

Open wounds

Torture and ill-treatment in the Syrian Arab Republic

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“The best thing is when you pass out, because then the pain stops.”

University student detained in Hama

Victims of torture and other cruel, inhuman or degrading treatment languish in official and makeshift detention facilities throughout the Syrian Arab Republic (Syria). Detainees are often held beyond the protection of the law and with no access to the outside world. Families desperately seek news of their loved ones, fearing for their safety given widespread allegations of torture and ill-treatment.

This thematic paper seeks to illustrate the suffering of victims of torture and ill-treatment inflicted by Government forces, as well as by some armed opposition groups. It draws on 38 interviews, conducted by the United Nations Office of the High Commissioner for Human Rights (OHCHR), of individuals who were released from detention facilities across Syria and who have courageously recounted their horrific experiences

I. Torture and ill-treatment by Government forces

Over many years, even before the current conflict, torture and ill-treatment were consistently reported from Syria, facilitated by arbitrary arrest and detention and enforced disappearances. Both the Human Rights Council-mandated Fact Finding Mission led by OHCHR,¹ and the independent international commission of inquiry on the Syrian Arab Republic (hereafter: Commission)² have concluded that the large-scale practice of torture and other inhuman acts perpetrated by Government forces and its militias since the outbreak of the conflict may amount to crimes against humanity. When the conflict evolved to an armed conflict, the Commission further found that torture by Government forces and its militia amounted to war crimes.³ The United Nations Committee against Torture has also expressed deep concern at “consistent, credible, documented and corroborated” allegations about the existence of “widespread and systematic” torture and ill-treatment against the civilian population by the Government and affiliated militias.⁴

Throughout the conflict, men, women and children,⁵ have been routinely picked up from the street, their homes and workplaces, or arrested at Government-controlled checkpoints, before being transferred to one of dozens of official or secret Government-run detention facilities. They are often held incommunicado and indefinitely. Facilities include army barracks and airports across the country, and detainees are sometimes transferred from one detention center to another.⁶

Torture survivors interviewed by OHCHR and other human rights entities come from all walks of life, women and men, of varying ages, religious and ethnic backgrounds. Many are activists - often students - as well as lawyers, medical personnel and humanitarian workers, and some who just happened to be in the wrong place at the wrong time.

Torture is most common immediately upon arrest and during the first days or weeks of detention and interrogation. Upon arrival at a detention facility, detainees are routinely beaten and humiliated for several hours by the guards in what has come to be known as the “reception party.” Slurs - including cursing of family members and

sectarian affiliation - consistently accompany these beatings. Victims told OHCHR that torture and ill-treatment were used to extract confessions about their participation in protests, support for and membership of opposition groups, or location and origin of weapons caches. Torture is also a means to intimidate or punish a detainee for actual or perceived support of the opposition, or that of family, friends or acquaintances.

Since the outbreak of protests in March 2011, testimonies from victims and NGOs providing support to victims of torture point to the extensive involvement of different components of the security apparatus and the armed forces in arbitrarily arresting and detaining people.⁷ Former detainees told OHCHR that they were systematically held without access to lawyers, and while some were brought before tribunals, proceedings flouted basic fair trial standards, including the right to legal representation.⁸

AA, a 30 year-old male university student, was arrested, along with dozens of his fellow students, following a peaceful anti-government protest in Hama in September 2012. He described to OHCHR how members of the Air Force Intelligence tortured him during daily interrogation sessions, which lasted over a month, when he was held incommunicado at Deir Shmayel detention center:⁹

“Sometimes they would hang me against the wall from my cuffed hands – with my back against the wall – and one guard would pull out my beard in batches with his hands. They would then turn me around – to face the wall – and a guard would beat me on my back with a wooden stick and kick me. I was in my underwear. Another day, they put me into al-dulab, a car tyre, [legs and sometimes arms are forced into the tyre to immobilize the victim], while one of the guards burnt my feet with a lighter or something like that. In another session, they pulled out two of my toenails with a plier. I was blindfolded during every interrogation session.”

AZ, a 28 year-old activist, from Damascus, was detained twice between 2011 and 2013 by the Air Force Intelligence in Kafr Sousa, Damascus. He told OHCHR that he was subjected to different forms of torture, including severe beatings in *al-dulab*, beatings with thick rubber hoses, sticks, metal rods, and butts of rifles, and electric shocks to his legs and sensitive parts of his body. He underwent different types of *shabh* (hanging): *shabh al-‘aris*, where iron shackles attached to a chain were pulled until he hanged upside down; *shabh amami* (front suspension), when he was suspended from his cuffed hands and shackled feet; and *shabh ‘aksi*, (reverse suspension), where he was cuffed and shackled from the back. He explained:

“When I was subjected to the reverse suspension, I screamed so much that a guard came and hit me in the stomach and elsewhere, which I was told would distract me for a while from the pain in my arms.”

The torture methods cited above are just some examples of a wide range of practices used by guards and officers alike. In most cases, detainees said they were blindfolded and could not see the perpetrators. OHCHR has also documented cases of sexual violence against men and women alike.

AM, a 30 year-old engineer told OHCHR of his ordeal while detained for several months over 2012 to 2013 by the Air Force Intelligence Branch in al-Mezzeh Military

Airport, Damascus. During one interrogation, guards removed all the victim's clothes and hanged him from his cuffed hands to a tube in the ceiling. While completely naked - apart from a blindfold - a guard pressed a metal object against the victim's penis. Shortly after, he sensed that more people had entered the cell and what felt like a metal bar was inserted into the victim's anus for a period of twenty minutes or so. The victim was later transferred to Military Hospital 601 in Damascus, where he spent four days receiving treatment for his wounds.¹⁰

In 2013, WA, a 26 year-old woman, was arrested along with several other women and subjected to torture, including sexual violence, while held by security forces for over two weeks. WA told OHCHR:¹¹

“They called us prostitutes and spat on our faces... I was hanged against a wall for three days, and frequently beaten with an electric cable. I used to pass out from the pain. They pulled out my teeth, and threw water at me.”

She added that daily interrogations then began between nightfall and dawn, during which she was beaten. One morning, she and another of the women were taken by a security officer to a room where their hands were tied behind their backs and they were raped. On release, she was forced to flee when her family rejected her after learning that she had been raped.

OHCHR has also documented cases of individuals who died while in detention in circumstances which suggest that torture was the cause. In such instances, families are requested to go to a hospital to pick up their relative's body. Corpses are sometimes received in closed coffins that prevent the family from either seeing the body or verifying the cause of death. In other instances, families are only given the identity documents of the deceased person without receiving their bodies. Occasionally, families are asked to sign papers stating that their relative was killed by armed opposition groups and to immediately and discreetly bury the body.

II. Torture and ill-treatment by armed opposition groups

Cases of torture and other ill-treatment by armed opposition groups occurred in isolated incidents in the early phase of the conflict. As of 2013, however, this phenomenon appears to be on the rise. In its February 2014 report, the Commission highlighted that several “non-state armed groups” were involved in torture and other ill-treatment, notably in Aleppo, Damascus, Rural Damascus, Idlib and Al-Raqqah.¹² In the case of Al-Raqqah, the Commission found that “widespread detention of civilians and their systematic torture by identified armed groups amounted to a crime against humanity.”¹³

Documenting allegations of torture and ill-treatment by armed opposition groups is associated with particular challenges, given the fluid control of a mosaic of groups over different areas in northern governorates. Moreover, constantly evolving alliances among the different groups and consequent frequent changes in their membership and power structures, combined with frequent shifting of areas under their control, have posed serious challenges to determining the particular responsibility of each group.¹⁴ Nevertheless, OHCHR has been able to ascertain that several armed opposition groups - notably Islamic State in Iraq and Sham (ISIS), Jabhat al-Nusra, Ahrar al-Sham, Asifat al-Shamal and Liwaa al-Tawheed - run detention facilities in areas

under their effective control. These armed groups often use hospitals, schools and other public buildings, which are not designed for holding detainees. Once in the custody of such armed groups, men, women and children are at risk of torture and ill-treatment.

At particular risk are activists, including those attempting to document human rights violations, and medical personnel affiliated or perceived to be affiliated with other armed opposition groups. Others appear to have been targeted on the basis of their religious or ethnic affiliation. Allegations of torture and ill-treatment of children perceived to be pro-Government have also been reported.¹⁵

SA, a 27 year-old activist, who was held for two months in late 2013 at ISIS headquarters in the Children's Hospital in Aleppo, told OHCHR:¹⁶

“I was taken, along with a prominent media activist, from his home in eastern Aleppo by armed masked men belonging to ISIS. They blindfolded us and drove us to their headquarters, where one of them accused me of being ‘secular.’ I was not allowed to inform my family of my whereabouts. One day, three ISIS members suddenly started beating me repeatedly with electric cables and wooden sticks. They then blindfolded me and cuffed me to a heater in a corridor for the remaining 32 days, during which I was only allowed one toilet break per day. I was later informed that the torture began when my family asked ISIS about my whereabouts.”

GA, another activist told OHCHR:¹⁷

“I was repeatedly arrested by ISIS in July and August 2013 and taken to one of their bases in Al-Raqqa, where I was kept for a day or two each time and interrogated about my activities and where I publish the videos I shoot. During these interrogation sessions, they beat me with electric cables, punched me on my face, and hit my head with their rifle butts.”

III. Cruel, inhuman or degrading conditions of detention

Detainees consistently told OHCHR of the abhorrent conditions in which they were held in Government-run places of detention. Severe overcrowding was the primary complaint, while cells were often described as run-down and insanitary, for example with leaking pipes from the ceiling and lack of ventilation. Such conditions, coupled with poor quality and even rotten food, had considerable consequences for the physical and mental health of detainees, and in some cases may amount to torture or cruel, inhuman and degrading treatment.

OE, a 22 year-old university student, arrested in relation to his participation in anti-Government protests at Damascus University in 2012, explained that he was held in a cell of 12 square meters with tens of other detainees at the Air Force Intelligence Branch in Harasta, Rural Damascus. He said:

“It was impossible to sleep. We were cramped, the smell was unbearable, and the cell was infested with insects. We could hardly breathe. There was no ventilation at all; the only small window of the room was closed all the time. There was a hole in one of the corners of the cell, which was the toilet.

It was disgusting; there was no privacy at all. Imagine 60 persons using that hole every day. There was no recreation time whatsoever.”

YY, a 60 year-old male, spent three months in different detention centers in Tartous in 2013, including at the Military Intelligence Branch. He was interrogated about his alleged involvement in an opposition group and the identity of members of this group. YY described his detention conditions as follows:¹⁸

“We were 120 in a cell of 6x8m. We were all in our underwear because of the heat, sitting in lines of ten inside the cell. At night, as one after the other started to fall asleep, the bodies became like a spider net of body parts. We just slept on each other.”

YY added that his cellmates were tortured and returned to the cell untreated:

“Every day, cellmates were taken for 30 or 45 minutes of interrogation and came back with their faces bleeding, barely able to walk, and with open wounds that remained untreated and became infected.”

Less information is available regarding conditions of detention in facilities controlled by opposition armed groups, but reports received by OHCHR indicate that they are also of concern. RD, a 25 year-old final-year medical student, detained while attempting to cross the border into Turkey in September 2012, was held by ‘Asifat al-Shamal in Azaz, northern Syria, for seven months in a makeshift detention center. Held in a cell of 24 square meters with some 50 people, he complained of being poorly fed and not being allowed time to walk outside the cell.

IV. Legal framework

No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.¹⁹ The prohibition of torture is a peremptory norm of international law (*jus cogens*) from which no derogation is permitted and which applies both to states and non-state armed groups alike. Furthermore, the Syrian Arab Republic is a party to both the International Covenant on Civil and Political Rights (ICCPR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) that both prohibit torture and other ill-treatment.

Torture, cruel treatment and outrages upon personal dignity, in particular humiliating and degrading treatment are also prohibited under Common Article 3 of the Geneva Conventions,²⁰ and under customary international humanitarian law.²¹

In armed conflict, torture constitutes a war crime. If it forms part of a systematic or widespread attack against a population, torture amounts to a crime against humanity.

V. Conclusion and recommendations

Consistent and ongoing reports of torture and other cruel, inhuman or degrading treatment by Government forces and some armed opposition groups in Syria are of serious concern. The cases documented in this paper are only illustrative of a much broader pattern of torture and ill-treatment that has been

extensively documented by other United Nations human rights mechanisms since the outset of the conflict. Once in detention, individuals are routinely subjected to physical violence, including sexual violence, amounting to torture. In addition, poor conditions of detention, holding of suspects incommunicado, frequent transfers from one prison to another, and the holding of persons without means of communication - all reported to be practised in Syria - could constitute or lead to torture or cruel, inhuman or degrading treatment.²²

The Government and armed opposition groups in Syria, in line with their international law obligations, should:

- Immediately release all individuals arbitrarily detained, and cease the practice of arbitrary arrests and detention.
- Cease practices of torture and ill-treatment in detention facilities and treat all persons humanely.
- Provide all individuals in their custody with adequate food, water, clothing, shelter and medical attention.
- Ensure that all detainees are fully and swiftly registered at detention facilities and that their family is notified about their whereabouts as measures to reduce the risk of enforced disappearances and prevent torture.
- Provide legal counsel and family members with access to detainees. Promptly inform anyone arrested about the charges against the person and promptly bring the detainee before a judge to determine the lawfulness of their detention.
- Publicly condemn practices of torture and other ill-treatment, and instruct all their elements to abide by international standards.
- Ensure swift, independent, impartial and effective investigation into allegations of torture and ill-treatment, and bring perpetrators committing acts of torture and ill-treatment, complicit or participating in similar acts, to justice.
- Allow regular and unannounced access to all detention facilities to independent and impartial international observers, including OHCHR, the independent international commission of inquiry on the Syrian Arab Republic, and relevant UN special procedures mandate holders, for the purposes of conducting effective monitoring.
- Adopt protective measures for all victims of torture and ill-treatment and provide them with redress, including fair compensation and rehabilitation.

Endnotes

- ¹ *Report of the Fact-Finding Mission on Syria pursuant to Human Rights Council resolution S-16/1*, August 2011.
- ² The Independent International Commission of Inquiry on the Syrian Arab Republic was established on 22 August 2011 by the Human Rights Council through resolution S-17/1 adopted at its 17th special session with a mandate to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic. For more details, see <http://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/IndependentInternationalCommission.aspx>.
- ³ See for instance the last *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, A/HRC/25/65, 12 February 2014, p.11.
- ⁴ *Consideration by the Committee against Torture of the implementation of the Convention in the Syrian Arab Republic in the absence of a special report requested pursuant to article 19, para.1, in fin*, CAT/C/SYR/CO/1/Add.2, 29 June 2012. In this context see also the *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, Juan E. Méndez A/HRC/25/60/Add.2, 11 March 2013, paras. 147-150.
- ⁵ See in this context the *Report of the Secretary-General on children and armed conflict in the Syrian Arab Republic* (S/2014/31), 24 January 2014, paras.18-20.
- ⁶ A list of places of detention where torture has routinely been documented can be found in the *Report of the independent international commission of inquiry on the Syrian Arab Republic*, A/HRC/25/65, 12 February 2014, Annex 5, p. 46.
- ⁷ Syria's main security apparatus includes the Military Intelligence, the Political Security, the State Security and the Air Force Intelligence. In none of the cases documented by OHCHR was the victim informed of the reasons of his or her arrest or provided with a written warrant for such arrest.
- ⁸ These tribunals include the Terrorism Tribunal operating in Damascus created in 2012, field courts (*mahakem maydaniya*) and military courts operating in the governorates under Government control. According to information collected by OHCHR, at least 1,200 files were referred to the Terrorism Tribunal only in January 2014 with each file including an average of two persons.
- ⁹ OHCHR interview, 10 October 2013.
- ¹⁰ See also *Report of the independent international commission of inquiry on the Syrian Arab Republic* A/HRC/24/46, 16 August 2013, paras. 96 – 100.
- ¹¹ OHCHR interview, August 2013. In order to protect the victim's identity, OHCHR has withheld information regarding the security forces alleged to be responsible and the location of this incident.
- ¹² See *Report of the independent international commission of inquiry on the Syrian Arab Republic* A/HRC/25/65, 12 February 2014 paras. 57-61.
- ¹³ *Report of the independent international commission of inquiry on the Syrian Arab Republic* A/HRC/25/65, 12 February 2014, para. 61.
- ¹⁴ See in this regard also *the report of the independent international commission of inquiry on the Syrian Arab Republic*, A/HRC/25/65, 12 February 2014.
- ¹⁵ *Report of the United Nations Secretary-General on children and armed conflict in the Syrian Arab Republic*, S/2014/31, 24 January 2014, para. 21.
- ¹⁶ OHCHR interview, February 2014.
- ¹⁷ OHCHR interview, February 2014 (same).
- ¹⁸ OHCHR interview, October 2013.
- ¹⁹ *Consideration by the Committee against Torture of the implementation of the Convention in the Syrian Arab Republic in the absence of a special report requested pursuant to article 19, para.1, in fin*, CAT/C/SYR/CO/1/Add.2, 29 June 2012.
- ²⁰ Syria is party to the four Geneva Conventions of 1949 and Additional Protocol I and has yet to ratify Additional Protocol II, which addresses the issue of the provision of detainees' basic needs in non-international armed conflict.
- ²¹ *International Committee of the Red Cross: Customary International Humanitarian Law*, Volume I, Rule 90.
- ²² *Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, A/68/295, 9 August 2013.