syria was still described as being “on the brink to civil war” by the international community. Now, close to five months later, there is no doubt now that the crisis has grown into a full-blown civil war, as was most recently confirmed by the Independent International Commission of Inquiry on the Syrian Arab Republic (the Commission of Inquiry) in its report presented to the UN Human Rights Council during its 21<sup>st</sup> session this September.<sup>1</sup> The Commission of Inquiry not only “determined that the intensity and duration of the conflict, combined with the increased organizational capabilities of anti-Government armed groups, had met the legal threshold for a non-international armed conflict”<sup>2</sup> but further concluded that war crimes and crimes against humanity being perpetrated by State and State-affiliated forces.<sup>3</sup>

2. Over the course of these past months, sporadic clashes have turned into continuous fighting, resulting in the displacement of large parts of the Syrian population and an ever aggravating humanitarian situation, especially when it comes to water supplies and medical care. In addition, the threat of a spillover of the conflict into neighbouring countries increased with several days of fire exchanged across the Turkish and Syrian border<sup>4</sup> as well as accounts of Hezbollah fighters being killed by anti-Government forces in Syria, which has resulted in mounting political tensions within Lebanon.<sup>5</sup> In the shadows of these visible effects of the conflict, repression in the form of torture, but also extrajudicial executions, enforced disappearances and arbitrary detention, continue.

3. By submitting this report, the Alkarama Foundation (Alkarama) aims to provide the Committee with follow-up information to the special review regarding these issues along the lines of the recommendations listed in the Committee’s concluding observations.<sup>6</sup> You will find the reference to the respective recommendations in brackets at the end of each title.

4. While noting that accounts of human rights violations committed by anti-Government forces are on the rise, we wish to point out that Alkarama’s working methods – documenting individual cases of human rights violation to be submitted to UN bodies – do not make them our primary focus. Infractions falling in all likelihood under the responsibilities other than the State party’s are therefore not discussed in this follow-up report. However, we do wish to point out that looking to the report of the Commission of Inquiry for a general evaluation of this issue, the Commission has found “reasonable grounds to believe that torture and other forms of ill-treatment were committed by anti-Government armed groups”<sup>7</sup> but that these acts of torture are not of the same scale and scope as the ones committed by the Syrian authorities.

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<sup>1</sup> *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic to the Human Rights Council at its twenty-first session*, 15 August 2012, (A/HRC/21/50).

<sup>2</sup> *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic to the Human Rights Council at its twenty-first session*, 15 August 2012, (A/HRC/21/50), para. 12.

<sup>3</sup> *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic to the Human Rights Council at its twenty-first session*, 15 August 2012, (A/HRC/21/50), see for example paras. 12 and 85.

<sup>4</sup> Associated Press, *Turkey, Syria trade fire; border tensions mount*, 7 October 2012, <http://apne.ws/QSjyCW> (accessed 10 October 2012).

<sup>5</sup> BBC, *Hezbollah military commander 'killed in Syria'*, 2 October 2012, <http://bbc.in/Qo3F5i> (accessed 10 October 2012).

<sup>6</sup> Committee against Torture, 48<sup>th</sup> session, *Consideration by the Committee against Torture of the implementation of the Convention in the Syrian Arab Republic in the absence of a special report requested pursuant to article 19, paragraph 1, in fine*, (CAT/C/SYR/CO/1/Add.2), 30 May 2012, para. 7.

<sup>7</sup> *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic to the Human Rights Council at its twenty-first session*, 15 August 2012, (A/HRC/21/50), para. 88.

## 1. Context

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### 1.1 Continued attacks against civilian population (23 (b))

5. In reference to the Commission of Inquiry report cited above as well as media reports of ongoing shelling of residential areas in major Syrian cities<sup>8</sup> – including Aleppo, Hama and suburbs of Damascus – Alkarama submits that attacks against the Syrian population for which the Syrian authorities bear full responsibility are ongoing. We therefore consider that the Committee's recommendation under paragraph **23 (b)** has not been implemented by the Syrian authorities.

### 1.2 No policy changes regarding the rampant use of torture (22 (a); 22 (b))

6. In recent months, the Syrian authorities have manifestly failed to effectively promote a culture of human rights among their security and military personnel by publicly committing to the absolute prohibition of torture or by enforcing personal responsibility of perpetrators and adequate punishment. As it is, an atmosphere of complete impunity also for the most horrific crimes perpetrated by State and State affiliated forces prevails, fostered amongst others by the *de facto* immunity for crimes committed on duty. Alkarama has therefore not observed any changes in governmental policy with regard to these topics, addressed in the Committee's recommendations under paragraphs **22 (a)** and **22 (b)** of the concluding observations.

### 1.3 Absence of effective investigations and monitoring mechanisms (22 (c); 23 (c); 23 (d))

7. The aforementioned immunity for perpetrators of grave human rights violations also stems from the persistent lack of effective and independent monitoring and investigating mechanisms on the ground. Neither national courts nor the National Independent Legal Commission have demonstrated independence and effectiveness in this regard. In addition, the Syrian authorities continue to refuse cooperation with the Commission of Inquiry and do not allow the International Committee of the Red Cross (ICRC) to carry out regular visits to places of detention.<sup>9</sup> The authorities' low number and quality of replies to allegations of enforced disappearances transmitted to it by the Working Group on Enforced and Involuntary Disappearance (WGEID) serves as a further example of insufficient investigations into serious human rights violations. Recommendations **22 (c)**, **23 (c)** and **23 (d)** can therefore not be considered implemented.

## 2. Systematic and Widespread Use of Torture (22 (g); 23 (a))

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8. We wish to again point to the findings of the Commission of Inquiry to illustrate the levels the use of torture has reached in Syria, as the Commission "found reasonable grounds to believe that torture was perpetrated as part of a widespread attack directed against civilians by Government forces and *Shabbiha* who had knowledge of the attack. It concludes that torture was committed by Government forces and *Shabbiha* members as a crime against humanity and a war crime. Members of security forces, in particular Military and Air Force Intelligence, appear to be primarily responsible for torture and ill-treatment." By way of example, we provide information on two particularly grave cases of torture below.

9. In May 2012, Alkarama was informed of the death under torture of social media activist **Aladdin Al Doori**.<sup>10</sup> He was arrested on the evening of 14 April 2012 when passing the military checkpoint close to the village of Bab Al Taqa near Qalaat Al Madiq together with a fellow activist. His companion was able to escape and reported that the soldiers present at the checkpoint had opened fire on them, injuring Mr Al Doori before his arrest.

10. Following this incident, Mr Al Doori's family was not provided with information about his state of health or his whereabouts. It was only two days later, in the morning of 16 April, that the family received information about Mr Al Doori's decease through a source from the national hospital of Suqaylabiyah. It was indicated that he had been subjected to severe torture, which, together with the

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<sup>8</sup> CBS news, *Activists: Syrian warplanes hitting Homs again*, 5 October 2012, <http://cbsn.ws/TwiTNC> (accessed 10 October 2012)

<sup>9</sup> For information on a number of detention centres notorious for torture and ill-treatment of detainees, we recommend Human Rights Watch's report on 27 detention centres: HRW, *Torture Archipelago*, 3 July 2012, <http://www.hrw.org/reports/2012/07/03/torture-archipelago-0> (accessed 1 October 2012).

<sup>10</sup> Alkarama, *Syria: Death under torture of Syrian social media activist Aladdin Al Doori*, 6 June 2012, <http://bit.ly/KAeOAG> (accessed 10 October 2012).

gunshot wound, caused his death. Relatives formed a delegation and went to the hospital demanding access to the body but this was denied by the authorities.

11. On 17 April, Mr Al Doori's relatives were finally allowed to take his corpse with them. His body was covered with traces indicating severe torture, which can be seen in the following video clips:

<http://www.youtube.com/watch?v=ZgmrNRkxfQE>  
<http://www.youtube.com/watch?v=y4ZudDGde8M>

12. More recently, in July 2012, we were informed of the enforced disappearance of Ms **Fatima Khalid Saad**<sup>11</sup>, who was arrested at her family's home in Latakia in the early morning hours of 28 June 2012. The agents of the State Security also arrested her father and brother, the official reason of her arrest being alleged communication with elements outside the country and the distribution of false information. The authorities took Ms Saad's laptop and a number of other objects, including a camcorder and her mobile phone, with them.

13. While Ms Saad's father and brother were released after a few hours of interrogation, she was brought to the region's Political Security headquarters and her family was not been able to obtain any official information about her fate or whereabouts until early October. During these months of uncertainty, Ms Saad's relatives also received information through informal channels indicating that she had been severely tortured at the Political Security's regional headquarter, causing them to fear for her life.

14. After three months of enforced disappearance, Ms Saad was finally allowed to receive a single visit in the Central Prison in Latakia. On this occasion, the visitor took note of physical marks of torture on Ms Saad's body. Amongst others, she was reported to be missing teeth, which were reportedly pulled out to inflict severe pain on her.

15. In line with the above information, we invite the Committee to determine that the Syrian authorities have manifestly failed to implement recommendations **22 (g)** and **23 (a)** and that the practice of torture in Syria remains widespread and systematic.

### **3. Enforced and Involuntary Disappearances**<sup>12</sup> (22 (e))

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16. Since the outset of the crisis in March 2011, the Syrian authorities more often than not fail to officially acknowledge the detention of people taken into custody by one of their numerous security or military services, thereby subjecting them to enforced disappearance. The case of Ms Fatima Khalid Saad described above (see paras. 12-14) clearly shows that placing victims outside the protection of the law facilitates the occurrence of torture.

17. In our previous report, we highlighted several cases of enforced disappearance, some of which remain unresolved. Among them are **Hussein Toma**<sup>13</sup>, whose family has no news of him since 21 June 2011, and **Omar Raad**<sup>14</sup>, who has been missing since 14 September 2011. A particularly serious case of enforced disappearance concerns **Omar Shafik Khashroom**<sup>15</sup>, who was arrested during a raid in the Damascus suburb of Daraya on 4 February 2012. He was aged 17 at the time of his arrest and sources indicate that he was badly wounded when taken into custody.

18. A case more recently reported to Alkarama concerns the disappearance of **Hayel Hamid**. A group of armed men in uniforms indicating their affiliation with the Syrian government, forced their way into his surgery on 13 August 2012 and arrested the 64-year-old doctor. They first took him to

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<sup>11</sup> Alkarama, *Syria: Torture and risk of extrajudicial killing of Ms Fatima Saad*, 27 July 2012, <http://bit.ly/QhvCNo> (accessed 10 October 2012).

<sup>12</sup> Regretting that the Syrian authorities have not acceded to the Convention for the Protection of all Persons from Enforced Disappearance, we refer to the Declaration on the Protection of All Persons from Enforced Disappearance (A/RES/47/133) for the established definition of enforced disappearance, which notes that enforced disappearance occurs when "persons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government, or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty."

<sup>13</sup> Alkarama, *Crimes against Humanity in Syria: Systematic Torture to Quell Public Dissent*, 20 April 2012, <http://bit.ly/QSt1db> (accessed 10 October 2012), para. 71.

<sup>14</sup> Alkarama, *Crimes against Humanity in Syria: Systematic Torture to Quell Public Dissent*, 20 April 2012, <http://bit.ly/QSt1db> (accessed 10 October 2012), para. 70.

<sup>15</sup> Alkarama, *Crimes against Humanity in Syria: Systematic Torture to Quell Public Dissent*, 20 April 2012, <http://bit.ly/QSt1db> (accessed 10 October 2012), para. 73.

his home, and after searching the house and then left to an unknown location, taking Mr Hamid with them without showing an arrest warrant or motivating the arrest. His relatives have had no news of his fate and whereabouts for close to two months now.

19. In many incidents, the missing were singled out for arrest or abduction based on involvement in demonstrations, journalism or documentation of human rights violations. **Nabil Al Shurbaji** is only one such example. Upon showing his ID at a checkpoint in Daraya, the 28-year-old journalist and blogger was arrested and has not been heard of since 26 February 2012. Distant relatives of Mr Al Shurbaji, the brothers **Yahya** and **Mohamed 'Maan' Al Shurbaji**, have been missing for over a year now since their arrest on 6 September 2011. Yahya Al Shurbaji in particular is known for promoting peaceful dissent, for example in the form of distributing flowers to soldiers deployed in his hometown Daraya. He and his brother were arrested at the same time as two other activists, **Muhammad Tayseer Khulani**, who is still unaccounted for, and **Ghayath Mattar**, whose corpse was returned to his family four days after his arrest, bearing clear marks of torture.<sup>16</sup>

20. Another activist who is believed to have been arrested and disappeared due to his involvement in the organisation of peaceful demonstrations in the coastal town of Baniyas is 22-year-old **Anas Al Shughri**.<sup>17</sup> His family has had no news of him since his arrest on 14 May 2011. As he has now been missing for close to one-and-a-half years, there are reasonable grounds to fear for his life, as is the case for all victims of enforced disappearance.

21. In an attempt to document at least some of the tens of thousands of enforced disappearances, Alkarama regularly submits such cases to the Working Group on Enforced and Involuntary Disappearances. Being informed of government replies, we are in a position to say that the number of reactions by the Syrian authorities to these allegations is negligible. The WGEID in fact determined that none of the replies provided by Syria sufficed to resolve the relevant disappearance, which demonstrates the lack of prompt, impartial and thorough investigations into reported enforced disappearances. Together with the sheer number of the missing in the country, this leads us to say that the Committee's recommendation **22 (e)** has not been implemented either

#### **4. Ongoing Arbitrary Detention (22 (d))**

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22. The escalating situation in Syria has resulted in the eradication of good practices with regard to arrest and detention by State and State-affiliated forces, which were already questionable before the outset of the crisis in March 2011. Here, too, the situation of conflict imposes limits on the documentation and communication of violations and the thin line between arbitrary detention and enforced disappearance makes it difficult to put an exact number of the illegally detained persons in Syria.

23. By following individual cases over time, we have nonetheless noted that arrests are in the vast majority of cases carried out without arrest warrants. Many arrested individuals are for a first period – ranging from a few days to several months – prevented from contact with the outside world and their relatives rarely receive official confirmation of their arrest, thereby subjecting them to enforced disappearance. In this period, many report having been tortured or otherwise ill-treated and it seems that transfers between different detention centres under the control of different State agencies are frequent.

24. At a later point, the detainees may either be released without judicial procedures or subjected to unfair trial – be it for lack of access to legal counsel, because the trials are held in secret or *in camera* or because sentences are based on confessions extracted under torture. Among those tried, the defendants were in many instances deferred before military courts and tried for activities protected by the International Covenant on Civil and Political Rights, including the right to freedom of opinion and expression or the right to freedom of peaceful assembly and association. If sentences are pronounced, the convicts are regularly found guilty of ill-defined offenses, such as "possessing prohibited materials with the intent to disseminate them" under article 148 of the Military Penal Code. Curiously enough, these sentences often correspond to the time spent in custody up to the day of the judgement, and individuals are subsequently rapidly released.

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<sup>16</sup> Alkarama, *Crimes against Humanity in Syria: Systematic Torture to Quell Public Dissent*, 20 April 2012, <http://bit.ly/QSt1db> (accessed 10 October 2012), para. 80.

<sup>17</sup> Alkarama, *Crimes against Humanity in Syria: Systematic Torture to Quell Public Dissent*, 20 April 2012, <http://bit.ly/QSt1db> (accessed 10 October 2012), para. 71.

25. An older but still unresolved case is the situation of **Tal Al Mallouhi**<sup>18</sup>, who was arrested in late December 2009. After 11 months enforced disappearance, the girl aged 18 at the time was presented to the Prosecutor of the Supreme State Security Court in Damascus and her family was informed that she had been charged with “spying and transmitting information to a foreign State.” After a secret trial without access to a lawyer, she was condemned to five years in prison in February 2011.

26. It has to be noted that Ms Al Mallouhi maintained a blog where she used to debate different topics, such as the Middle East conflict, and publish poems. As her prosecution and conviction seemed to be in direct relation to her online activism, the Working Group on Arbitrary Detention found her deprivation of liberty to be “an unjustified restriction on her exercise of the fundamental right to freedom of opinion and expression.” As the sentence was in addition pronounced following a grossly unfair trial, the Working Group determined in its Opinion 38/2011<sup>19</sup> that Ms Al Mallouhi’s detention is arbitrary, falling under categories II (detention resulting from the exercise of rights and freedoms guaranteed by the UDHR) and III (non-observance of the international norms relating to the right to a fair trial) of the categories applicable to the cases under the consideration of the Working Group.

27. Despite the Working Group’s Opinion, international attention to Ms Mallouhi’s situation and several amnesties applicable to her pronounced in the meantime, she remains in custody and is currently serving her five-year sentence in Damascus Central Prison in Adraa.

28. This being only one example of tens of thousands ongoing arbitrary detentions in Syria, we have to consider that the Syrian authorities have not implemented the Committee’s recommendation **22 (d)**.

## **5. Attacks against human rights defenders (22 (f))**

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29. There is no doubt that the work of independent journalists, human rights defenders and jurists is of great importance in a human rights crisis, such as the Syrian conflict, and continuous threats to the life as well as the physical and mental integrity of these persons and in some cases their families gives rise to serious concerns.

30. One such case is the crackdown on the Syrian Centre for Media and Freedom of Expression (SCM), which is internationally recognised for its commitment to independent journalism and its efforts to report on and document widespread human rights violations in Syria. Five of the staff members arrested on 16 February 2012 remain disappeared to this day. It is believed that the Centre’s founder and president, **Mazen Darwish**, is still held by the forces which carried out the arrest, the Air Force Intelligence, and there are unconfirmed reports that he may have been subjected to severe torture. This can, however, not be confirmed as he has not been in contact with the outside world in past months. Blogger and journalist **Hussein Ghrer** is another SCM staff member who remains in the custody of the AFI, again according to unconfirmed reports. The three others, **Abdulrahman Al Hamada**<sup>20</sup>, **Mansoor Al Omarie** and **Hani Zitani**, may have been transferred and are allegedly in a detention centre overseen by the Syrian Army’s Fourth Armoured Division in Moadimiya on the outskirts of Damascus.<sup>21</sup>

31. A more recent incident concerns the disappearance of human rights lawyer **Khalil Matouk**.<sup>22</sup> The 53-year-old defended numerous political activists and is known to be outspoken critic of the flawed trials before the Supreme State Security Court. On the morning of 2 October 2012, he left his home in Sahnaya to go to his office at the Syrian Center for Legal Studies and Research in Damascus in the company of a friend. They never reached their destination and their relatives remain without news of them to this day.

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<sup>18</sup> Alkarama, *Syria: 19 year-old female student sentenced to 5 years imprisonment*, 15 February 2011, <http://bit.ly/v8fesZ> (accessed 10 October 2012).

<sup>19</sup> Working Group on Arbitrary Detention, 61<sup>st</sup> session, *Opinion 38/2011*, (A/HRC/WGAD/2011/38), 1 September 2011.

<sup>20</sup> Alkarama, *Crimes against Humanity in Syria: Systematic Torture to Quell Public Dissent*, 20 April 2012, <http://bit.ly/QSt1db> (accessed 10 October 2012), para. 79.

<sup>21</sup> Alkarama, *Crimes against Humanity in Syria: Systematic Torture to Quell Public Dissent*, 20 April 2012, <http://bit.ly/QSt1db> (accessed 10 October 2012), para. 86.

<sup>22</sup> Amnesty International, *Clarity needed over fate of Syrian human rights lawyer*, 4 October 2012, <http://bit.ly/QVHy6y> (accessed 10 October 2012).



32. These examples of ongoing violations to the right to liberty and security of person – and potentially the right to life – of human rights defenders lead us to conclude that the Syrian authorities have failed to implement the Committee’s recommendation **22 (f)**.

## **Conclusion**

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33. Based on our work on individual cases of human rights violations, we have reasons to consider that none of the recommendations by the Committee has been implemented and submit that all of them remain valid. We therefore encourage the Committee to keep the situation in Syria under its consideration.

34. We further invite the Committee to consider supporting the appreciation of the Commission of Inquiry that “torture as a crime against humanity and as a war crime was committed by Government forces and *Shabbiha*.”<sup>23</sup> Whatever the views held by the Committee, we respectfully ask you make them known publicly and transmit your findings to the relevant UN instances.

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<sup>23</sup> *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic to the Human Rights Council at its twenty-first session*, 15 August 2012, (A/HRC/21/50), para. 85.