

# NGO shadow report for the review of THE SYRIAN ARAB REPUBLIC

## Under the UN Convention against Torture [CAT]

### Submitted by:

International Support Kurds in Syria Association – SKS [April 2010]



### About SKS:

International Support Kurds in Syria Association - SKS was formed in September 2009 and is based in UK. Kurds in Syria experience continuing and increasing denial of universal basic human rights, and active and intentional torture, and inhuman and degrading treatment whilst living in their ancient homelands.

We aim to work in collaboration with individuals and organisations to bring about change for Kurds from Syria until universal human rights are respected.

### Introduction:

This report focuses upon differing examples of the treatment of Kurds in Syria by the authorities, to demonstrate that the Syrian Arab Republic has intentionally continued to use torture, and inhuman and degrading treatment against its Kurdish population, despite having signed the UN Convention against Torture, and that this behaviour adversely affects Kurds in all aspects of their day-to-day lives.

We are grateful to Kurdish Human Rights Watch [KHRP] and others for bringing this session to our attention, very recently. We have seen the report of KHRP and will not repeat evidence contained therein.

### Summary:

- 1) Kurds in Syria suffer torture, inhuman and degrading treatment in detention and in their everyday lives. The military and political security authorities wilfully take advantage of the State of Emergency and martial law to make arbitrary arrests and detentions without trial, in order to oppress and suppress human rights defenders and the Kurdish population. We know that acts of severe pain and suffering are intentionally and frequently inflicted on Kurds in Syria with the consent or acquiescence of a public official or other person acting in an official capacity. We are certain that such behaviour is encouraged by the Syrian Government.
- 2) We ask the UN to accept that in this secretive and highly controlled country, many Kurds are afraid to speak out. There are currently people in detention who know what is happening but risk everything if they talk, including abuse of their family members; and there are others in the diaspora who may be able to give evidence if he is assured of his safety.
- 3) We ask that the Syrian Government is held to account for its behaviour, for its use of the State of Emergency to act in ways that instil such fear in its people, and for its use of law and public policy to ill-treat and degrade the Kurdish community in general. Recognition of this behaviour is the first step and acknowledgement that it is abusive follows. Reparation is the start of a remedy.

## Our Concerns:

### Article 1:

- 1) Syria does not define 'torture' anywhere in its legislation and so it is not clear under which circumstances citizens can hold it to account in law.
- 2) Detainees are subjected to torture (see KHRP report). :
  - a) we know from talking to Kurds who have experience of political detention that torture is expected, rather than being an exception. Torture is widely used against those who work actively against human rights abuses.
  - b) We highlight the example of Xalid Kenjo.

*In a telephone conversation with KurdWatch on January 28, 2010, Kenco stated that during his initial detention in al-Qamishli he was held in a solitary cell for seven days. The cell was so small that he was unable to stretch out to sleep. It was completely dark so that he could not tell the difference between his water bottle and the bottle he was given to urinate in. He was only allowed to leave his cell once a day to defecate. Members of the State Security interrogated him for a total of four days. During all of the interrogations, he was blindfolded and his hands were cuffed behind his back. He was berated and slapped, and his feet and other parts of his body were beaten with cables. He was also blindfolded, handcuffed and beaten during the ensuing two-day interrogation by the State Security in Damascus. On January 19, 2010, Xalid Mio Kenco fled across the border from Syria to Turkey illegally. **He filed a petition for asylum at the UNHCR in Ankara**<sup>1</sup>.*

We suggest that Xalid Kenjo may be able to provide direct information about torture whilst in detention, as he is already in contact with UNHCR.

- 3) Kurds who are detained for trying to find a solution to these abuses through political activity suffer for longer:
  - a) With Presidential Decree No. 22, dated February 24, 2010, President Bashar al Asad granted amnesty to those who, prior to February 23, 2010, committed offenses punishable by up to three years in prison. However, explicitly excluded from this decree are all offences against Articles [307](#) and [308](#) of the Criminal Code. Since numerous Kurdish activists are prosecuted under these Articles, the number of Kurds indicted for political reasons who would otherwise benefit from the decree is limited.<sup>2</sup>
- 4) Torture and degrading treatment whilst in detention is a means of intimidating and threatening others who may become involved in such activity. The UN Committee will find it useful to investigate the numbers of people detained by military or political security authorities without trial for weeks and months, who are then released without prosecution.
- 5) The effect of the use of torture by Syrian authorities is to cause fear and subjugation in the general Kurdish community.
  - a) Kurdish conscripts have been killed, and their deaths reported as suicides.<sup>3</sup>

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<sup>1</sup> Kenjo was subjected to torture while in custody Report from KurdWatch 28 January 2010, available at <http://supportkurds.org/news/kenjo-was-subjected-to-torture-while-in-custody> [accessed 16.4.2010]

<sup>2</sup> Damascus: Very few politically indicted Kurds benefit from Presidential Decree No. 22 Kurd Watch, Feb 26, 2010, available from <http://supportkurds.org/reports/damascus-very-few-politically-indicted-kurds-benefit-from-presidential-decree-no-22> [accessed 16.4.2010]

<sup>3</sup> Continued killing of Kurdish conscripts in Syria, available at <http://supportkurds.org/news/continued-killing-of-kurdish-conscripts-in-syria> [accessed 17.4.2010]

- b) we are informed by contacts in Syria that the authorities successfully used intimidation of Kurdish leaders to minimise the numbers of people attending Newroz celebrations in 2010, at a time when the UN, USE and UK were offering congratulations to the celebrating communities. The authorities took action such as wrecking areas prepared for such celebrations to bring their message home.
- 6) Torture is used directly on the community, with intent:
- a) for example, most recently by the shooting at al-Raqqa on 21 March 2010, and two years ago by the killings in Qamishli, both taking place during Newroz celebrations in March. It was reported that the hospital in al-Raqqa was advised to clear beds, prior to the shooting.<sup>4</sup>
- 7) We continually report cases in our webpages of the arbitrary arrests of Kurds, without Court order, and with no information being given:
- a) *'The Kurdish Organization for the Defence of Human Rights and Public Freedoms in Syria – DAD, the Human Rights Organization in Syria – MAF and the Kurdish Committee for Human Rights in Syria al-Rased report that Shivan Falamez Farho, a teenager and a baccalaureate student from Qamishli, has been arrested by one of the security authorities against the backdrop of the tragic events in al-Raqqa. His whereabouts are currently unknown.'*<sup>5</sup>
- b) *Human Rights Organization in Syria – MAF, and the Kurdish Organization for the Defence of Human Rights and Public Freedoms in Syria – DAD report that on 4<sup>th</sup> March 2010 a patrol consisting of more than twenty personnel came in three security cars to raid houses in Damascus. They blindfolded Saleh Mullah Said Suleiman who was born in 1940, and took him to an unknown destination without a court order or warrant, even though he is bedridden, and suffers from several diseases*<sup>6</sup>
- c) *Kurdish Committee for Human Rights in Syria al-Rased has been informed by sources close to the families of the detainees –*
- *Montaser Ahmed Khalaf, a photographer and owner of a computer café in Amuda*
  - *Alan Ahmed Hussein, the owner of a flower shop*
- that these men were detained by a state security patrol from Qamishli on 18 February 2010 without a court order and with no explanation of the reasons for their detention*<sup>7</sup>
- d) *Human Rights Organization in Syria – MAF reports that on 22 November 2009 a platoon from the Political Security branch raided the house of Mohammed Amin Kurdi, born 1988, in Kobani. His whereabouts are unknown, and there has been no explanation as to the reason for his arrest.*<sup>8</sup>
- 8) Families are unable to contact detainees or to know their whereabouts. During the recent hunger strikes, detainees were not allowed to have contact with relatives,

<sup>4</sup> *Machine-guns against demonstrators in Syria* 26 March 2010 available from <http://supportkurds.org/news/machine-guns-against-demonstrators-in-syria> [accessed 16.4.2010]

<sup>5</sup> *Statement of three Kurdish organisations regarding the arrest of a young Kurdish student in Syria*, SKS April 12 2010 available from <http://supportkurds.org/news/statement-of-three-kurdish-organisations-regarding-the-arrest-of-a-young-kurdish-student-in-syria> [accessed 16.4.2010]

<sup>6</sup> *Arrest of 70 year old Kurdish man in Syria* SKS 12 April 2010, available from <http://supportkurds.org/news/arrest-of-70-year-old-kurdish-man-in-syria> [accessed 16.4.2010]

<sup>7</sup> *Arrest of two more Kurdish men in Syria* 23 Feb 2010 <http://supportkurds.org/news/arrest-of-two-more-kurdish-men-in-syria> [accessed 4.4.2010]

<sup>8</sup> *Two Kurdish students from Kobani – arrested and disappeared* 3 January 2010 <http://supportkurds.org/news/two-kurds-from-gobani-arrested-and-disappeared> [accessed 4.4.2010]

and one of the reasons for the strike was in relation to contact with family members<sup>9</sup>.

- 9) Inhuman and degrading treatment by the State towards the Kurdish population generally is evidenced by the denial of universal rights:
- a) the continuing and wilful refusal to acknowledge the estimated 3/400,000 stateless Kurds as citizens of the country<sup>10</sup> ;
  - b) denial of rights to use the Kurdish language; access to education to the higher levels; to travel; to build, buy, sell and rent property<sup>11</sup>; to create and belong to political parties,
  - c) The UK Foreign Secretary has publicly reiterated the UK's concerns in Parliament, making clear that "*the UK is particularly concerned with the deterioration in the situation for opposition politicians and Syria's Kurdish population, and the restrictions of basic civil rights and freedom of the media*"<sup>12</sup>
  - d) The Syrian authorities have recently been cracking down on the use of Kurdish language, by for example forbidding shop-keepers to have Kurdish signs on their shops<sup>13</sup>;
  - e) The colours red, green and yellow are not allowed in a Kurdish wedding because they come from the Kurdish flag;
  - f) It is clear to us that there is no support for the Kurds to enable them to remain in their historic homelands, but rather that the Syrian Government has political intent based on race, that is supported by laws and public policies that are designed to drive the Kurds from their ancient homelands, to migrate to the south to live in shanty towns around Damascus, or to travel north into Turkey.<sup>14</sup>
  - i) The construction industry has been decimated by legislation – Decree 49,
  - ii) and the agricultural industry in the Kurdish area has been decimated by a combination of global warming and Turkey re-directing its water supply<sup>15</sup>.  
*'2009 changed all this, with a resolution over the Euphrates water dam , with joint military exercises and cooperation agreement signed on cultural, tourism and economic field and with a well publicized border crossing*

<sup>9</sup> *Detainees recently on hunger strike were tortured and forced to eat during their protest*, 29 December 2009, available from <http://supportkurds.org/news/detainees-recently-on-hunger-strike-were-tortured-and-forced-to-eat-during-their-protest/#more-1295> [accessed 16.4.2010]

<sup>10</sup> *Stateless Kurds in Syria, Illegal invaders or victims of a nationalistic policy?* Kurdwatch report March 2010 available at <http://supportkurds.org/reports/stateless-kurds-in-syria-kurdwatch-report/> [accessed 15.4.2010]

<sup>11</sup> Decree 49 requires that a license is applied for. Kurds know by historic experience that it is highly unlikely that a license will be issued to them.

<sup>12</sup> *United Kingdom Foreign & Commonwealth Office Annual Report on Human Rights 2009 – Syria* 17 March 2010 available at <http://supportkurds.org/reports/uk-government-is-concerned-for-kurds-in-syria> [accessed 16.4.2010]

<sup>13</sup> See the following recent reports for evidence of discrimination of Kurds:

*Human Rights Watch, 'World Report 2010: Syria', 20/01/2010* <http://supportkurds.org/reports/human-rights-watch-world-report-2010-syria-20012010/>

US Department of State, '2009 Human Rights Report: Syria', 11/03/2010 <http://supportkurds.org/reports/us-department-of-state-2009-human-rights-report-syria-11032010-extracts/>

Response of the Kurdish Human Rights Project to United Kingdom Foreign & Commonwealth Office Annual Report on Human Rights 2009 <http://supportkurds.org/reports/response-of-the-kurdish-human-rights-project-to-united-kingdom-foreign-commonwealth-office-annual-report-on-human-rights-2009/>

UK FCO Report March 2010: UK Government is concerned for Kurds in Syria <http://supportkurds.org/reports/uk-government-is-concerned-for-kurds-in-syria/>

Syria: Repression Grows as Europe, US Avoid Discussing Rights <http://supportkurds.org/reports/syria-repression-grows-as-europe-us-avoid-discussing-rights/>

<sup>14</sup> *What are the priorities* Report from International Support Kurds in Syria – SKS, available from <http://supportkurds.org/reports/232/#more-232> [accessed 14.4.2010]

<sup>15</sup> *Syria Drought Response Plan 2009*, 11 August 2009 available at <http://supportkurds.org/reports/syria-drought-response-plan-2009> [accessed 16.4.2010]

*opened , that made the former severely fortified border between Syria and Turkey, one of the most relaxed in the region.*<sup>16</sup>.

iii) The Government is not bringing support to these areas.

Article 4 and 11-15:

- 10) We have heard of no prosecution of the police and other representatives of the Government involved in the killing of Kurds in March 2004 at the time of the uprising, nor in relation to the killing of Kurds celebrating Newroz on 20 March 2008, nor do we expect anyone to face prosecution for the shooting of Kurds at al-Raqqa on 21 March 2010.
- 11) We know of no examples that demonstrate the use of the legislation to bring abusers to account. We also understand that people subjected to torture and ill-treatment believe:
- a) that disclosure will cause further hardship,
  - b) that there is no point making a complaint because nothing will result;
  - c) that there will be continuing arrests and arbitrary detentions as a result of any complaint made
- The belief remains because there are numerous examples of the State behaving vindictively to demonstrate its power in relation to human rights defenders through arbitrary arrests, indefinite detention, and release without charge after months of detention. Family members are sometimes targeted.

Demography:

- 12) Please note the continuing existence of the Arab belt that has dramatically changed the demography in the Kurdish area, for political reasons. Further measures taken by the Syrian government with the apparent effect of changing the demography of the area is to recognize the Arabic big villages as cities but not the Kurdish ones and let the Kurdish villages administrative belong to the Arabic cities. This prevents the Kurds from benefitting from the public services (and leaves them as villagers and enables the Arabs to be urban, who then have more access to public services and have better chance and possibilities to development.

We know that Jian Badrakhan of YASA identified this development in 2006<sup>17</sup>, and again *The community of Kamechli, part of the province of Hasaka in Northeast Syria, has declared Arabic, under the management of a committee, the only official and colloquial language and the Lingua Franca. Now, the Kurds are forced to either use Arabic names when opening a store or change names of already established shops. In case of ignoring the resolution, Kurds will have to face penalty. Arabs, Kurds, Assyrians, Armenians and Syrians live in the province of Hasaka each having their own language.*<sup>18</sup>

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<sup>16</sup> Syria: *The Centre of a new Strategic Alliance* Professor Anton Caragea, 26 January 2010  
<http://iricer.webs.com/apps/blog/show/2687951-syria-the-center-of-a-new-strategic-alliance-by-professor-anton-caragea>  
[accessed 16.4.2010]

<sup>17</sup> *Commission on Human Rights report 2006* Jian Badrakhan/YASA, available at <http://www2.ohchr.org/english> [accessed 16.4.2010]

<sup>18</sup> YASA Report July 2009, available at <http://supportkurds.org/reports/yasa> [accessed 16.4.2010]