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The systematic use of torture in Syria is practiced in the dark. The world is aware of its existence only through anecdotes, reporting that represents the tip of the iceberg. Detention facilities and prisons across the country are responsible for grave human rights violations including forced disappearances and a range of torture practices. As clashes on the ground and negotiations around the polished tables in Switzerland intensify, so do the opposing forces' cruel practices against detainees in their prisons.

Against the backdrop of the Geneva II talks which opened last week, the media coverage of Syria's ever-growing use of torture made UN bodies, numerous human rights NGOs and lawyers raise a red flag. Valerie Amos, UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, pushed for the negotiating parties to "put the people first" and think about the crisis as a humanitarian catastrophe. Plans were even made for competing rebel groups to discuss the release of several detainees on Sunday; not much has been reported on the outcome. So far, Geneva II has brought no significant improvements for humanitarian workers to have access to Syria.

Some guessed that the atrocities had escalated with the start of the negotiations; a dreadful strategy for the competing forces to gain negotiating power. By achieving military gains, they can give themselves more leverage and thus, it is probably believed, a better outcome at the negotiation table. With generally pessimistic prospects for Geneva II, humanitarian organisations and activists fear for the conditions inside Syria for civilians, detainees especially, as they are increasingly closed off from having access to and recording the worsening atrocities.

The evidence about these developments became clear when I met Lama Fakhi, Syria Expert at Human Rights Watch; she explained how detainees now include an increasing number of women, children and the elderly. HRW has documented instances of these

individuals falling victim to the same vicious torture methods, including sexual violence. In some cases, they are detained because of their own activism; in others, they are essentially hostages to try to put pressure on relatives to turn themselves in.

Based on interviews with hundreds of ex-detainees, HRW could confirm that we're not talking about isolated cases but "rather, actually a pattern of ordered rights abuses". Fakhi said that HRW had even spoken to defectors who had managed torture facilities; they described how torture was "a regular part of the work" and something they were "expected to do" in detention facilities.

HRW reported the incident of 35-year-old activist Fatmeh (not her real name) who was detained after helping transport Syrian army defectors from Homs to Deraa. She was tortured every day during a 15-day detention at Military Intelligence Branch 215 in Damascus, in March 2012:

One day it would be by electricity, the next by shabeh [being hung from the ceiling by one's wrists with feet dangling or barely touch the ground]. The torture marks are still present. I would lose consciousness with the electricity... [T]hey were hitting me on my lower legs below my thighs and on my back. They tortured me until my body started bruising ... Two men took me and carried me to the toilet because I couldn't walk.

Fatmeh was released in March 2013, after nearly 14 months in detention.¹





Based on the reporting and interviews of hundreds of ex-detainees, Lama Fakih confirmed such practices as sexual violence, electrocution and beatings with batons and other objects. One repeated practice was the laying of detainees out on a device called the “satajeeah” where they would be bound and then bent in uncomfortable positions, so as to both immobilise and put them in stressful positions, whilst guards would beat them.

Individuals being held by the government include people engaged in non-violent opposition or activism, humanitarian assistance providers, journalists, politicians, lawyers working on behalf of detainees, political detainees, writers and ordinary civilians participating in demonstrations. Fakhi told me that individuals in these categories have all been subject to torture.

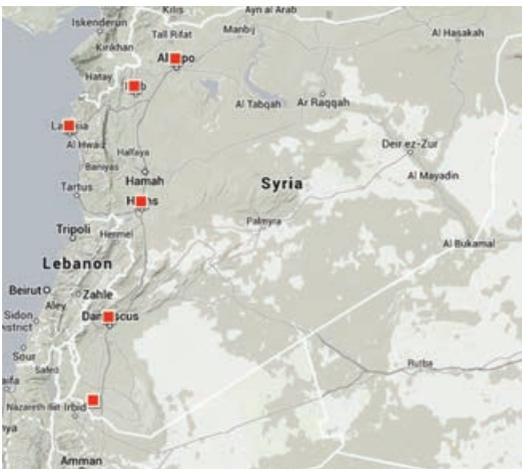




Another detainee, Amal, was 19 when she was arrested at a peaceful demonstration:

[He] took me into my room, put me on a chair and tied me to it. He brought a blade and started cutting me on my wrist, to make the electric shock with blood. He took the sheath off the wire and put it on my wounded wrist [where he had cut my wrist]. He cut my hand, there was a little bit of blood, and he put the wire in there. He turned on the electricity for two or three minutes ... He did three shocks. When he sees someone under torture he is laughing, happy.²

The scope of torture in Syria



Torture is used as a way to break people down physically, emotionally and psychologically with the objective of altering the victims' belief or opinion, force a confession, intimidation or punishment. In the case of Syria, torture has been used for centuries, but in the context of the current crisis it has become a weapon. Civilian victims, including children, have come to embody competing forces of the war with their scars, bruises and starved bodies. In fact, we have seen war tactics manifested in the starving to death of civilians in besieged areas, as well as in detention centres.

The body has become the battlefield, subject to the forces of opposition groups as well as the regime. "We have documented cases where opposition groups have held hostage and abducted individuals, both Syrian and foreigners, and in that context also perpetrated crimes against humanity, against these individuals," stressed Fakhi.

She emphasised that torture happens across the country, even detainees who are held, for example, in Homs or Daraa. Other detainees recall being taken to Damascus; that, in some sense, seems to be a hub for detainees but, again, she stressed the fact that there is evidence of such facilities across the country.

Human Rights Watch confirmed in summer 2012³ that torture was used systematically in 27 detention centres. Its research shows that the worst torture has taken place in detention facilities run by the country's four main intelligence agencies, commonly referred to collectively as the mukhabarat: the Department of Military Intelligence (Shu'bat al-Mukhabarat al-'Askariyya); the Political Security Directorate (Idarat al-Amn al-Siyasi); the General Intelligence Directorate (Idarat al-Mukhabarat al-'Amma); and the Air Force Intelligence Directorate (Idarat al-Mukhabarat al-Jawiyya).

Even the conditions of confinement have changed. Lama Fakhi described how the increase in detainees has caused "congestion in cells, immobility and mass starvation of people", adding to the atrocious torture practices in detention centres. At the Department of Military Intelligence centre, a space of 4 x 5 metres is used to house 70 individuals. The EU's Committee for the Prevention

of Torture said that such a space should hold a maximum of 5 detainees.

The report

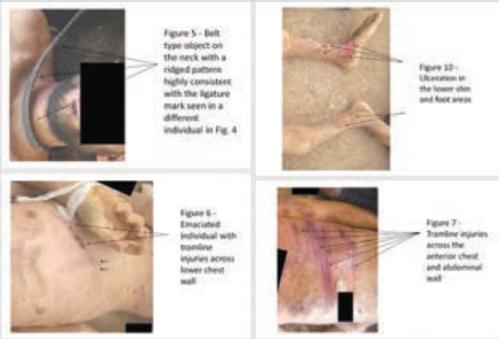
Last Monday, an 82-page report was published, assessing recent evidence of use of torture in Syrian detention centres. The Kuwaiti-funded investigation team of forensic experts and human rights lawyers were set the task of assessing the credibility of some 50,000 images, alleged to have been taken in one of the government's detention centres, suggesting the shocking scale and methods of torture.

The evidence of practices in the centre was characterised as systematic killing and torturing on an "industrial scale". One of the authors, Sir Desmond de Silva QC, emphasised that the scale of killings and starvation resembled the Auschwitz concentration camp during World War II, with torture such as gouging out of eyes, lashing and electric shocks adding to detainees' pain and misery until a significant number starved to death.

MEMO spoke to another of the report's authors, Sir Geoffrey Nice, who described the process of the investigation: "The team contained lawyers and experts who were let loose on the documents without any knowledge of what the witness would say." Given the obvious criticisms that would come from the other side (the Assad regime), they had to observe him with "special care" and found him to be a reliable and credible witness. They looked at the documents with non-expert eyes and then together with the experts and could confirm the reliability of the evidence. Though Sir Geoffrey emphasised that they are not saying that the evidence is true, they do say that "it's reliable and could be put before any court and lay the foundations for an investigation".

The report was based on 50,000 photographs of 11,000 bodies, smuggled out of a Syrian detention centre by a member of the Syrian Military Police who defected after 13 years in the job; he used the pseudonym "Caesar". He told the investigation team of "slaughterhouse-like" conditions. Originally, his job had consisted of photographing ordinary criminal matters and sending them

to “the judiciary”. In reality, he was a scene of crime investigator responsible for falsely documenting a “natural death” in a hospital bed in which the torture victim was placed after the crime.





“The report raises serious concerns over the safety of the thousands of individuals, including peaceful activists, currently held in state-run detention centres and those subjected to enforced disappearance,” said Philip Luther, Amnesty International’s Middle East and North Africa Director. Both Amnesty and Human Rights Watch, along with this new report, have described methods of torture that are so brutal, they are difficult to comprehend as reality.

On Friday, Naser Khader, a Hudson Institute expert and former translator for victims of torture in Syria, described to Danish Radio how he would often be sick after his interviews with former detainees. He described one common method of torture: “They [the detention centre guards] would refuse to give the detainee any water for days. After being on the brink of dying of thirst, they would come in with loads of water and let him drink.” The guards would then bind the victim and bind his penis, so as to prevent him from urinating; a devastatingly painful method that destroys the victim’s genitals, completely.

The images document heavy bruising and ligature marks as well

as boot marks and so-called Tramline bruises, a specific type of bruise produced by blows with stick-like objects, as well as abrasions resulting from the removal of the outer layers of the skin. Forensic experts found that gunshot wounds were common, loss of skin and decomposition when the body degrades after death resulting in a kind of mummification.

Memo spoke with another key author of the report. Professor David M Crane is a highly-qualified Chief Prosecutor, the first of his kind in the Special Court for Sierra Leone, appointed personally by the Secretary-General of the United Nations. He puts the conditions for such widespread use of torture in Syria down to “the cynical attitude of the regime to stay in power”. He confirmed his view of the state policy of torture in Syria as another “classic example of crimes against humanity”.

Despite several reports from the UN and human rights NGOs providing evidence for these crimes being systematic, publicising and filing cases as crimes against humanity, Professor Crane has no hope in it being taken to the logical, legal conclusion. “There is no political will to seek justice for Syria, yet.” On the question of ISIS and other groups’ use of torture and new patterns and methods of torture, he confirmed that it looks like the civil war has become increasingly personal; and these international crimes have escalated significantly since 2013.

“It will end badly,” he predicted, discouraged by the incredible passivity on the part of the international community towards finding a way to end these crimes. At the moment, Crane concluded, “we need peace before justice.”

Breaking the cycle of impunity

The torture system is characterised by complete impunity for the perpetrators. The systematic practice and methods of torture across the country confirms Syria’s state policy of torture and, consequently, its crimes against humanity.

Furthermore, torture is merely one of many rights abuses against people in state custody. For example, the forced disappearances

of individuals, their abduction with no information on whose custody they are in or why they are being held is common. Lama Fakhi explained how they see the government pursuing persecution against individuals both before military courts and counter-terrorism courts, where they are denied even very basic rights.

HRW is calling on the UN Security Council to impose targeted sanctions against individuals for whom there is credible evidence of having perpetrated these abuses, and to refer the situation in Syria to the International Criminal Court (ICC) in order to ensure that at least some of the perpetrators will be held accountable. The only UN Security Council resolution on Syria that has passed to-date covers the chemical weapons issue. “The Russians are blocking measures in the Security Council that could actually deter torture in detention, including the ICC referral, including targeted sanctions,” said Fakhi.

UN Special Rapporteur on Torture

MEMO spoke to the UN Special Rapporteur on Torture, Juan Mendez, in order to clarify the essential factors cultivating the use of torture in Syria, in the hopes of finding a resolution to the international crime of torture. The information he receives suggests an increase in cruelty. However, he stresses the blurred chronology of events: “It is hard to say (...) if the torture is becoming worse or we are now getting more and better information.”

He designated Syria as having an environment facilitating torture and other mass atrocities based on three factors. First, that the armed conflict is at a stalemate; this, he said, “is having the effect of moving the belligerents into less and less restraint and more impulse to gain military advantages by committing atrocities.”

The second factor is the ethnic/religious dimensions of the conflict. “Syria’s various communities have long been in latent conflict,” Mendez explained, and when the conflict breaks out into violence, “each party denies the elementary humanity of the adversary.”

Thirdly, we have a fundamental problem of impunity for the

perpetrators of torture. “The violations repeat themselves in ever-increasing cruelty because the perpetrator knows that he can get away with them.”

Mendez confirms that the evidence so far points to an official policy of torture on the part of government forces as well as on the part of some rebel organisations. He brought this to the attention of the government.

He sent me a few of his communications to the Syrian government since the beginning of the conflict, one of which lists reliable findings of massacres and unlawful killings; arbitrary arrests and examples of unlawful detention; hostage-taking and enforced disappearance; torture and ill-treatment; sexual violence; arbitrary and extra-judicial executions; and violation of children’s rights, as well as incitement to these crimes and to sectarian hatred.

The letter also mentions plausible reports detecting recruitment and use of children in armed conflict and human rights violations that, in some cases, constitute war crimes and crimes against humanity. In the letters he calls for justice:

Those responsible for such rights violations must face justice and be held accountable for their actions. The Geneva II Conference should give special attention to the alleged participation of foreign fighters in all sides to the conflict, which has aggravated the crisis in the country.⁴

They report individual cases to the government, such as that of Mr Ayham Moustafa Ghazzoul, describing his alleged torture and death at the hands of Air Force Intelligence officers in Mezze. The letter states that Mr Ghazzoul was a human rights activist from Deir Atteih and a member of the Syrian Centre for Media and Freedom of Expression (SCM).

On 5 November 2012, members of the pro-government National Students’ Union kidnapped Ghazzoul at the entrance of Damascus University. Following the unlawful detention union members beat the captive brutally before handing him over to Air Force Intelligence.

"It is reported that while in detention, Air Force Intelligence members subjected Mr Ayham Moustafa Ghazzoul to torture and other severe forms of cruel, inhuman and degrading treatment. According to the information received, Mr Ayham Moustafa Ghazzoul suffered internal bleeding as a direct result of the torture, and subsequently died on 9 November 2012, four days after his arrest."⁵

Juan Mendez urges action to be taken against the Syrian Government and concludes:

...the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts. Please accept, Excellency, the assurances of our highest consideration.⁶

The UN Human Rights Council has called for justice several times. Mendez and his fellow mandate holders have always brought to the fore these injustices as well as the importance of breaking the cycle of impunity and expects these injustices to be an integral part of the Geneva conference. When I ask what followed these countless requests, he replied, "I should say that they have gone unanswered."

According to Mendez, humanitarian relief should be a high priority in the negotiations. It is important for refugees to obtain an agreement that "could give a safe passage to relief efforts, and to agree to protect the civilian population from harm from all sides to the conflict".

Nevertheless, Juan Mendez told MEMO that he finds it "difficult to insist on justice as we approach peace talks". In his experience, though, "a peace agreement based on impunity will be short-lived as it will leave open wounds in society that will constitute an incentive for renewed fighting." Hence, if justice cannot be realised directly, "at least the peace talks should not close the door on justice at a future date."

End Notes

¹<http://www.hrw.org/news/2013/06/24/syria-detention-and-abuse-female-activists>, <http://www.hrw.org/news/2013/06/24/syria-detention-and-abuse-female-activists>

²Extract from Detention and Abuse of Female Activists HRW, <http://www.hrw.org/news/2013/06/24/syria-detention-and-abuse-female-activists>

³'Syria: Torture Centers Revealed,' HRW, July 2012, <http://www.hrw.org/news/2012/07/03/syria-torture-centers-revealed>

⁴Mr Juan Mendez UN SR, in an open letter to the Syrian Government, 20-01-14.

⁵Mr Mendez UN SR in letter to The Syrian Government 12-02-2013

⁶Mr Mendez UN SR in letter to The Syrian Government 12-02-2013

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