

**Alternative Report  
to the Syrian Government's Initial Report on Measures taken to Fulfil its  
Commitments under the Convention Against Torture and Other Cruel, Inhuman  
or Degrading Treatment or Punishment**

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*(With the participation of several Syrian human rights organizations)*

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## *Foreword*

Documenting human rights violations in Syria remains a high-risk activity. Over the past years, several human rights defenders were sentenced to prison. The government imposed significant restrictions on freedoms of speech, assembly, association and travel, and targeted in particular human rights defenders and pro-democracy activists

Defenders are generally prosecuted and often convicted for peacefully exercising their rights to freedom of expression, peaceful assembly and freedom of association and/or activities for the defence of human rights. Violations of the right to a fair trial are routinely observed at all stages of judicial proceedings and acts of mistreatment and torture have also been very regularly denounced during arrests by the State security services or during detention.

The arrests and detention of prominent lawyers and Human Rights Defenders Muhannad Al Hassani and Haitham Al Maleh in 2009 are concrete and recent illustrations of the systematic violation of freedom of association and expression and crackdown on independent HRDs.

Among other charges Mr. Al Hassani was prosecuted for attending Supreme State Security Court hearings without prior authorization, which he did as part of his activities of judicial observation on the respect of international standards of fair trial. This case illustrates the risks involved for independent non-governmental organizations to work in Syria.

For that reason several Syrian human rights organizations which have participated in the preparation of this report have preferred to remain anonymous.

Furthermore, in order to not put at risk more victims of severe human rights violations and their families, a large number of testimonies quoted in this report have already been documented by international human rights organizations.

## Introduction

Since March 8<sup>th</sup> 1963, Syria has been ruled under a state of emergency imposed by a military order upon the basis of the Law of Emergency although the procedures dictated by this law have not been followed.<sup>1</sup> This law and in particular its articles 4 and 5 involves restrictions on a wide range of human rights which ought to be respected like freedom of individuals in assembly, residence and movement. It additionally violates the right to privacy and permits seizure of properties .

The “quasi-permanent state of emergency, thereby jeopardizing the guarantees of article 4 of the [International Covenant on Civil and Political Rights]” and that the provisions of the law of emergency “are too vague and imprecise and do not appear compatible with the requirement of article 4 of the covenant” were concerns raised by the Human Rights Committee in 2001.<sup>2</sup>

The law of emergency also has serious implications on the independence of the judiciary. According to Art.8 of the law of emergency the Martial governor named by the Prime Minister “*may take a conclusive decision regarding a dispute over specialization to draw a dividing line between civil and military judiciary*”. This article among other dispositions allows the frequent prosecution of civilians before military courts.

Indeed, the widespread use of special courts and in particular the Supreme State Security Courts which do not respect most provisions of just procedures as articulated in article.14 of the ICCPR is of great concern<sup>3</sup>. The court - which addresses cases related to national security - was established through presidential decisions not according to law, and therefore operates only under the power of the Baath party; it is not part of the judiciary authority. Its jurisdiction applies to military as well as to civilian cases. According to art.1 and art.2 of the legislative decree No.47 of 28/3/1968, the Supreme State Security Court may be formed by an order from the martial governor and is composed of two judges, one civilian and the other military. Its judgements are not subject to appeal (art.8) nor is it bound by the same procedures as the courts of regular jurisdiction (art.7). The President of the Republic must approve a verdict; he may also cancel it and ask for a retrial (art.8).

The Constitution of Syria of 1973 contains its own provisions on the state of emergency; art.114 gives the President of the Republic the power to “*form specialized organizations, councils, and committees*”. This provision along with art. 3 of the Law of Emergency<sup>4</sup> frame the important role of the Syrian security services.

The use of torture is particularly widespread among the various security agencies in Syria, not only against political prisoners or security detainees, but against regular criminal prisoners as well. Extracting confessions under duress is the most common technique used during interrogations.

The Security bodies have increasingly become associated with far reaching human rights violations and the intensity of violations in the context of the State of emergency has been increasingly prevalent in Syria over the last decades: abductions and enforced disappearances;

<sup>1</sup> Military act No.2 (8/3/1963). Legislative act No. 51 (22/12/1962).

<sup>2</sup> Concluding observations of the Human Rights Committee: Syrian Arab Republic. 24/4/2001. CCPR/CO/71/SYR. §6 and §7.

<sup>3</sup> Human Rights Committee, Concluding Observations *op cit.* “16. In the Committee's view, the procedures of the State Security Court are incompatible with the provisions of article 14, paragraphs 1, 3 and 5. The public nature of proceedings before the State Security Court is not guaranteed. The Committee is also concerned about allegations, to which the delegation did not respond, that the Court has rejected complaints of torture, even in flagrant cases, and that some legal representatives have withdrawn in protest against the failure to respect the rights of the defence. Moreover, the Committee notes that the State Security Court's decisions are not subject to appeal.

<sup>4</sup> “ (a.)When a State of Emergency is declared, the prime minister should name a Military Governor and all internal and external security forces must be put at his disposal”.

arbitrary arrests and detention; solitary confinement; torture and ill-treatment; deprivation from legal and medical assistance; etc.). Security services benefit from a wide range of powers. The most infamous security organizations are: 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'ath 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>5</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 have had a decisive say in political, economic, and administrative decisions while being accountable only to the President.

Syria's ratification of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (hereafter, the Convention Against Torture) on July 1, 2004, is a very positive step, hopefully toward reducing or eliminating the widespread practice of torture in Syria. However since the ratification by Syria of the Convention no concrete improvement has been registered regarding the use of torture or degrading treatment.

While Syria ratified the Convention Against Torture with Legislative Decree 39/2004, it placed a reservation on Article 20 of the Convention, which allows the Committee Against Torture to investigate allegations of systematic torture being practised in a state party of concern. This illustrates an unwillingness of the Syrian authorities to tackle the issue of torture by taking more effective actions to fight these practices. The content of the State party report to the Committee does not contain relevant information concerning the implementation of the Convention and the respect of its provisions at the national level. In addition to that, Syria hasn't established any national mechanism to combat torture nor has it ratified the optional protocol to the Convention. This seems to confirm the Syrian authorities' disregard for its international obligations.

## **Part 1 : The legal framework**

### I- Prohibition of torture: set of contradictory laws

Several Syrian laws provide for the good treatment of prisoners and prohibit torture.

The Syrian Constitution in its Article 28, Paragraph 3 states, "No one may be physically or psychologically tortured or treated in a degrading fashion; the punishment for such acts shall be set by law".

More generally, the Syrian Constitution contains many provisions safeguarding fundamental liberties and human rights, as was duly highlighted by the report of the Syrian government to the CAT. However, most of the pertinent articles end with formulations such as "in accordance with the law," "according to the provisions outlined in the law," or "and the law shall regulate this". In many cases, the relevant law has either not been issued in the 35 years of the Constitution's existence, or a law has been issued and contravenes the spirit of the Constitution. On the other hand,

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<sup>5</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).

some laws issued before the ratification of the Constitution remain in force, even if they contradict provisions of the Constitution, as is clearly the case with the Emergency Law.

The state of Emergency enforced since 1963 restricts public liberties in Syria. Article 4 of the Emergency Law states that:

*“The martial law governor or his deputy may issue written orders to take the following measures or some of them: to refer violators to military courts; to place restrictions on the freedom of people to assemble, reside, and move; to arrest, as a precautionary measure, suspects who are threatening security and public order; to approve investigations of persons and places at any time; and to delegate any person to perform any of these acts.”*

Article 3 of the Emergency Law further stipulates that: *“On declaring a state of emergency, the Prime Minister is called Martial Ruler and all the forces of internal and external security are put at his disposal.”*

Thereby, this law allows detaining any person in contravention of the law, not by the competent authorities, in places other than those designated by law, and for an unspecified period. Therefore, the Emergency Law erases the guarantees of freedom from torture, inhuman treatment, and isolation from the outside world that are enshrined in the Constitution. These broad prerogatives enjoyed by the customary ruler and his deputy enhance the potential for human rights abuses thus opening the door for arbitrary and incommunicado detention, an extremely common practice in Syria and one which largely facilitates further human rights abuses, including torture.

## II- Definition of torture

While the Syrian Constitution prohibits torture, it leaves the punishment of offenders to be defined by law. The Penal Code alludes to the crime of torture, but does not use this word to describe it. According to Article 391 of the Syrian Penal Code, “1. Anyone who subjects a person to illegal hardship in order to obtain a confession to a crime or information about that crime shall be liable to a penalty of imprisonment of three months to three years. 2. If the acts of violence lead to sickness or injury, the minimum penalty shall be a term of one year imprisonment.” “Hardship” is construed in the second sentence as “acts of violence,” or physical violence, which rules out psychological violence such as the threats and ill-treatment included in the definition of torture in Article 1 of the Convention Against Torture. Furthermore, the penalty provided by the Penal code for the perpetration of such acts doesn't take into account the grave nature of torture which shall be made “punishable by appropriate penalties as set out in article 4, paragraph 2, of the Convention”.

## III-Immunity granted to main offenders

### *1. Legislative decrees creating and regulating the General Intelligence Administration*

Intelligence and security bodies empowered by security laws and provisions are the main offenders identified. Investigations on acts perpetrated by security officers and prosecution are nevertheless almost non-existent due to the extensive legal immunity extended by the decrees creating these bodies and regulating their functions.

On January 15, 1969, Legislative Decree 14 was issued establishing the General Intelligence Administration (إدارة المخابرات العامة). Article 16 of the decree states, “No legal action may be taken against any employee of the department for crimes committed while carrying out their designated

duties or in the course of performing such duties except by an order issued by the director.” This principle was reiterated by Article 4 of Legislative Decree 549/1969 regarding of the Regulations of the Internal Structure of the General Intelligence Administration issued on May 25, 1969, which states, “No legal action may be taken against any General Intelligence Department employees, those assigned or detailed to the department, or those contracted with it for crimes incurred on the job or in the course of performing the job before referral to a department disciplinary board and before an order is obtained from the director.” These decrees instate security apparatuses' free rein in treatment of detainees: intelligence agents feel immune from legal prosecution even if they commit a human rights violation as grave as torture.

The following is the text of Articles 16 and 30 of Legislative Decree 14 creating the General Intelligence Administration, issued on January 25, 1969, as well as Articles 74 and 101 of Legislative Decree 549.

Article 30 of Legislative Decree 14/1969 states that “This law shall not be published and goes into effect on the day of issuance.”

Article 74, Legislative Decree 549/1969: No legal action may be taken against any State Security Department employee, those assigned or detailed to the department, or those contracted with it for crimes incurred on the job or in the course of performing the job before referral to a department disciplinary board and before an order is obtained from the director.

Article 101, Legislative Decree 549/1969: This law shall not be published and goes into effect on the day that Legislative Decree 14 comes into force, January 15, 1969.

These laws differ from others insofar as they are confidential (i.e. never officially published in the government register), depriving citizens from the right to know the law. Over 40 years however, they have come unofficially to the knowledge of lawyers and human rights organisations. The Laws are meant to guarantee democratic order and protect civil rights, and the Syrian Constitution guarantee people's sovereignty. The existence of secret laws is in contradiction with the guarantee of people's sovereignty.

The Syrian authorities concealed the law fearing a scandal, for the very text of the law implies recognition of crimes committed by state security personnel and the authorities' efforts to protect them. No party can hold them accountable without a prosecution order from the director, and the director in turn uses this prerogative to compel his subordinates to continue to torture and engage in other crimes that make the lives of Syrian detainees intolerable.

A systematic search for laws regulating the work of the security services reveals that there is no published legal text. The only thing we can glean is found in an opinion issued by the general assembly of the State Council's fatwa and legislation department, no. 654/1997, which refers to a law regulating the work of the General Intelligence Administration, although that law remains unpublished.

The State Council was asked to offer an opinion on whether it was possible to prosecute employees with the General Intelligence Department for crimes committed in the course of duty. In his opinion, the State Council relied on laws regulating the work of the General Intelligence Department, brought to its attention by the Department itself. Based on these texts, the general assembly of the fatwa and legislation department stated that “no legal action may be taken against any General Intelligence Department employee, those assigned or detailed to the department, or

those contracted with it for crimes committed while carrying out their designated duties or in the course of performing such duties before referral to a Department disciplinary board and before an order is obtained from the director.”

Thus it is made clear that the law regulating the work of the General Intelligence Administration includes provisions that grant prior immunity to the agency and its employees; the director may choose to forgo this immunity, although not one prosecution order has been issued by a Director of the Department since the law was issued in 1969.<sup>6</sup>

The foregoing law is still in effect, protecting members of the General Intelligence Department from accountability. This is, first and foremost, incompatible with the Constitution, which bans torture in Article 28 Paragraphs 3. It further violates the right of citizens to lodge a complaint, since no legal petition can be submitted against any member of the General Intelligence Department. The law is also incompatible with Legislative Decree 39/2004, in which Syria ratified the Convention Against Torture. Although Article 4 of the Convention obliges States Parties to take all measures to criminalise acts of torture in their criminal codes, it is noticeable here that perpetrators of acts of torture and other severe human rights violations are instead protected by law.

## *2. Legislative Decree 69: immunity for police, customs police, or Political Security*

On September 30, 2008, the president issued Legislative Decree 69 amending the Military Penal Code in Syria. The law delegated the right to issue an arrest order for members of the police, political security, and customs to the General Command of the Army and Armed Forces, although administratively these personnel are subordinate to the Ministry of Interior, not the armed forces. Legislative Decree 69 stipulated the following:

Article 1: The following section shall be added to the end of Article 47 of the Military Penal Code issued by Legislative Decree 61 on February 27, 1950:

7A: Crimes committed by non-commissioned officers, members of the internal security forces, personnel with the Political Security Division, and members of the customs police during the course of the legal duties.

B. Arrest orders for non-commissioned officers, members of the internal security forces, personnel with the Political Security Division, and members of the customs police shall be issued by the General Command of the Army and Armed Forces, in accordance with the provisions of Article 53 of the Military Penal Code.

Article 2: Suits filed before the regular judiciary in connection with Article 1 shall be referred to the military judiciary.

Under the new law, no lawsuit may be filed before regular courts against members of the police, customs police, or Political Security, including of course, ones related to the torture and assault of citizens as such lawsuits require the prior permission of the army commander. In turn, all lawsuits filed against the aforementioned personnel that were pending before the regular judiciary were transferred to the military judiciary.

Article 1 Paragraph B of the new law stipulates that prosecution orders for the named personnel will be issued by the General Command of the Army and Armed Forces.

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<sup>6</sup> See ‘Abd al-Hayy al-Sayyid, “Mas’uliyat al-ajhiza al-amniya ‘an akhta’iha fi Suriya fi itar al-qanun al-Suri,” <http://www.shrc.org/data.aspx/d9/979.aspx> .

Paragraph B of Article 1 is ambiguous insofar as it stipulates that prosecution orders for non-commissioned officers and members of the internal security forces, personnel with the Political Security Division, and members of the customs police are issued by decree from the General Command of the Army and Armed Forces in accordance with Article 53, which defines the source of the order in five cases. While Legislative Decree 69 stipulates that arrest orders shall be issued by the General Command of the Army, it does not refer to any specific paragraph of Article 53 in the Military Penal Code. In turn, it is extremely difficult to file a lawsuit against perpetrators of torture since it requires the permission of the General Commander of the Army and Armed Forces.

Instead of taking measures to bring its national laws in line with the Convention Against Torture, Syria has taken precisely the opposite measures. Legislative Decree 69/2008, issued after Syria had ratified the Convention, is a new step to bestow further protection from prosecution on security personnel. Although the content of the decree is ambiguous, particularly Paragraph B of Article 1, the direct, clear result of the decree is to secure further immunity for members of the security apparatus. As we noted above, members of the General Intelligence Department have always enjoyed immunity from prosecution. With the issuance of Legislative Decree 69/2008 all members of the security apparatus, from intelligence agencies, to judicial and customs police are secure from legal prosecution, a situation which greatly facilitates the commission of torture while violating the right of citizens to lodge a complaint.

#### IV-Legal obstacles to the right to lodge a complaint

The right to lodge a complaint in Syria is guaranteed by the Constitution<sup>7</sup> but the ongoing state of emergency has had disastrous effects on the state of human rights in Syria, perhaps most significantly by *de facto* overriding the Constitution, which makes it difficult to exercise the right to lodge a complaint as guaranteed by Art. 13 CAT.

The content of the above-mentioned decrees grant the security apparatus as a whole prior immunity from prosecution. Therefore citizens cannot turn to the courts to sue any member or officer of the security apparatus except with prior approval, which is virtually impossible since it must be obtained from the Director of the General Intelligence Department or the General Commander of the Army and Armed Forces. If a citizen files a complaint against a security officer or member, the suit is not heard and remains pending until approval is obtained. It is also alarming that the plaintiff-not the judicial authority- must take action to obtain permission from the security apparatus. In other words, a citizen suing State Security Intelligence for torturing or maltreating him, for example, must go to this very body to obtain permission to sue.

To ensure that laws in Syria are interpreted as it wishes, the executive authority has brought the judiciary under its wing and stripped it of all independence.

#### V-Legal infringements of the independence of the judiciary

The lack of judicial independence and arbitrary procedures have systematically resulted in violations of the right to fair trial.

In Syria, the Minister of Justice heads the judiciary and a majority of the Supreme Judicial Council is subordinate to him (his aide, the Public Prosecutor, the chair of the Judicial Inspection Authority,

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<sup>7</sup> Article 28, Paragraph 4 states that “*The right of litigation, appeal, and defence before the judiciary is protected by law*”.



all of them being nominated by the Minister of Justice<sup>8</sup> As such, the judiciary is no longer independent, but is turned into a State Department run by the Minister of Justice, who is a member of the executive authority.<sup>9</sup>

In addition, judges do not enjoy immunity according to the provisions of Legislative Decree 40, issued on May 21, 1966, which states that « Contrary to all provisions in effect, particularly Article 92 of Law 98 on the judiciary issued on November 15, 1961 and its amendments: the cabinet can, within 24 hours after a judge's alleged misconduct, and at its own discretion, decree:

1. The dismissal of judges from service
2. Their transfer to another domain
3. This decree need not include the cause or reasons for a dismissal or transfer.

A judge may be dismissed or transferred by order, which is not subject to any form of review; neither the State Council, the General Agency for the Court of Cassation, nor any other judicial or administrative body can hear or consider an objection or appeal to the decision. The rights of the judge in question shall be fulfilled in accordance with the provisions for retirement ».

Having lifted all immunity on judges, there only remains to make them subordinate to the executive authority to which the law allows to dismiss or transfer judges without requiring the statement of any cause and denying the right to appeal. In doing so, the judiciary thus becomes the protector of the executive.

Hence the judiciary is hamstrung and, in effect, deterred from hearing any petition whose objective is the prosecution of the executive authority or the security apparatus. The prior approval that must be obtained in such suits (which must be obtained from the party being sued) is the principal obstacle to filing a suit against any security personnel or officers. If a judge dared to rely on the Constitution and accept the petition—which has not happened in Syria to this day—the laws stripping judges of their immunity would facilitate his transfer or dismissal without cause. This makes it impossible to litigate against the security apparatus in Syria and also systematizes the violation of the right to lodge a complaint as upheld in the Syrian constitution and in Article 13 CAT.

## VI-Unfair trial guarantees before exceptional courts legally recorded

The large majority of political prisoners in Syria have been tried before exceptional courts: either the Military Field Tribunal or the Supreme State Security Court, neither of which meet the standards of fairness and due process: a significant amount of allegations of torture were completely ignored by these Courts.

The proceedings before Supreme State Security Courts and Military Courts disregard fair trial guarantees and the courts' functioning widely contradicts the international standards of fair trial. For instance, these courts continually fail to condemn illegal procedures of arrest and detention and as detailed below, refuse to refer allegations of torture for investigation even when the marks of

<sup>8</sup> Article 65 of Decree 98/1961 on the judiciary stipulates: *“The Supreme Judicial Council shall be composed of the following: President of the republic as represented by the Minister of Justice, chair of the council ; Chair of the Court of Cassation, member; Two most senior members of the Court of Cassation after the chair, members; Aide to the Minister of Justice, member ; Public Prosecutor, member; Chair of the Judicial Inspection Department, member.”*

<sup>9</sup> Haytham al-Malih, *Huquq al-insan bayn al-ta'dhib wa halat al-tawari'* [Human Rights between the modernization and development], (Damascus, Al-Ahali Publisher, 2001) p. 88.

violence and violation are obvious on the defendant's body. Lastly the right to appeal is not recognized before the Supreme State Security Courts.

The Military Field Tribunal was established by Legislative Decree 109<sup>10</sup>. It deals with crimes within the jurisdiction of the military judiciary or those committed in wartime or wartime operations as the Minister of Defence refers to it. Although there is no real state of war at the current time as highlighted by the Human Rights Committee in 2001 and reiterated in 2005<sup>11</sup>, these courts continue to hear cases of a security nature and civilians are tried before them.

The tribunal is not bound by the principles and procedures stipulated in existing legislation (i.e. the Syrian Code of Criminal Procedure) according to Article 5 of Legislative Decree 109<sup>12</sup>. This means that it is not constrained by the imperative for a public trial, the right to an attorney, the right to see a forensic physician, the ban on incommunicado detention, or a suspect's right to be questioned within 24 hours after his arrest, in addition to other basic rights guaranteed to suspects and defendants by the Syrian Code of Criminal Procedure. The Court conducts its session in total secrecy, and defendants are not allowed recourse to a lawyer or contact with their families.

The Supreme State Security Court (SSSC) was established by Legislative Decree 47, issued on March 28, 1968. Paragraph A of Article 7 of this Decree states that "With the exception of the right to a defence as inscribed in existing laws, State Security courts are not bound by the procedures stipulated in existing legislation at any point of investigation, interrogation, and trial."

This article exempts the State Security Court from procedures stipulated in the Code of Criminal Procedure from Article 273 to Article 308, such as the requirement that the Head of the Court questions the defendant within 24 hours after his papers reached the Court and the defendant's right to choose an attorney.

Once again, we find laws and decrees on the books that conflict with the most basic rights of a defendant, in violation of both, the Syrian Constitution and laws as well as provisions of the Convention Against Torture.

## Part 2. Serious and systematic human rights violations related to the Convention

### I-Torture: a systematic practice in interrogation centers

There have been innumerable cases of torture perpetrated at arrest and detention centres or various security services' headquarters, but very few of these cases have been exposed. Usually detainees do not expose their torture after their release in fear of retaliation from the security apparatus.

We shall provide examples of torture documented by international rights organizations and testimonies from former detainees about what happened to them or what they witnessed in security centres or prisons. The following cases are taken from the Human Rights Watch report, *Group Denial: Repression of Kurdish Political and Cultural Rights in Syria*.<sup>13</sup>

<sup>10</sup> Issued on August 17, 1967

<sup>11</sup> See Human Rights Council's Concluding Observations 6, CCPR/CO/84/SYR, 9 August 2005.

<sup>12</sup> "The court is not bound by the principles and procedures stipulated in existing legislation".

<sup>13</sup> Human Rights Watch, November 2009, available at : <http://www.hrw.org/en/node/86737>

Twelve of the 30 former detainees interviewed by Human Rights Watch stated that security services had tortured them. According to the testimonies, the security services that engaged in the torture include Political Security (Aleppo and Ain Arab branches), Military Intelligence (Palestine branch)<sup>14</sup>, State Security Intelligence, Air Force Intelligence, Military Police (Qamishli), and prison guards at the Sednaya Prison.<sup>15</sup>

Violence was used when the detainee was not undergoing interrogation, and the most common forms include beating and kicking all over the body, and particularly on the soles of the feet. One member of the Kurdish Democratic Union Party (PYD) described how he was tortured during his detention by Political Security in Ain Arab in May 2006:

*“They tortured me physically and emotionally. The physical torture began from the moment I arrived at the branch. The officer who heads the branch beat me personally. His men tied my legs to a Russian rifle, and the officer beat me on my feet with a whip. The beating covered various parts of my body. He would insult and threaten me and insult the Kurds. He found a notebook in my pocket where I had written the name of the town by its Kurdish name, Kobani, which the regime had changed to ‘Ain ‘Arab, so he hit me with more than 100 lashes saying, ‘Damn you and damn Kobani. Why don’t you write ‘Ain ‘Arab?’”<sup>16</sup>*

The torture lasted for almost six hours of on-off beatings.

*“The next day, they transferred me to the political security branch in Aleppo. When I arrived there, they beat me and kicked me. The day after that, the investigation started. Whenever the investigator would not get the answers he wanted from me, he would refer me to some people for beating.”<sup>17</sup>*

A Kurdish activist arrested after the crackdown on protest on November 2, 2007, in Qamishli said that military police interrogators in Qamishli tortured him in November to force him to confess:

*“They gathered us in the basement of Criminal Security for the first night, where they beat us. They then transferred us to Military Police in Qamishli, where security guards tortured us. The first 12 days in detention were very difficult. They [Military Police] repeated the investigation with me four times and would make me put my fingerprints on a piece of paper, while my hands were tied behind my back and my eyes were covered. They would keep insulting us and calling us traitors and agents for the US. Two of the torturers would drag me on the floor while two others would beat me with a cable. They would do this along the 20 meters that separated the office where the investigation took place from my detention cell. They also tortured the others who were with me, until five people confessed that I had incited them to demonstrate and given them the order to throw stones at members of the security services.”<sup>18</sup>*

Interrogators used several methods to restrain detainees and facilitate the beatings. A Kurdish activist arrested by Political Security in June 2005 described the “tire” method to Human Rights Watch, a widespread method in which security forces force the victim to lie on his back and bend

<sup>14</sup> Under the authority of the Military intelligence, this detention center is known for its brutal interrogation methods. People suspected of terrorist activities of links with terrorist groups are systematically detained in this branch.

<sup>15</sup> « Sednaya civil prison is one of the largest (...) Syrian prisons build in 1987. It is situated in the mountainous village of Sednaya, which lies north of Damascus. (...) Every wing on each floor is composed of twenty collective cells, each 8 meters long and six meters wide. The first floor contains one hundred prison cells. Sednaya prison was built to accommodate, in normal circumstances, 5000 detainees, but the number may be increased to 10000 detainees when the prison is crowded. (...) The Syrian Government built the prison primarily to receive ordinary criminals, but it received political detainees. In the prison there are interrogation bureaus supplied with the most modern and most developed torture instruments. » Syrian Human Rights Committee (SHRC), *Sednaya Prison: The Continual Human Tragedy*, June 2004, available at <http://www.shrc.org/data/asp/d9/1749.aspx>.

<sup>16</sup> Human Rights Watch, November 2009, available at : <http://www.hrw.org/en/node/86737>

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

his knees; a car tire is then placed around his legs to expose the soles of his feet:

*“They put me in the tire, and four guards starting beating me with cables and batons. The head officer was kicking me on my head and face with his shoe. They would also suspend me from the wall for long periods of time.”*<sup>19</sup>

Another detainee told Human Rights Watch how Political Security tortured him in May 2006 after binding him to a rectangular wooden plank, a form of torture known as “the flying carpet”:

*“At night, they would bring two planks of wood, which they called the daff (tambour). I understood that this was the ‘flying carpet’ that I had heard about. They would tie my arms to the longer side of the plank and my legs (at the level of the shinbone) to the narrower part. On each side of the planks, there are metal rings tied to each other. The pain caused by the pulling is a lot harder to bear than the beating. The pain is mostly centred on the bones of the legs and the spinal cord. Then they would beat you on various parts of your body. After a while, they would untie me, and ask me to do some physical exercise to have the blood circulate again and then they would repeat the beatings.”*<sup>20</sup>

Several detainees reported that the security apparatus forced them to stand for long periods of time. A political activist detained in October 2008 and held for three months in Military Intelligence’s Palestine branch described this:

*“If the investigator was not convinced by what I said, the guards would take me to the ‘torture square,’ where they would make me stand on my feet for long days with my hands tied behind my back and my eyes covered with a black cloth. I was made to stand for 11 days with only brief periods of rest for 10 minutes, to eat. If I would fall due to lack of sleep...they would throw cold water on me and beat me with cables. I developed many illnesses because of this torture. Tests I had done after my release showed that I had inflamed joints as well as infections in the stomach, kidneys, and chest.”*<sup>21</sup>

Another common form of torture as described by detainees was sleep deprivation. One detainee arrested by Political Security in Aleppo in June 2006 said, *“They took me to the solitary cell. Every time they [the security guards] would come, they would wake me up with cold water and order me to stand.”* The detainee held by Political Security in Aleppo in June and July 2006 also spoke about being threatened with permanent injury: *“They also threatened me with electricity. The officer in charge told the night guard, ‘When I come back tomorrow I want to hear that he either confessed or is disfigured.’”*

A 55-year-old detainee who was arrested after the November 2, 2007, protests in Qamishli told Human Rights a terrible story: he passed out during interrogation by the Military Police in Qamishli only to wake up and find that they had pulled out three of his toenails. The former detainee said:

*“Security guards took us to a dark basement. They beat and insulted us and later transferred us to another detention cell, which was overcrowded. For over two hours the investigator beat me on my head with his boots. On the fourth day they changed the investigator. I think his title was Abu Shaker. This time they beat me with a metal rod, and I finally passed out. When I woke up, they had pulled [out] three of my toenails.”*<sup>22</sup>

Another activist described how he was beaten by the chief of the Palestine Branch, where he spent three months in late 2008, by a large cable while being transferred to another prison:

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<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

*“There was no interrogation. I was being taken from the office of the director [of the Palestine Branch] to the car that would transfer me to the jail in Qamishli. The prison director took a large cable and started beating me on my back and insulting me while I walked the 20 meters to the car. I felt like my heart and liver were going to come out of my mouth. I finally passed out when I got to the car.”<sup>23</sup>*

Fourteen of the former detainees interviewed by Human Rights Watch described horrifying detention conditions, complaining of overcrowding and other problems. One activist who was detained by a branch of Military Intelligence known as the Syriac Branch in northern Syria complained that *“we were so many in the cell, we could not lie down. We had to sit the whole time—for six full days.”<sup>24</sup>*

At least seven detainees told Human Rights Watch that security services had forced them to strip down to their underwear during interrogation and at times even while in their cells.

One detainee said that he spent 45 days in a Political Security detention centre *“almost naked, with the exception of my underwear.”<sup>25</sup>*

A Kurdish activist described the detention conditions with Military Intelligence in Qamishli:

*“We were in an underground cell with no air or sun. We had no recreation time to go out and get fresh air. I developed skin rashes. I had one blanket in winter, which was full of fleas and insects that would bite. We were forbidden to speak to anyone else in the cell, as any person who spoke was beaten and insulted.”<sup>26</sup>*

Other activists held in by the Palestine Branch of Military Intelligence complained, *“There were flies in the cell, as well as many insects and cockroaches. There are no health services. I still suffer from back pain due to the cold.”<sup>27</sup>*

In addition to physical torture and mistreatment, 18 Kurdish activists told Human Rights Watch that members of the security apparatus had insulted and degraded them. Some were embarrassed to repeat the insults: *“They insulted my mother, sister, and wife, using words I would be ashamed of repeating.”<sup>28</sup>*

In May 2007, shortly after his return from Turkey, where he had lived for 23 years, the Palestine Branch of Military Intelligence summoned Faisal al-Sheikh Ibrahim, saying he needed to sort out the situation with his compulsory military service. He described what he experienced during his four-month detention, after which he was admitted to the hospital for treatment as a result of torture:

*“I was taken blindfolded to an interrogation room and asked to talk about [what had happened] since I left for Turkey up to my return. I spoke truthfully about everything I remembered, since I have nothing to hide or fear. I was asked several questions and answered them. Finally, the interrogator asked me, “What’s your relationship to so-and-so?” I told him I didn’t know the person. He told me, “Didn’t he visit you?” I said, “If I don’t know him, how could he visit me?” He told me, “Didn’t you meet with him?” No, I said. He screamed in face, “Liar! Didn’t you meet him for dinner in 1989 at the home of so-and-so?” I told him that*

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Human rights Watch *op. cit.*

*this person was my colleague and we often exchanged visits and dinner invitations. As a result of my bad memory and my insistence, I was taken to the torture chamber, where I encountered what I've never even imagined. I had thought that rumors about torture or what we saw in films and TV shows was exaggerated, but trust me, what I experienced was much worse than what I had seen or heard. After I had been totally enervated, I was moved to a cell. I was tortured like this for one week.*

*In the breaks from the torture, I would remember everyone I had met and I would tell them their names. From their description of the wanted man, I remembered the name he gave me. I said his name is so-and-so. He answered, "Is that an alias?" I told him I wasn't involved in politics and didn't know if they were aliases or real names.*

*The torture stopped and I was asked about what I had talked about with him. I was placed in a solitary cell for four months then moved to a room outfitted for ten people that held 37 prisoners, including Syrians, Palestinians, and other Arabs. I learned that they were all activists, or democracy advocates, or opponents of the regime. Sleep took place in shifts, with some lying down while others sat waiting their turn. I was hit very hard on the chest during my torture. I was in severe pain and going by symptoms and touch, I surmised that some of ribs had been broken.*

*One night, the pain compelled me to ask for a doctor. The next day a guard, A., came and asked me about where the pain was. I told him and he said it was from too much smoking. I told him I'd never smoked in my life. I'll send you some pain reliever, he said. The pain grew worse and my health deteriorated until I passed out. The uproar that apparently ensued in the cell forced the guard to inform the prison administration.*

*My condition worsened and a military doctor was summoned to treat me. After examining me, he said that I should be quickly moved to the hospital and placed under medical care.*

*I was moved to the hospital. I called my father from the military hospital and told him about my health. He quickly came to Damascus and after using some connections and paying bribes, was able to obtain a release order for me, but only after they forced him to write a statement that I had been injured before during my work at the company and that he wanted to treat me at his own expense and on his own responsibility. In two days, I was released. My father had made arrangements with a hospital for an operation and treatment, and, thank God, it was successful.<sup>29</sup>*

## II- Torture in prison: an ongoing punishment

Torture and harsh treatment is not only inflicted upon detainees during interrogations with the goal of extracting information and confessions. Torture is widespread in prisons and detention centres - in particular in the Central Prison known as Sednaya Prison, in the outskirts of Damascus. Such practices show that torture is an end in itself, not only as a means of obtaining information, but to frighten political prisoners and break their will, lest they dare even consider engaging in any future political activity.

In an interview conducted especially for this report, Syrian human rights activist **Muhammad Ali al-Abdullah** spoke about what he saw at the Sednaya Prison, where he was detained for two months:

*I was beaten while being questioned by State Security Intelligence, Branch No. 285 (based in Damascus). The interrogator slapped and punched me several times, and I was forced to stand, blindfolded with my hands cuffed behind my back, for the entire three-hour interrogation. The interrogator more than once threatened to use the "tire" on me and whip me. When I refused to answer some questions, I was made to kneel down on my knees.*

<sup>29</sup> Faisal al-Sheikh Ibrahim's testimony (Arabic) is available at <http://www.shrc.org/data.aspx/d7/3687.aspx>.

*Prisoners arrive at the Sednaya Prison cuffed and blindfolded, having no idea where the security truck is taking them as they leave the detention centre. Prisoners are usually transferred in groups. After I reached the prison, I was thrown in a solitary cell; it was smaller than I was and I could not stretch out. The cell was two floors underground, dark with no light, measuring about 160 by 180 cm. It contained a detached toilet about halfway up the wall. The cell smelled awful and filth was everywhere.*

*The next day, food was distributed. Through holes in the door, I saw rations in front of each cell for four people. It later turned out that the two solitary cells facing mine and next to me held four individuals—four people packed into the same space that was confining for me alone.*

*In the evening, I heard the First Aide to the Director of the Shift Guard tell the guards not to touch me, since I was connected to the press and appear on television. He told them that the prison director explicitly stated that “we don’t want problems with this prisoner.”*

*Groups of prisoners began arriving in the next few days. I spent 55 days in that cell during which two groups of prisoners arrived, each one numbering seven to ten people. Three prisoners arrived individually.*

*The guards began screaming, “They’ve brought them, they’ve brought them! May God send good fortune, bring the tire.” Prisoners arrived to the hall, lined on both sides by solitary cells like mine. More than ten guards arrived with a major from the Military Police, which runs the Sednaya Prison. The guards began beating the prisoners using rubber car tires. The prisoner would lie on his back and bend his legs, after which the tire would be put around his legs. Then the prisoner would be turned face down and a guard would stand on his back to prevent him from moving. Other guards would then whip the soles of his feet, and the screams would grow louder. The whipping was done with a very thick piece of rubber, probably an engine belt from a large machine.*

*The guards beat the prisoners—at the very least, each prisoner got more than 50 lashes. During the whipping, a guard would stand on the prisoner’s back to prevent him from moving and the major would make fun of the prisoners as they were being tortured. This is a verbatim dialogue of the conversation between the major and a prisoner undergoing torture:*

*Major: What do you do?*

*Prisoner: I’m a farmer.*

*Major: So you know what a tractor sounds like.*

*Prisoner: Yes sir, I know.*

*Major: So let’s see. Make me the sound of a tractor or else the beating won’t stop.*

*Prisoner: I swear, I don’t know how, sir.*

*Major: You don’t know, or you forgot?*

*Prisoner: I forgot, I forgot the sound.*

*Major to the guards: So remind him (an order to whip him).*

*The guards gave him more than 20 lashes and the prisoner screamed.*

*The major stopped the guards and asked the prisoner: So, have you remembered?*

*Prisoner: Yes, yes, I’ve remembered.*

*Major: So do it, make the sound of a tractor.*

*The prisoner began making a tractor-like sound while the major and guards laughed for five minutes.*

*The major ordered the prisoner to be quiet: So, you remembered quite well. Now c’mon, make him forget the sound again.*

*He ordered a new round of beating and the guards gave him more than 20 lashes.*

*At this point, another prisoner had nearly passed out from his own screaming. The major stopped the guards and threw water on the prisoner’s face.*

*Major: Are you okay?*

*Prisoner: If you want to whip me, whip me, but don’t let anyone stand on my back. I swear, I can’t breathe.*

*Instead of stopping the torture, the major followed his wishes and he was whipped without having a guard stand on his back to restrain him. This torture session lasted more than two and a half hours, after which the prisoners were stuffed four in a cell, as small as mine.*

*The second group of prisoners was larger. This time a different officer, a captain, came, but the captain also kept his sense of humor while torturing the prisoners.*

*During the whippings, he would ask the guards to stop and then order the prisoner restrained by the car tire to sing. He would say, "Sing this song by so-and-so," and then later the singing would be used to justify more torture. The captain would scream, "Shut up! Shut up! Your voice is disgusting. Give me a scream instead of a song," and then he would gesture at the guards to resume the whipping.*

*Later the captain would order the prisoner to bark, howl, or make other animal sounds. After one prisoner began howling like a dog at the captain's order, the captain shouted at the guards, "I told you he's a dog. Go ahead and beat him." The guards then began beating him again.*

*This torture session lasted more than three hours, after which the prisoners were placed in solitary cells like mine.*

*Three prisoners arrived individually, not part of groups. The three were severely beaten. Apparently, if a prisoner arrives by himself, it gives the guards more time to be creative with the beating.*

*One prisoner, Khidr Abdullah Ramadan, reached the Sednaya Prison on about April 18, 2006, after being held for 70 days at a military detention branch run by Military Intelligence.*

*The prisoner was placed in the "tire" and four guards began whipping him. They competed to see who could cause him the most pain, who could make him scream more. I started to count the lashes until I reached 58 and then stopped when I realized that the session would be a long one. During the whipping, the guards began getting inventing new methods, like jumping up in the air and then bring the whip down on the prisoner's feet. After whipping for more than 30 minutes, by four guards together, they couldn't find any empty space in any cell. They sent for the first aide and he came. They told him there was no other place but with the journalist, meaning me. The aide vehemently refused and insisted on stuffing the prisoner into any other cell. At that point, one of the guards said, "We've got 131 prisoners in 31 solitary [cells], where should we go with him, sir?"*

*The aide opened the door of my cell, came up to me, and said, "Look, we didn't treat you like the rest. We're treating you much better. You know that. This prisoner's going to share your cell. Talk is prohibited. If anything happens, it's him we'll beat. We'll torture him very badly, and it'll be on your conscience."*

*The young man, his head completely shaved, was brought into my cell, which was too small for just me alone. The guards forced him to jog for a half hour so the blood wouldn't clot on his feet. They kept saying, "Trot, you animal." I carried the young man to the toilet for three days after that since he could not stand on his feet.*

*Abdullah, my cellmate, told me terrifying stories about the torture he had seen at the military interrogation center in Damascus. He had spent 70 days there in a group cell. He said that he wasn't beaten at all at the branch, but that every day a prisoner would be taken in for interrogation and would be brought back bleeding on a blanket. The thing he most remembered was one prisoner who was severely injured by the torture. After he was carried on the military blanket and thrown down by the soldiers, he didn't stop bleeding. The prisoners started screaming that he would die. The soldiers came back with some gauze and disinfectant and threw them through the small slot in the door of the cell and told the prisoners to clean up his wounds.*



*Often the soldiers, the prison guards at the Sednaya Prison, would force the prisoners to make sport. A guard would open the small slot in the cell door and order the prisoners to lie down, stand up, jog, or jump, knowing that the cell wasn't big enough for even one prisoner to do this.*

*In some cases, the prisoners would bang on the cell door. When the guard would ask who it was, the prisoner had to answer with his cell number; the use of names was prohibited. Most often, the prisoners asked for water. The water in the cells had been cut off and was turned on for only ten minutes three times a day. When the water was turned on, the guards would tell the prisoners to fill their plastic containers or to use the toilet.*

*The scarcity of water was a big problem in the Sednaya Prison. I spent 55 days in that filthy cell, bathing only once. Prisoners began scratching themselves. The guards were worried and sent for the prison doctor an officer at the rank of first lieutenant, who diagnosed the problem as scabies. He ordered the guards to distribute a gallon of hot water to every prisoner, and he gave them a disinfectant solution which they put in the water. That was the only time I bathed.*

*After that, I spent 18 days in a group cell on the third floor, measuring 9 by 6 meters. It was very large. I was placed in there with my father, the writer Ali al-Abdullah, who told me about cases that were totally like what I had seen.*

*In the two months we spent there together, I learned for certain that as soon as any prisoner arrives to the Sednaya Prison, he is greeted the same way, in what is known as a welcoming party, or the welcoming tire. The beating is very severe, after which he is placed in a solitary cell with three other prisoners for up to one full year, during which time he does not breathe, or see light or sunshine. He only bathes if the doctor orders it, fearing the spread of scabies or other skin diseases.*

#### *Other individual torture cases*

The following section contains a list of torture cases documented by various Syrian human rights organizations (the individual organization is mentioned with each case).

On January 25, 2009, **Mahmoud Ibrahim** was arrested by State Security police in al-Raqqa after being accused of distributing copies of a paper for the Kurdish Democratic Progressive Party in Syria. He was taken to a facility where he was severely tortured for three hours with no consideration for his basic human rights; he was then released.<sup>30</sup>

From December 2005 to March 2006, Air Force Intelligence in Damascus arrested eight young men, most of them students at Damascus University, after they established a blog and electronic discussion forum on the Internet. The eight students were held incommunicado by Air Force Intelligence for more than eight months, after which they were transferred to the Sednaya Prison and tried before the Supreme State Security Court.

While in detention, the students were whipped on their backs with electrical cables, doused in cold water, placed in the tire, beaten all over their bodies, stripped naked in front of one another, and tortured individually while the rest were made to watch.<sup>31</sup>

After four months of torture at the Air Force Intelligence facility in Damascus by **Captain Yarab**

<sup>30</sup> See statement (in Arabic) from the Syrian Human Rights Committee issued on January 28, 2009, available at <http://www.shrc.org/data/asp/d6/3836.aspx>.

<sup>31</sup> Interview with the families of five students; the families were allowed to see their children after their conviction in the Sednaya Prison.

**al-Tawil** and under the supervision of **Gen. Mohammed Ihsan**, the chief of the branch facility, the eight students were transferred to another Air Force Intelligence facility in al-Mazza, headed at that time by **Gen. Jamil al-Hassan**. The students were interrogated there as well, with constant torture. They were also denied food, given only one meal a day.<sup>32</sup>

After months of torture and interrogation at the al-Mazza facility, the eight students were moved to the Sednaya Prison, where they were met with a “tire party.”<sup>33</sup> The beating was very severe, thus corresponding to the warning of the Air Force Intelligence. One of the students, **Hossam Melham** was psychologically traumatized and stopped talking for weeks; the prison administration was forced to move him to another wing and allow him outside for fresh air fearing he would commit suicide. **Maher Isbar Baksour** was injured in his feet and hands during the beating and required treatment at the Tishrin Military Hospital. The students were placed in two solitary cells (four per cell) for seven months.

### III- Torture before the Courts: absence of investigations and admission of confessions obtained under torture

The first session of the students' trial before the Supreme State Security Court was set 18 months after their arrest, in order to allow the signs of torture to fade. Apparently, they did not fade in that time period, prompting the court to postpone its examination of the detainees for four additional months. In the end, the detainees were finally questioned by a judge 21 months after they had been arrested and tortured.

In court, Judge Fayez al-Nuri confronted seven of the students - one had received a Presidential pardon - with their confessions. **Maher Isbar** responded: “*Go out in the street right now and grab me any citizen and let me give him only one-fourth of the torture I have experienced and I guarantee you he will confess to whatever you want, even to crimes committed before he was born.*” The Judge replied, “*Do you mean to say that you were tortured?*” Another student, **Omar al-Abdullah**, answered that the word torture did not describe the reality of what they had experienced. “*You could say we were violated,*”<sup>34</sup> he said.

The Judge insulted the two students and ordered the clerk of the Court to write: “*They affirmed statements made to Air Force Intelligence and repeated their confessions and statements before the Court.*”<sup>35</sup>

Five of the students were sentenced to five years in prison while two others to seven years. In short, students who were arbitrarily arrested, held incommunicado, tortured, and had their false confessions used against them in a Court were finally brought before a judge 21 months after their arrest, who disregarded their testimonies and condemned them to prison sentences.

In principle, confessions extracted by torture or under duress cannot be used as evidence in Court, in accordance with Article 180 of the Code of Criminal Procedure, which does not give immediate seizure any additional evidentiary weight beyond regular information. In addition, if the defendant claims that he was tortured, the judge is obliged to open an investigation into these allegations and hold those responsible to account if the allegations are proven true.

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<sup>32</sup> Ibid.

<sup>33</sup> See the testimony of Muhammad Ali al-Abdullah above for the “welcoming party” at the Sednaya Prison.

<sup>34</sup> “*Violated*”: translation from “*tankil*” in Arabic, intended to mean worse than “*tortured*”.

<sup>35</sup> An interview with three of the seven lawyers who attended the session; their names have been withheld.

However, a review of the trials in the State Security Court over the last two years<sup>36</sup> reveals that 33 defendants alleged before the judge that they had been tortured and that the security services had extracted confessions from them by force and torture; in no case did the Court take any measure to open an investigation into these claims.

The following are examples of the claims made by the 33 defendants, as taken directly from the Human Rights Watch report, *Far from Justice*:

- “On November 11, 2007, Ali al-Kurdi, a Syrian Kurd living in Qamishli, told the SSSC that his interrogators had tortured him and made him sign a confession without reading it. He alleged that he only learned later that he had confessed to planning to commit terrorist acts. He repeated his torture allegations at the following session on February 24, 2008.
- On November 18, 2007, Ibrahim Kabaro told the SSSC that the Palestine Branch of the Military Intelligence held him incommunicado during nine days and during that time coerced him into confessing that he owned books by the salafi Sheikh Mahmud Aghassi (known in Syria as Abu al-Qa’qa’) and that he had sold some of them.
- On November 25, 2007, Abdel Rahman al-Basiri told the SSSC that the security services beat and tortured him and that the traces of the torture were still visible on his body. The judge refused to allow him to show the physical evidence on his body.
- On February 24, 2008, Abdel Majeed Ghuneim and Abdel Rahman al-Nu`aimi told the SSSC that Syrian security services coerced them into confessing that they were salafis who wanted to blow up a statue of President al-Asad.”

Syrian lawyers and human rights activists estimate that the Syrian security forces have tortured more defendants who appear from the SSSC, but that many of them do not dare to mention the torture to the court because security representatives attend the trials.

In some cases, the defendant has removed his clothes in the courtroom to show the judge traces of torture. One lawyer told Human Rights Watch, “*I have witnessed a number of defendants trying to show signs of torture on their bodies before the judge.*” One defendant described the end of his, the day the verdict was issued: “*Just after Fayez al-Nouri [the presiding judge of the SSSC] sentenced me, I took off my shirt to show the diplomats and lawyers in the audience the traces of torture on my back. Immediately, members of security jumped on me.*”

Based on the testimony of several former detainees, the most commonly used forms of torture by the security forces to extract a confession include beating and kicking all over the body, particularly beatings on the soles of the feet. One defendant described the torture he experienced at a Political Security branch while being interrogated in 2003:

*“The investigation began. It involved beating and more beating. Ali Makhoulf [head of political security] was present. The investigation lasted for 12 days. Two sessions of beatings per day. They beat me on the bottom of my feet, on my head. After 20 days in detention, they took me to an office and told me to sign my confession. I said, ‘I want to read it.’ I was beaten again, forced to thumb print the confession and sign. I never managed to read it.”<sup>37</sup>*

Interrogators use several devices to prevent detainees from moving and facilitate the beating. One defendant who was sentenced before the Supreme State Security Court in November 2005

<sup>36</sup> See Human Rights Watch's report, *Far from Justice* at <http://www.hrw.org/en/reports/2009/02/23/far-justice-0> .February 2009

<sup>37</sup> Ibid.

described “the tire” to Human Rights Watch, a common form of torture in which security forces compel the victim to lie down and bend his knees and then place a car tire over his legs to keep the soles of his feet exposed:

*“They [Air Force intelligence members] put me in a tire to expose the bottom of my feet and started beating me with a cane. Whenever I would lose feeling from the repeated hits, they would throw water on my feet so that it would hurt again. Afterwards, they would make me strip and stand in the cold March weather.”<sup>38</sup>*

Another detainee sentenced by the Supreme State Security Court in October 2004 described how members of Political Security tortured him in 2003 after binding him to a wooden plank known as “the flying carpet”:

*“After they tied me down, they started stepping on my legs, hands and stomach. Then they beat me with a cane and a cable. After beating me, they forced me to do exercises to get the blood circulating again. At one point, they even used electricity on me. It was on my big toe. But the most common form was the beating.”<sup>39</sup>*

Despite repeated claims before the Supreme State Security Court that the security apparatus uses torture to extract confession, the court has ordered no investigation. It continues to rely on confessions signed by defendants who have been held incommunicado by security services. According to a lawyer who has appeared several times before the Supreme State Security Court, “Fayez al-Nuri’s [the SSSC chief judge] reaction to the torture complaints was to mock them, saying that all defendants repeat these allegations.”<sup>40</sup>

Another lawyer who has repeatedly appeared before the same court expressed his frustration at his inability to contest confessions extracted by the security apparatus:

*“Unfortunately, the court accepts these confessions and bases its judgments—in the vast majority of cases—on these confessions alone. It is very difficult for a lawyer to have the opportunity to challenge these confessions or prove otherwise.”<sup>41</sup>*

In November 2002, Judge Nuri ejected lawyer and rights activist Anwar al-Bunni from the courtroom after he insisted on an investigation into claims that the security apparatus had tortured his client, **Aref Dalila**, during his detention.

#### IV- Incommunicado detention

Far from taking “all appropriate measures to abolish de facto incommunicado detention” as recommended by HRC’s experts in 2005, the Syrian authorities seem to turn a blind eye on a recurrent punitive measure. This punitive measure remains common and can be imposed at the discretion of prison administrators, as one of the applicable disciplinary measures against prisoners. Some prisoners are likely to spend months or years in solitary confinement to be punished or pressured into cooperating with security institutions.

Nearly all political prisoners and most other prisoners (a large percentage of criminal offenders) have spent periods in complete isolation from the outside world without any outside inspection.

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<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

Such incommunicado detention increases the likelihood of torture taking place and allows the physical signs of torture to fade unseen and hence render it impossible to prove if an investigation is indeed opened.

In February 2010, Kurdish citizen **Aziz Khalil Mohammed** was taken to the National Hospital in al-Raqqa following torture by his interrogators. He is still detained and his whereabouts are unknown.<sup>42</sup>

On December 26, 2009, four Kurdish political leaders were arrested in Alhasaka. As of the writing of this report (mid-February 2010), they were still in isolation and neither their families nor attorneys had any knowledge of their whereabouts, exposing them to the risk of torture and other forms of mistreatment.<sup>43</sup>

On December 12, 2009, lawyer **Mustafa Ismail** was arrested by Air Force Intelligence and is still detained incommunicado, exposing him to the risk of torture and ill-treatment.<sup>44</sup>

On November 15, 2009, political activist **Yousef Dheeb al-Hmoud** was arrested in his home in the province of Deir al-Zor. As of the writing of this report, he remains detained in an undisclosed location. All efforts by his lawyers and family to reach him have failed, although his family informed the security apparatus that he is living with one kidney and his health is in critical condition.<sup>45</sup>

On August 15, 2008, Kurdish political leader **Mesha'1 al-Tammo** was arrested by Air Force Intelligence. He was detained incommunicado for more than two weeks before he appeared in Court.<sup>46</sup>

In August-September 2008, 13 people were arrested in the province of Deir al-Zor. Three were released while the others remain arbitrarily detained in isolation from the outside world, which puts them at risk of torture. It was discovered that one of the detainees, **Muhammad Amin al-Shawa**, died seven months after he was arrested, as a consequence of his detention. His body was turned over to his family.<sup>47</sup>

On July 31, 2008, the wives of detained Islamists were arrested after they launched a campaign for the release of their spouses. Three women were arrested and were detained from six months to one year in incommunicado detention before being released.<sup>48</sup> For the entire time of their detention, their families were unable to obtain any information about their whereabouts.

During a security campaign starting on December 9, 2007, 12 members of the National Council of the Damascus Declaration for Democratic National Change, a collective opposition and pro-

<sup>42</sup> See the statement from the MAD Committee for Human Rights in Syria, "I'tiqalat wa mudahamat wa qatl taht al-ta'dhib," Feb. 12, 2010, at <http://www.shrc.org/data/aspx/d17/4067.aspx>.

<sup>43</sup> See efforts by Amnesty International to discover the fate of the four detainees (English): <http://www.amnesty.org/en/library/asset/MDE24/001/2010/en/a978f9ad-8470-492f-9571-5e27864fff73/mde240012010en.html>.

<sup>44</sup> For more information, see Amnesty International (English), <http://www.amnesty.org/en/library/asset/MDE24/038/2009/en/eee80ad7-c98f-4fa5-8237-6f8dd97acfca/mde240382009en.html>.

<sup>45</sup> For more information, see Amnesty International (English), <http://www.amnesty.org/en/library/asset/MDE24/034/2009/en/9cb214ab-6ae4-4856-97e1-f4416ad9fe86/mde240342009en.html>.

<sup>46</sup> For more information, see Amnesty International (English), <http://www.amnesty.org/en/library/asset/MDE24/027/2008/en/f76636ff-779b-11dd-8e5e-43ea85d15a69/mde240272008en.html>.

<sup>47</sup> For more information see Human Rights Watch (English), <http://www.hrw.org/ar/news/2009/04/15/syria-reveal-fate-17-held-incommunicado>.

<sup>48</sup> For more information see Human Rights Watch (English), <http://www.hrw.org/ar/news/2008/08/17/syria-wives-islamist-suspects-detained-whereabouts-unknown> and Amnesty International (English), <http://www.amnesty.org/en/library/asset/MDE24/020/2009/en/02c599a3-2cb6-4219-8ecd-17e6c2d8a914/mde240202009eng.html>.

democracy movement comprising more than 160 Syrian political activists, human rights defenders, intellectuals and artists , were arrested. They were held from 3 to 5 weeks incommunicado in an undisclosed location that was later revealed to be premises of the State Security Intelligence. The incommunicado detention allowed the security apparatus to mistreat and beat them during questioning. Eight of the defendants claimed to the investigating magistrate that they had been beaten during their interrogation and forced to sign false confessions. One of them, writer **Ali al-Abdullah**, was examined by a doctor after his eardrum burst during the beating. No independent investigation was ordered regarding their allegations and the forensic physician to whom al-Abdullah was referred refused to submit a medical report about the status of his ear.<sup>49</sup>

The foregoing cases—merely examples of a broader phenomenon—show how the security apparatus arrests activists, intellectuals, and political dissidents and detains them incommunicado without allowing them to see either their families or lawyers, which greatly heightens the risk of torture and makes it more difficult to prove. In addition, incommunicado detention for long periods of time is itself a form of cruel, inhumane, and degrading treatment that can be classified as psychological torture.

### V-Enforced disappearances, arbitrary arrests and detentions

As illustrated in some of the above-mentioned cases, incommunicado detention cases are often linked to arbitrary arrests and/or enforced disappearances in security interrogation premises, sometimes for months or even years before arraignment in flagrant violations of the international human rights standards.

Over the past decades and in particular in the 1980's and 1990's, security bodies carried out waves of arrests, detaining hundreds of suspects and their relatives for long periods of time. Cases of enforced disappearances could last a few months, or several years. According to the information received, on occasion, some suspects were even unlawfully executed.

Enforced disappearances have been a pillar of Syrian authoritarianism since “The Events” of the early 1980s. Armed confrontations between the Muslim Brotherhood and the Syrian regime led to the disappearance of many citizens. Nearly 17,000 people went missing in prisons and interrogation centers since 1979. Some sources claim the number is 25,000. Many experts confirm that these numbers are just estimates that may hide frightening numbers of missing persons. Both political arrests and forced disappearances are at the forefront of the Syrian regime’s violations of human rights. Indeed, political arrests by the security branches were, in most cases, a prelude to enforced disappearances which Syrian citizens suffered.

Syrian citizens are usually arrested at their homes, workplaces or upon arrival at the airport after returning from abroad. In such cases, they are not given the opportunity to object, to seek legal counsel, or to contact their families. The security agency conducting the arrest often does not identify itself and does not clarify the reason of arrest to the arrested person or his/her family. Sometimes, the wanted person is summoned to a security branch office, from which he will never return. When a family inquires to the branch which summoned their son, they receive either inconclusive answers as to the whereabouts of their loved one or a total denial of his detention. Such arrests themselves constitute inhuman treatment that lead to significant deleterious effects on

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<sup>49</sup> For more information see Human Rights Watch (English), <http://www.hrw.org/ar/news/2008/02/04/syria-opposition-activists-tell-beatings-interrogation> and the Observatory for the protection of Human Rights defenders, <http://www.fidh.org/Unfair-trial-of-12-members-of-the-National>

the detainee and his family. The effects of what happens after the initial detention are more severe. Lack of control over the security services and the exclusion of the rule of law and judiciary in such cases unleash their hands to practice brutality. Torture by various means is a common tool to extract confessions.<sup>50</sup>

Political detainees, those forcibly disappeared, and missing persons belong to a variety of political trends.<sup>51</sup> Most such cases occurred before 2000, and many detainees have been released during the past few years. The fate of missing persons remains unknown. The largest number of missing persons and the forcibly disappeared belonged to the Muslim Brotherhood. Members of communist and other leftist parties, different Palestinian groups, and Lebanese citizens from different political groups were also targeted. Some detainees belonged to the Iraqi Ba‘th Party, Nasserist parties, or the Islamic Liberation Party. Others were taken hostage instead of their wanted relatives.<sup>52</sup>

Although decades have passed since the peak of enforced disappearances in Syria, the subject is still cause for official indifference and silence. Speaking in public about the details of this tragedy is not permitted. Syrian authorities adopted a policy of hiding the truth instead of offering reparations and justice to the victims. The security services attempt to control Syrians’ collective memory and prevent the public from learning of human rights violations. No official initiative has been taken towards a just resolution of the issue. Similarly, any civil society initiative addressing the file is forbidden. In this climate, official repression and various human rights violations continue. A Syrian human rights activist, who asked not to be named, said:

*“Raising the issue of enforced disappearances, as with other violations of human rights, requires the cooperation of the victim or his/her relatives. Relatives of victims of enforced disappearances in Syria are wary to raise their cases publicly, first because most cases of enforced disappearances are related to events with political, social, and sectarian dimensions still sensitive today with the current regime. Secondly, talking about this subject is considered a red line by the authorities, as they have not resolved this issue and still follow the same oppressive and exclusionary approach today.”*<sup>53</sup>

Political arrests and enforced disappearances became systematic and continuous during the late 1970s and early 1980s, coinciding with the outbreak of violent conflict between the Muslim Brotherhood and the Syrian regime. The regime started to use unmitigated violence not only against the armed Islamist organizations but also against the entire spectrum of opposition parties and their supporters among Syrian society. This culminated in a number of massacres that killed thousands of civilians, most notably the massacre of Hama in February 1982.<sup>54</sup> The massacre of Palmyra on June 27, 1980, followed an assassination attempt on President Hafez al-Asad. Hundreds of detainees were shot at the notorious military prison. Human rights groups estimate that about 1,000 victims were buried in unknown mass graves. Their families were not informed of their fate.

There are no official statistics about the numbers of missing persons for that period.<sup>55</sup> Detainees were held in one of the security service branches throughout the investigation before being transferred to one of the notorious prisons assigned for political prisoners, like Palmyra and al-Mezza Military Prisons. *“In some cases, detainees died from severe torture in the security branch.*

<sup>50</sup> See ‘Abd al-Hay al-Sayyid, “Accountability of Security Services in Syria within Syrian Law,” *al-Nahar*, July 16, 2005.

<sup>51</sup> It should be noted that the term “missing” refers usually to anyone who cannot prove a link between his disappearance and official authorities or State organs, but we use the term here as identical to enforced disappearance, since it is the term most commonly used in the literature regarding: legal file of enforced disappearance in Syria.

<sup>52</sup> Post- jail pathways: Conditions of released political and conscience prisoners in Syria. (Damascus Center for Human Rights Studies, May 2006).

<sup>53</sup> Interview with Syrian rights activist who asked not to be named, October 2009.

<sup>54</sup> For more details about the massacre see: Report by the Syrian Committee for Human Rights, The massacre of Hama in February 1982: A genocide and a crime against humanity, February 2, 2006.

<sup>55</sup> See: Statement by the Syrian Committee for Human Rights, on March 4, 2006, which included the names of about 4,000 people allegedly enforced disappeared in Syria.



*More commonly, they were killed while in prison, either as a result of daily torture and inhuman living conditions, or as a result of military executions, especially with the enactment of Law 49 of 1980,”* said one political prisoner detained for 18 years due to suspected membership in a leftist party.<sup>56</sup> Long-time Syrian Minister of Defense General Mustafa Tlas told Germany’s *Der Spiegel* that he approved 150–200 execution decisions issued by field military courts against political prisoners every week for two decades. Tlas later denied this statement.

However, the testimonies of scores, of former detainees prove that thousands of lives were taken without legal documentation, leaving their fate unknown to their families and communities. A former political prisoner described the situation in Palmyra Military Prison:

*“They called on groups of brothers every Monday and Thursday, and executed them by hanging in the courts of Palmyra Prison ... It became known to us that those summoned on those two days would be executed. They would pray for martyrdom and leave their clothes with the brothers, only going in sporting trousers.”*<sup>57</sup>

Hundreds, if not thousands, are subjected to similar horrors today due to the absence of laws deterring such practices or accountability measures. Detainees are subjected to enforced disappearance for months that might extend to years. They are often transferred to more than one security branch, while his presence is denied, making his location and fate completely unknown to his family. Now, families are allowed to visit detainees after several years of detention. However, this does not mitigate the impact on parents and children throughout the period of the disappearance.

#### VI-Unlawful deprivation of life: Sednaya events

One of the most recent incidents of enforced disappearance is the unknown fates of dozens of detainees of Sednaya Military Prison. Since July 2008, authorities have refused to give any information. Reports circulate among the prison inmates that many were killed and injured.<sup>58</sup>

#### VII- Unexplained deaths under torture and deterrence of families to look for truth

The number of people who have died in Syria under torture is unknown, first and foremost due to the difficulty of accessing such information, but also because the security apparatus threatens the detainee’s family, telling them they will meet the same fate if they speak of the torture. In most cases, families are not allowed to examine the body, which is buried in the presence of security personnel, if it is turned over to the family at all.

The following is a non exhaustive list compiled by various Syrian human rights organizations of confirmed deaths under torture. No investigation has been ordered following these unexplained deaths.

#### ***Muhammad Amin al-Shawa***

Born in Deir al-Zor in 1966, married with children, he received a degree from the Math Institute in

<sup>56</sup> Interview made on August 2009 with a former political prisoner detained from 1980 to 1998.

<sup>57</sup> Mohamed Salim Hamasd , a Jordanian prisoner who was detained for 11 years in Palmyra military prison

<sup>58</sup> For details about what happened in the prison and the fate of the prisoners, see: Human Rights Watch, "[Syria: Disclose Fate of Detainees](http://www.hrw.org/en/news/2009/07/03/syria-disclose-fate-of-detainees)," July 3, 2009. The report is available at: <http://www.hrw.org/en/news/2009/07/03/syria-disclose-fate-of-detainees>



computer science. He was detained for nearly four months, it is thought on suspicion of being an Islamist but no explicit reason for his arrest neither official charges have been given. His body was turned over to his family on January 10<sup>th</sup>, 2009.<sup>59</sup> According to Human Rights Watch, the security services attended the burial and did not allow the family to examine the body, but only see the face of the deceased.<sup>60</sup> The family was also prohibited from holding a funeral service or wake.<sup>61</sup>

### ***Abdullah Elias al-Beitar***

Aged 31, born in the province of Daraa, married with one child. He was employed at the BEMO Bank in Damascus and detained on charges of embezzlement for 40 days at the Criminal Security facility in Damascus, during which time he was tortured. He died of torture on October 27, 2008, and his body was turned over to his family two days later on October 29.<sup>62</sup>

According to information published on the electronic news website, *Kulluna Shuraka*, Abdullah Elias al-Beitar was detained and questioned for 40 days, during which his brother heard from other inmates that his health had deteriorated due to torture. His brother went to Criminal Security to protest and asked to see Abdullah, at which point he was arrested as well.

A few days after his brother's arrest, Abdullah died. An eyewitness who was able to see the body said that the head of the deceased was covered and he saw traces of blood, as well as blood between his legs.<sup>63</sup>

### ***Jamil Abdullah Ahmed Hanaysha***

Palestinian born in Kuwait, and resident of Jordan, he worked as a car salesman. He was visiting Syria on business when he was detained in August 2007, after which his family learned he was detained but didn't get any information about his whereabouts. He died ten months after his arrest. There are conflicting reports of his death: some reports claim he died as a result of electrocution, while others say his death resulted from a hunger strike or torture.<sup>64</sup> No investigation was launched on this case.

### ***Ahmed Aref Omar***

Syrian Kurd born in 1988, he was a recruit performing his compulsory service in the Syrian army in Brigade 116 stationed in Daraa in the Nawa area. His body was turned over to his family on September 1, 2009. Military officials informed the family that he had been electrocuted. When the family received his body, however, they found traces of beatings and torture, and a deep slash in his head, covered by a piece of gauze to camouflage it and staunch the bleeding.<sup>65</sup>

Over the last two years, 26 soldiers of Kurdish origin deceased in dubious circumstances during their compulsory military service. No investigation into the circumstances of their deaths has been undertaken.

<sup>59</sup> See the statement from the Syrian Human Rights Organization-Sawasiyah at <http://shro-syria.com/2008/content/view/95/1> .

<sup>60</sup> See "Syria: Reveal Fate of 17 Held Incommunicado," at <http://www.hrw.org/ar/news/2009/04/15/syria-reveal-fate-17-held-incommunicado> .

<sup>61</sup> See the statement from Sawasiyah at <http://shro-syria.com/2008/content/view/95/1> .

<sup>62</sup> Ibid.

<sup>63</sup> See Kulluna Shuraka, "Hal qutila 'Abdullah Ilyas al-Baytar taht al-ta'dhib fi Suriya?" Nov. 2, 2008, at <http://www.shril-sy.info/modules/news/article.php?storyid=2598> .

<sup>64</sup> See "Wafat Filistini fi sijn bi-Suriya ba'd 'am 'ala ikhtifa'ih," *al-Jazira al-Sa'udiya*, Aug. 22, 2008, at <http://www.shrc.org/data.aspx/d8/3668.aspx> .

<sup>65</sup> See the statement from the Syrian Human Rights Organization-MAF, "Wafat al-'askari al-thamin wa-l-'ishrin sa'aqan bi-l-kahraba' wa hadith 'an athar ta'dhib 'ala jasadih," Sept. 3, 2009, at <http://www.shrc.org/data.aspx/d4/3984.aspx> .

### ***Mohammed Masto Rashid***

Syrian Kurd from the village of Hasna near Maabatli in the Afrin district of Aleppo. He was detained for nearly 14 months after which he was transferred to the Aleppo District Prison. He was tortured so severely that he had to be moved to the Fever Hospital in Aleppo, where he remained for four days. He was then returned to the prison, and his death was announced on January 19, 2010. He was not known for any involvement in politics and the reason for his arrest was also unknown.<sup>66</sup>

### **VIII - Extradition of refugees at risk of torture**

Under Article 34 of the Syrian Constitution, the government of Syria is obligated not to surrender refugees seeking political asylum: “*Political refugees [made refugees] by dint of their political principles or their defense of freedom shall not be extradited.*”

This obligation is even clearer in cases in which those seeking asylum have obtained refugee status from the UN High Commissioner for Refugees, at which point the Syrian government is bound by the Constitution and international agreements.

Article 3 of the Convention Against Torture states that no person shall be forced to return to his country if he believes he will face torture therein.

Despite these stipulations Syrian authorities have arrested dozens of Iranian refugees in Syria and turned over at least 12 of them to the Iranian authorities between September 2005 and September 2008,<sup>67</sup> most of whom had obtained refugee status from the UN High Commissioner for Refugees in Damascus.

Arrests usually take place in the airport, often only minutes before travel. The Syrian government has no doubts that these fugitives are wanted by the Iranian authorities for their political activity and that they will face torture and ill-treatment; indeed, a number of them had already been sentenced to death in absentia, meaning they will face death. The Annex to this report contains a list of Iranian refugees arrested in Syria between September 2005 and September 2008, some of whom have been turned over to the Iranian authorities.

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<sup>66</sup> See the statement from the MAD Committee for Human Rights in Syria at <http://www.shrc.org/data/aspx/d17/4067.aspx> .

<sup>67</sup> See the statement from the Ahwaz Human Rights Organization (English), <http://www.ahwazstudies.org/content/view/2428/69/lang.english> .

### Part 3: Recommendations

CIHRS, DCHRS and FIDH urge the Government of Syria to :

*On respect of International Human Rights Law and cooperation with UN bodies:*

- Adopt a definition of torture in conformity with Article 1 of the Convention Against Torture, as previously recommended by the Committee Against Torture
- Ratify the Optional Protocol to the Convention Against Torture and the International Convention for the Protection of All Persons from Enforced Disappearance
- Invite the UN Special Rapporteur on Torture who submitted two visit requests to Syria in 2005 but has received no reply
- Invite the UN Special Rapporteur on the Independence of Judges and Lawyers
- Invite the UN Special Rapporteur on Extra-judicial, Summary or Arbitrary Executions

*On the rule of Law and fight against impunity:*

- Lift the state of emergency by abrogating the law of emergency ;
- Amend Syrian laws and in particular laws and legislative decrees creating and regulating the security bodies according to international human rights standards and in particular in order to put an end to the immunity and therefore impunity of main perpetrators of human rights abuses
- Make all legal documents public including those pertaining to the security bodies
- Immediately investigate allegations of torture in a thorough and impartial manner (including those raised in this report), ensure the accountability of those responsible and provide effective remedies and rehabilitation to the victims
- Take the necessary measures to guarantee the independence of the judiciary

*On conditions of detention:*

- Take measures to effectively end the practice of incommunicado detention and eradicate all forms of torture and cruel, inhuman or degrading treatment or punishment by law enforcement officials, as previously recommended by the Human Rights Committee. In particular, ensure that relatives of detainees are promptly informed about their whereabouts

- Allow visits of all detainees by independent bodies

*On guarantees of fair trial:*

- Dissolve State Security Courts and all exceptional jurisdictions and ensure full guarantees to the right to a fair trial and judicial independence.
- Ensure immediate access of detainees to legal representation, including for detainees tried before exceptional jurisdictions.
- Immediately release all persons detained because of their activities in the field of human rights and end all harassment and intimidation of human rights defenders.
- Take urgent steps to amend all legislation that restricts the activities of these organizations, in particular state of emergency legislation which must not be used as an excuse to suppress activities aimed at the promotion and protection of human rights.

## ANNEX: List of Iranian refugees arrested in Syria between 2005 and 2008

No.	Name	Status	Date of arrest	Fate
1	Said Awda Saki	Ahwazi citizen	9/15/2005	Arrested by Palestine Branch of Syrian Military Intelligence; turned over to Iranian authorities
2	Rasool Mezrea <sup>68</sup>	Ahwazi	5/11/2006	Extradited to Iran
3	Faleh Abdullah al-Mansuri	Ahwazi	5/11/2006	President of the Ahwazi Liberation Organization; arrested after his arrival from the Netherlands; turned over to the Iranian authorities on 5/16/2006
4	Taher Ali Mezrea	Ahwazi	5/11/2006	Spokesman for the Popular Democratic Front of the Ahwazi People; turned over to Iran
5	Jamal Obeidawi <sup>69</sup>	Ahwazi	5/11/2006	Member of Damascus bureau of the Popular Democratic Front for the Liberation of Ahwaz; turned over to Iran
6	Mousa Sawari	Member of Damascus bureau of the Popular Democratic Front for the Liberation of Ahwaz	5/11/2006	Conflicting reports on whether he was released or remains in detention
7	Ahmed Abd al-Jabbar	Ahwazi	5/11/2006	Conflicting reports on whether he was released or remains in detention
8	Eissa al-Musawi	Ahwazi	5/11/2006	Conflicting reports on whether he was released or remains in detention
9	Abd al-Rahim Sheikha	Ahwazi citizen	14/4/2007	Accepted as refugee in Australia and arrested at airport; unconfirmed if he was turned over to Iran
10	Ali Bouzar <sup>70</sup>	Ahwazi citizen, age 24	3/6/2007	Came to Syria on a fake Iraqi passport three months after he was sentenced to death by the Revolutionary Court; UNHCR in Syria did not recognize him as a refugee despite submission of documents proving he had been sentenced to death; according to the Ahwazi Center for Human Rights, he was turned over to Iran 12 hours

<sup>68</sup> "Syria Deports 3 Ahwazi Arabs to Iran to Face Torture," at <http://www.ahwazstudies.org/content/view/1356/69/lang.english> .

<sup>69</sup> For more information on the four foregoing cases, see Amnesty International (English), <http://www.amnesty.org/en/library/asset/MDE13/130/2006/en/05020704-d3d0-11dd-8743-d305bea2b2c7/mde131302006en.html> . [I corrected this link so it would go to the proper place]

<sup>70</sup> For more information on Bouzar, see the statement from the Ahwaz Studies Center (English), <http://www.ahwazstudies.org/content/view/1767/69/lang.english/> .

				after his arrest
11	Ahmed Asadi	Ahwazi citizen, age 30, medical student in final year	3/6/2007	No information as to whether extradited or released
12	Salahuddin Helali Majd	Ahwazi citizen, age 24, medical student in final year	3/6/2007	No information as to whether extradited or released
13	Kamal Naseri		3/6/2007	No information as to whether extradited or released
14	Afnan Bin Youssef Azizi		3/6/2007	No information as to whether extradited or released
15	Sadoun Saadi		3/6/2007	No information as to whether extradited or released
16	Jabir Ebyat <sup>71</sup>	Sociology student at Damascus University	3/6/2007	No information as to whether extradited or released
17	Masouma al-Kaabi (with her five children)	Ahwazi	9/27/2008	Arrested with her five children while at the airport on her way to Denmark, where she had received asylum; wife of the leader of the Ahwazi movement; turned over to the Iranian authorities
18	Mohammad Nohairi Bani-Skini <sup>72</sup>	36	22/1/2008	Refugee status from the UNHCR; accepted as a refugee in Sweden; arrested at airport leaving Syria for Sweden; no information as to whether turned over to Iran or not
19	Said Hammadi	Ahwazi	2008	Arrested in Syria at airport by State Security while leaving country; turned over to Iran, where he is currently detained

<sup>71</sup> For more information on the seven foregoing cases, see Human Rights Watch (English), <http://www.hrw.org/ar/news/2007/04/04/syria-ethnic-arab-refugees-face-persecution-if-returned-iran> ; see also a statement from the UNHCR on the extradition of four of the seven refugees, “UNHCR Extremely Concerned for Ahwazi Refugees Extradited from Syria to Iran,” at <http://www.ahwazstudies.org/content/view/1403/69/lang.english> .

<sup>72</sup> For more information, see “Rights Group: Syrian Authorities Detained Iranian Arab,” at < <http://www.ahwazstudies.org/content/view/2828/69/lang.english>> .