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The United Nations has released a **new report** documenting the evidence that children in Syria have been subject to grave sexual abuses in government detention, recruited to fight with the opposition, tortured and used as human shields.

Abuse of children in Syria is a central theme of the war ravaging the country. Indeed, what provoked the conflict was the alleged torture of children accused of painting anti-Government graffiti on public buildings. This was followed by expressions of popular discontent over political and socioeconomic rights which manifested themselves as intense civilian protests in Dar'a. Following the violent clampdown by Government forces, the demonstrations spread to other cities.

The UN report is the first project evaluating the impact of the nearly three-year-old war on children in Syria. It estimated that at least 10,000 children have been killed and that "grave violations against children" have been perpetrated by "all parties to the conflict" since the start of the war in March 2011. It was reported that children as young as 11 have been held in government detention centres and, according to witnesses, subjected to torture in order to put pressure on relatives to turn themselves in or "confess".

Witnesses have reporting the abduction of children and snipers killing and maiming youngsters going about their everyday tasks. Thousands of children have been wounded as a result of heavy shelling and aerial bombardment. In some cases, they have suffered multiple wounds caused by burns and shrapnel, including the severing of limbs and spinal cord injuries.

In the village of Kuferzita, in the governorate of Hama, Syrian Armed Forces are alleged to have arrested a large number of

children, mainly between the ages of 10 and 12, and used them as human shields. Children were also forced to face government tanks, sing pro-government songs and organise a demonstration in favour of the president; failure to comply led to arrest or detention. According to the report, the regime army abducted 20 of these children, released a week later in a state of shock and bearing the hallmarks of torture.

Hamza Alkhateeb, a 13-year-old boy from Giza in Daraa; he was shot, burnt and tortured to death by Assad security forces while being detained for a month. Hamza's body was mutilated; he was tortured by electric shock devices and whipped with cable. His neck was broken and his genitals were cut off. Killing Hamza this barbaric way was considered a crime against humanity and shocked the whole world and the conscience of humanity. But, that wasn't everything. Hamza's close friend Tamer Alsharee faced the same destiny and in the same way.



image source: Dandana Shamiya, Syrian writer and blogger

Children who had been detained reported of being subject to brutal torture methods, the report said: "Beatings with metal cables, whips and wooden and metal batons; electric shocks, including to the genitals; the ripping out of fingernails and toenails; sexual violence, including rape or threats of rape; mock executions; cigarette burns; sleep deprivation; solitary confinement; and exposure to the torture of relatives."

While the report did not discuss accountability, the evidence it puts forward will inevitably tempt discussion on how to pursue accountability for those accused of such war crimes. At the moment, people committing torture in prison and other detention centres act with complete impunity. The international community and UN mechanisms have so far been unable to make progress on the matter of accountability for war crimes.

The bureaucracy and miscommunication infused in the current

international “dialogue” on the humanitarian effort is heartbreaking. The first round of Geneva II negotiations came to an end with no significant political or humanitarian solutions; no ceasefire was agreed, talks on a transitional government did not even commence, nor was any agreement made to enable aid into besieged areas in the central city of Homs.

The international community had very different ideas about how even to understand the communiqué and Geneva I, in order to agree on what they were discussing. Participants struggled to settle on something as basic as the release of detainees and access of humanitarian aid to besieged areas.

In the meantime, torture remains a dreadful “strategy of war” along with many other crimes, such as starvation and barrel bombing, causing thousands of casualties. The Syrian authorities are also accused of holding tens of thousands of political detainees. Human Rights Watch says arbitrary detention and torture has become “business as usual for Syrian security forces”. It was argued that the opposition forces were increasing their degree of hostage-taking and arbitrary detention as a way to gain leverage and negotiation power in Geneva.

With the release of thousands of photographs and numerous interviews with ex-detainees, the torture not only lives up to the technical definition of being “crimes against humanity” but truly feels like crimes against humanity.

The Syria expert at Human Rights Watch is Lama Fakih; she told MEMO that many refugees are fleeing to Lebanon with physical and emotional scars, not many resources, and no networks to rely on. Victims of these war crimes are pouring across the border, broken by the war, landing in the hands of the over-exhausted NGOs where they struggle to make even a tolerable living.

A long journey for victims of torture

MEMO met up with Suzanne Jabbour, director and founder of the Restart Centre for Victims of Torture in Lebanon and Vice President of the Subcommittee for the Prevention of Torture (SPT) at the UN in Geneva. Walking down Badaro Street in Beirut, host to many of Lebanon's great humanitarian organisations, all of them trying to fill the massive gaps in government social provision, it is easy to see that they are hard-working, yet seriously under-funded; their capacity is exhausted by the overwhelming influx of Syrian refugees. In the contrasting mix of grand marble skyscrapers and ramshackle buildings, it is not an unusual sight to see people limping past on crutches and bandaged limbs. Half of the second floor of an old building in Beirut is designated for the rehabilitation of the majority of torture victims. The full waiting room bears evidence of the alarming demand for help.

Four men, two young and two elderly, three girls and four women are waiting in the queue; the demographic of the clientele has changed since the start and worsening of the Syrian crisis. "Before the Syrian crisis, the majority of victims were men; now there are a lot of children and women as well," Jabbour told me. She has worked with victims of torture for the past 14 years. "We used to find two women victims of torture out of 100. Now, it's not only the patterns and methods of torture that have changed, but also the ages and gender. Nobody is excluded."

According to Jabbour, it is imperative to find a solution to avoid civilians being exposed to such brutality and torture, both physical and psychological, because "it is brutality resembling World War II". She believes that the lifetime of suffering resulting from psychological torture and its methods makes it more dangerous in the long-term.

Jabbour sees hundreds of victims at the centres in Beirut and Tripoli each week, men, women and children. She shows me the waiting list for child victims of torture needing rehabilitation and its staggering increase in just one week from 85 to 103.

*103 children
per week join
the rehabilitation
programme of
Restart Centre for
Victims of Torture
in Lebanon*

“The fear that the Syrian refugees feel now,” she insists, “cannot be described.” She explains the trauma that victims suffer after being detained, kidnapped or taken hostage. “It transforms you into another person, on an emotional, behavioural, physical, human and, even, cognitive level. Thus, the aim of torture is to change the personality of the victim, forcing the victim to adopt other values, beliefs or opinions.”

Confronted with the evidence of ever-worsening brutality, Jabbour feels that the negotiations on the matter are disheartening and hopeless, detached from reality on the ground. “Even if they come up with a minor solution or improvement, it will be insufficient,” she stressed. “We are in the midst of a humanitarian disaster.”

The workers at the Restart Centre often hear accounts about methods of torture so brutal, they seem unbelievable. “Could this be happening in reality? We ask ourselves this question all the time,” said Jabbour. The miserably high level of tolerance of these kinds of practices from the international community is equally unbelievable. She has written a range of books on torture, war and oppressive regimes, but, she insists, what is happening in Syria “cannot be described”.

For children, this situation is especially dangerous. The majority are out of school and stand to be the next generation of Syrians. “Young people with no education? We are planning for disaster when illiteracy fights illiteracy. Is this acceptable in 2014; the war; the silence? I am really looking for a day with zero tolerance of this, and I am hoping this day will come soon.”

“For them there is no light, no hope - nothing”

The centre works with primary and secondary victims of torture, as family members often find it difficult to re-integrate the victim in the family’s new dynamic and the social setting of being a refugee. Torture changes the victim; this is torture intended to break down and pressurise an individual to adopt certain values, beliefs and opinions. All personal relations become challenging after the experience, as the victim changes at a personal, psychological

“Could this be happening in reality? We ask ourselves this question all the time”

and emotional level.

Secondary victims suffer a lot. The victims develop aggressive attitudes; they start identifying with the “evil” of torture, a common syndrome among victims. They become violent against children and the majority of women become victims of domestic violence. If an individual is detained or kidnapped for years, the family dynamic has also changed in the meantime. Many women become the breadwinner, adding to the victims’ frustration, all too often resulting in violent behaviour.

Victims come to the centre having lost everything: land, home, family, everything; sometimes they just come with the clothes on their back. Jabbour explains further: “For them there is no light, no hope - nothing!” Adding further to their misery is the constant psychological threat that the majority of victims feel, of being kidnapped again.

Lama Fakh told MEMO how detainees they had interviewed continue to feel under threat in Lebanon. They fear that the “hand of the Syrian government will extend across the border”; that they could also be subject to detention by the Lebanese authorities, or kidnapped and sent back to Syria. The possibility is slight but Fakh stressed that “it is reality for a few”.

The centre protects evidence and develops the files of these victims; no legal case proceeds without their consent in order to protect them. Jabbour explains: “We never know who our clients are; we deal with people as human beings; as people in need.” During the therapy counsellors are given a lot of information and are often faced with the dilemma of protecting the victim or using what they hear to do something about it. However, the victim’s right to be protected takes priority and the centre does not have the right to act on any information given in confidence.

UN mechanisms to prevent torture

Syria has been a party to the UN Convention Against Torture (CAT) since 2004 so it is bound to adapt its domestic legislation to the Convention's provisions, which are specific about the obligation to investigate, prosecute and punish every act of torture. Other provisions include the requirement to exclude evidence obtained under torture from any proceedings against the victim. I spoke to UN Special Rapporteur on Torture Juan Mendez; he informed me that since Syria is not a party to the Rome Statute there is no forum where these crimes could be prosecuted, other than Syrian domestic courts.

According to Fakhri, HRW is calling on the UN Security Council to impose targeted sanctions against individuals where there is credible evidence that they have carried out such abuses. Furthermore, a referral of the situation in Syria to the International Criminal Court (ICC) is essential in order to ensure that at least some of the perpetrators will be held accountable. The only resolution passed to-date by the UN Security Council on Syria, relates to the chemical weapons issue.

The ICC is concerned about any country where crimes are reported to be committed. However, the court can only intervene in accordance with the **rules conditioning its jurisdiction and admissibility requirements**.

I spoke to Fadi El-Abdallah from the ICC who told me that Syria, being a non-state party to the court, left it with the only option to bring these criminals to justice through the UN Security Council's referral, as it was done for Libya and Darfur.

The ICC cannot go beyond its legal rules, which give the court jurisdiction only with regard to state parties to the Rome Statute or states which have accepted the ICC's jurisdiction. El-Abdallah emphasised that "the only exception to this rule is if the United Nations Security Council, of which the ICC is independent, adopts a resolution under Chapter VII of the UN Charter asking the ICC to investigate." The ICC has no mandate to call on the Security Council or to advise it whether or not to adopt such a resolution.

Mendez agrees: “The only possibility is for the Security Council to refer the situation to the International Criminal Court, in the exercise of the Council’s Chapter VII powers.” However, all initiatives by the Security Council to apply Chapter VII to the conflict in Syria (including referral to the ICC) have been met by the veto of Russia and China, as permanent members of the council. He assures me that in cooperation with UN High Commissioners and UN Special Rapporteurs, he has “repeatedly call for such referral” or for other forms of international justice for these crimes, given the absolute climate of impunity holding sway in Syria.

Despite being signatory to the CAT, experts cannot access and monitor Syria without permission. The optional protocol needs to be passed before this can happen. Right at this moment, thousands of people are suffering as victims of torture. The torturers operate with impunity and, as Suzanne Jabbour explains, it is important that “the optional protocol on torture” is agreed so as to enable the SPT to visit the closed places, where no one has access, “because torture happens in the dark”.

The process takes time. After one year of the ratification, there should be an initial report to the CAT in Geneva; the report is examined, questions are asked and recommendations are made to the government on this basis. This is the system with CAT. Officials can visit the state party according to article 21 and collect information and evidence that the government and other official bodies practice torture systematically. In this case, they can visit; this visit is not like the SPT in that they do not need any permission. It’s ipso facto when the state has signed, under the obligation of CAT to visit the centre in question at any time, without permission, without notice. They can visit everywhere, even psychiatric hospitals. Thus, CAT, when needs be, has permission to investigate.

The SPT, on the other hand, works to enhance its relations with the government in order to fight the use of torture, and advises officials on improvements. It does so by requesting an invitation from the specific centre and then conducting confidential research, only shared with government officials and employees at the centre

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in question.

Suzanne Jabbour of the UN SPT says that when centres are visited, the evidence of torture is there; physical evidence. On the question of what was done, as SPT inspectors bring up the evidence, she explains, “Sometimes we take direct action, if we find something really important to take action during the mission.”

First they meet the prison authorities after the visit and give them preliminary recommendations; after three months a first written draft is sent for the authorities to comment on; and after six months their final report is issued. “We ask for an action plan; it depends [if we accept it] whether it works or not.”

In this way, the SPT approach is proactive and puts governments into a relationship with the UN body and seeks to make changes that way around. The SPT only uses its own findings from monitoring visits in the various centres. A year after the recommendations have been made, the government has an obligation to establish the “National Development Mechanism”. This is a monitoring team which can visit anywhere and at any time. It then submits an annual report to the SPT.

Another mechanism is the UN Special Rapporteur on Torture, who can also make visits but needs an invitation from the government of the state in question to do so. During the visit, the rapporteur can visit all detention centres and create an official report (whereas the SPT creates confidential reports for the government, in order to create a dialogue and push the government for ratification of these violations).

A third mechanism to push the prevention of torture is through the Restart Centre. “What we are doing really is no job for an NGO, it is one for the state,” Jabbour explains. Its work resembles more of a movement than anything else. Officials document torture based on the Istanbul protocol, an international tool used in the documentation of torture based on the perspective that it is considered from three perspectives: psychological, legal and physical. This is a holistic approach to build a comprehensive file. “That means, if we want to present a case to the international

court, we have comprehensive documentation," Jabbour says. It is recognised internationally by the UN and various other organisations and enables the option for victims to claim compensation post-conflict under article 14 with CAT.

While the recent UN report on child abuse does not discuss accountability, let us hope that the horrifying evidence it puts forward will prompt discussion on how to pursue accountability for war criminals. A second round of Geneva II talks is planned for February 10; the Syrian government has yet to confirm whether its representatives will attend.

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