

NGO shadow report for the review of the Syrian Arab Republic under the UN convention against torture (CAT)



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Navenda kurdî
ji bo lêkolîn û
rawêjkarîya yasayî

المركز الكردي للدراسات
والاستشارات القانونية

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A former Kurdish prisoner in Syria described torture in the prison as follow "they were four men who tortured me. They beat me with a whip, with a woodblock, with their feet and hands. They beat me everywhere and so hard on my head, my ears and eyes, on my back, my legs and everywhere until I reached the point of not feeling any pain... then everything became dark".

About YASA:

YASA is a non-governmental and non-profit organization working to promote and advance human rights to Kurds in their country of origin and in the Diaspora. YASA was founded in August 2005, in Bonn - Germany, and works for the interests of Kurds in the areas of human rights, integration and culture.

On the political level, YASA operates through the use of national, regional and international legal instruments and works with government and non-governmental organizations which also promote the implementation of human rights.

Through information events and seminars, YASA promotes cultural tolerance, works toward the integration of Kurds in Europe and supports Kurdish refugees. YASA also focuses on promoting the understanding of the German legal system and the German culture, so that integration into German society can be successful.

Since 2007, YASA has annually organized the Kurdish Poetry Festival and offers language courses to promote the Kurdish culture and language.

About the Kurd in Syria

Kurds are the second largest ethnic group in Syria. The population is nearly 20 million, while Kurds amount to about 2.5 – 3 million or almost 12-15% of the population. Kurds are located in the Kurdish areas around Aleppo in the north of the country in the cities of Afrin, Albab, Kobani with a big number of villages, and in al-Jazeera region in the north-east. Also, significant numbers of Kurds have migrated to the big cities like Aleppo and Damascus. The Kurdish areas are less developed compared to the rest of the country in terms of social and economic facilities and public services, and they suffer from direct and indirect discrimination and systematic human rights violations by the Syrian authorities.

Violation of Human Rights

The government did not demonstrate any positive action during the last few years towards improving the situation for Kurds and their rights, in Syria. After 12 March 2004 massacre in the Kurdish area and the unlawful killings and deaths from torture as a result, the authorities have been mass-arresting peaceful demonstrators including children from 9 years old, and torturing and imprisoning Kurds without any legal authority. Kurdish names are still banned, Kurdish language is forbidden, Kurdish political parties do not have permission to exist, Kurdish names are still replaced by Arabic names, and the Arabic belt is still drawn deep inside the Kurdish area.

Syria and the UN convention against torture (CAT)

Background

Syria has signed the CAT but unfortunately still has not brought in any effective legislative, administrative, judicial or other measures to prevent acts of torture in the country, and has continued the state of emergency which has always been used by the authorities as justification for arresting the Syrian citizens and torturing them.

An example of the use of the state of emergency was demonstrated by the Mayor of Al Hasaka during the massacre of Qamishlo on 12.03.2004, as the mayor gave the order to the security forces to shoot on unarmed demonstrators. As a result of this order about 33 Kurds were killed.

Many Kurds demonstrate against the procedures of the police and the secret service patrols against the Kurds, in memory of the killing of Kurds in Qamishlo. In order to stop these demonstrations the mayor of Al-Hasaka, Mr. Salim Daabul gave the order to shoot at the demonstrators.

His order reads as follow:

Due to the unexpected meeting of the safety committee on Friday of this monthly with participation of the head of the provincial government from al-Hasake, and the director/conductor of the safety departments in the district, the following is decided:

1. Resist the destruction machinery in our peaceful city in the district of Al Hasake and immediately shoot at the ringleaders and inciter of racial unrests and all those who want to destroy Arab Syrian unity.
2. Arrest everyone who does not obey the law from age ten to sixty years.
3. The safety departments notice their safety tasks in accordance with the state of emergency laws.

Retain treasure and ammunition for the homeland and the party, ahead of the provincial government in Al Hasaka presidential executive committee

Dr. Salim Kabbul

Please see a copy in Arabic, of the original order at the following link:

<http://yasa-online.org/documents/shooting%20on%20civil%20people-ar.pdf>

Article 2

After the massacres of Qamishlo and the mass arrest of Kurds a new strategy began. Arrested people were already being tortured by the police during the arrest. Judicial arrest orders did not exist. People were arrested by the secret service and brought directly to torture cellars. Neither parents nor other family members of arrested people knew where they were. They were afraid to ask about them. The people did not get any news about their members until they were released or they received their dead body.

The following people and others were tortured until dead:

1. Ferhad Mihemed Ali: from Qamishlo. He was killed in Al Hasaka prison on 08.04.2004.
2. Ehmed note Kenco: from Serê kaniyê. He was arrested between 12 - 17 March 2004. He died on 03.08.2004 at the age of 36 years. Mr Kenco was released on 23.07.2004. After 10 days he died as a result of the injuries he had suffered due to torture in the prison.
3. Ehmed Hussein Hesén: father of 4 children. He was arrested on 13.07.2004. He is from Al Hasaka. His brother was informed about his death on the 02. 08. 2004.
4. Hussein Hemiko Naso: from Afrîn.
5. Henan Bekir Diko: he is from Afrîn. He was delivered naked to his parents was still alive. After 10 days he died as a result of his injuries.

A new strategy against the Kurds in Syria is torturing the Kurdish soldiers in the Syrian army, but as access to army documents is a national secret, human rights organisation are not able to prove any human rights violation and torture inside the army. During the last 5 years, 35 Kurdish Soldiers have been killed during their time of military service in Syria. The parents were unclearly informed about the death of their sons. Nevertheless, parents had to confirm the vague information and unclear statements they had received in order to get the dead bodies.

Here is a list of the soldiers tortured until death with the information we could collect over the years.

Number	Name	Date of birth	Adress	Place of military service	Date of killing	Reason of death which was given by the authorities in the military
1	Khairi Barjas Jindo		Amuda		April 2004	
2	Dhiaa Nouraddin		Maashouge, Tirbespiye		2004	
3	Qasim Hamed	1982	Al Hasaka	Al Kasoua, Damaskus	11/06/04	Suicide
4	Mohammed Shaikh Mohammed		Sanare, Afrin	Al Qutaifa	23/10/04	Astma
5	Mohammed Waiso Ali	1987	Kobani	Brigade 157 in Khorbat Al Shabab	28/03/06	
6	Idris Mahmoud Mousa Haj Abdo	1981	Talhabash, Amoude		29/02/08	
7	Farhad Ali Seif Khan	1989	Qirouf, Kobani	Air defence in Suadaa	3/7/2008	
8	Shyar Yousef	1990	Dikê, Afrin	Fifth divsion in Daraa	07/04/08	
9	Siwar Tamo	1988	Kurdo, Dirbasiye	Air Technical College in Aleppo	21/12/08	
10	Agid Nawwaf Hasan		Tal Ilun, Drbasiyeh		02/08/08	
11	Ibrahim Rafat Chawish	1990	Qastali Mikhtar, Afrin, Aleppo	Tenth division in Damascus	27/12/08	
12	Barzan Mahmoud Omar	1975	Alaya, Qamishli	At the Syrian-Lebanese border	13/04/07	
13	Luqman Sami Husein	1986	Biskye, Afrin	Homs	May 2008	
14	Jihad Ibrahim Yousef		Qamishli	Damascus	01/08/08	
15	Mohammed Bakir Shikh Dada	1989	Adama, Rajo, Aleppo	Fifth Division – Brigade 17 / Deraa	13/1/2009	
16	Berxudan Khalid Hamo		Boraz, Kobani	Seventeenth division in Al Hasaka – Kaukab	19/01/09	
17	Mahmoud Hannan Khalil		Qerehtepe, Afrin	Daraa		Suicide
18	Ahmad Sadoon				12/05/09	Astma
19	Xebat Sheikhmous		Quto, Afrin	Homs	18/05/09	Drowned
20	Ahmad Abdulrahim Khalil Moustafa	1988	Qamishlo		25-5-2009	Traffic accident
21	Malik Akkash Shabo		Keferoum, Afrin	Fifteenth division in Homs	05/06/09	

22	Arif Abdul Aziz Sayed Osman		Qamishlo		26/06/09	Electric shock
23	Mahmoud Halali		Ain Alba Kobani		29/06/09	A stone fell on him when he wanted to fix his tent
24	Mohammed Omar Khidr	1987	Dibasieh	Air Defense - Missile Battalion - Homs	07/07/09	Was shot by other soldier by mistake
25	Bilind Farhad Dreii	1987	Qamishlo	Al Hasaka	13-14-8-2006	Was shot during pursuit of criminal security to him in Qamishlo
26	Hogir Rasoul		Maashouqe, Qamishlo		08/08/09	Electric shock
27	Ahmad Moustafa Ibrahim				2009	Suicide
28	Ahmad Arif Omar	1988	Mamala, Rajo, Afrin, Aleppo		01/09/09	Electric shock
29	Sadik Husein Mousa		Dodyan, Afrin, Aleppo		12/10/09	Traffic accident
30	Rezan Abdul Karim Mirane		Tlailone, Derik, Hasaka		11/10/09	Traffic accident
31	Firas Badri Habib	1988	Bulbul, Afrin, Aleppo		09/10/09	Traffic accident
32	Sulaiman Ahmad Farook Diko		Khasim, Rajo, Afrin	Brigade 88 of the seventh division	30/09/09	Heart attack during military training
33	Khalil Bozan Shaikh Muslim		Arraqa	One of military units stationed in the province of Latakia, "College of Engineering."	08/12/09	Suicide
34	Izzddin Moro		Barbazin, Kobani, Aleppo	Birigade 110 Al Qtaifah - Damascus	19/12/09	Died during the military training
35	Isa Khalaf	1991	Kobani	Fifteenth division in Daraa	10/01/10	Suicide

Article 4 & 12 & 13

As torturing political prisoners is always done by secret service officers, and torturing the Kurdish soldiers in the Syrian army is done by army officers, neither national human rights organisation nor the parents and families of the victims can accuse those officers because of the following reasons:

- There is no legal possibility of accusing secret service and army officers in the praxis
- Families and the parents of the victims are threatened by the secret service officers to not accuse them. We in YASA have tried to talk to many family members of the victims about the circumstances in which their son were tortured and killed, however they were afraid to give us any written letter about the way situation of the body of their killed son. Many families and parents of the killed soldiers were not allowed to open the coffins to see their son.

In spite of all torture and killings that have happened over the last 5 years, no single secret service or army officer has been accused and punished, and no serious investigation has been set up. Instead, human rights activists who are trying to get more information and facts about the torture and killing have been arrested and tortured.

Article 6

YASA and many other national, regional and international human rights organisation have called upon the Syrian authorities over the years to set up an investigation into the apparently disproportionate response of the security forces to the 12 March 2004 massacre in the Kurdish area and investigate the unlawful killings and deaths as a result of torture. The Syrian government still has not set up any investigation and has arrested those human rights activists who are asking for such investigation. The human rights activist Mr Abdul Hafiz Abdul Rahman, a member of the human rights organisation MAF was arrested on 02.03.2010 by the military security forces without any legal arrest warrant. Also the lawyer and human rights activist Mr Moustafa Ismail was arrested on 12.12.2009 by the Air Force secret service due to his human rights activities.

Article 10

Through the current government in Syria, torture became a culture of governance and the way that the authorities in Syria communicate with the citizens in the country. We are not aware of any training or seminars for the police, officers of the secret service or the Syrian army to inform them about the prohibition of torture and to inform them about the standards of international human rights. Even human rights activists who attended training and fellowships at the United Nations - namely the forum on minorities in Geneva - are banned from travelling abroad after they return from the training.

Article 14

After 12 March 2004 thousands of Kurds were tortured and killed in Syrians prisons and on the streets. Prisoners who were released after months or years of torture received no compensation, not even a minimum. There is in Syria no institute or program for the rehabilitation of victims of torture; instead, former political detainees suffer after their prison life under the harassment of the secret service officers who always control them and force them to pay them a "baqshish", or they invite them from time to time to the secret service office for an interview.

Summary

Most of Syrian former prisoners are traumatized due to the time they have spent in the Syrian prisons, and from the inhuman torture methods which are used in the Syrian prisons.

Well known torture methods in Syria are:

- Al Doulab: (the wheel), the victim will be fixed on a wheel and tortured
- Al Falaqa: the victim will be beaten on the soles of his feet until the skin broke
- Bisat Arrih: (Flying carpet), the victim will be fixed on a wood equipment and tortured
- German chair: the victim will be fixed on a chair. The chair back can split apart which is painful for the spine and also break the back bones
- Electric shock
- Forcing the victim to sit naked on a bottle, and there are many other torture methods

The Syrian government needs to recognize the international standards for human rights, and to bring them into the national legal system in effective way. Instead of banning the human rights organisations and arresting the human rights activists, Syria should support them and work closely with them so they can effectively work in promoting the culture of human rights and stop the culture of torture. The Syrian authorities should support human rights activist who have undertaken training with international human rights organisations and ask them to give seminars and training to those who are in charge in implementing the Syrian law and regulations so they can minimize torture cases and human rights violations.¹

¹ YASA e.V. has registered about 10 – 15 cases of arresting, killings and human rights violation per month against the Kurds in Syria, who are only about 15 % of the population. Please see our monthly reports under: <http://yasa-online.org/yasa-en/reports.html>