

# **ALL-OUT REPRESSION**

PURGING DISSENT IN  
ALEPPO, SYRIA

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# CONTENTS

1. INTRODUCTION .....	5
About this report.....	8
2. PROTESTERS IN THE LINE OF FIRE.....	10
Demonstrators routinely targeted .....	11
Bystanders at risk .....	14
3. MEDICS AND THE WOUNDED HUNTED DOWN.....	16
Torture and deliberate killings of medics.....	19
4. TORTURE AND ENFORCED DISAPPEARANCES .....	21
Torture in arbitrary detention .....	21
Enforced Disappearances .....	24
5. SYRIA'S LEGAL OBLIGATIONS .....	27
International human rights law.....	27
Syrian law.....	28
International criminal law .....	29
6. CONCLUSIONS AND RECOMMENDATIONS .....	31
Recommendations .....	31



# 1. INTRODUCTION

“Every protest I observed in Aleppo ended with security forces and *shabiha* militias opening fire on peaceful demonstrators.”

Amnesty International delegate in Aleppo city at the end of May 2012



Funeral-turned-demonstration in Aleppo City (Bustan al-Qasr district) on 25 May 2012. © Amnesty International

As anti-government demonstrations gathered pace in recent months in Aleppo, Syrian security forces stepped up a brutal crackdown in an apparent bid to crush the protest movement and stamp out dissenting voices.

Scores of demonstrators and bystanders, most of them young men and boys but including several children and older men, have been shot dead and hundreds injured in the city by security forces and the notorious *shabiha*, the armed militias working alongside government forces. Some of the victims were bystanders who were not taking part in the demonstrations.

Families of demonstrators and bystanders shot dead by security forces have been pressured to sign statements saying that their loved ones were killed by “armed terrorist gangs”.

Wounded people risk arrest and torture if they go to hospital. Doctors, nurses and first-aiders who provide life-saving medical treatment to injured demonstrators in makeshift secret “field hospitals” have themselves been arrested, tortured and even killed by government security forces.

Activists organizing protests and those suspected of participating in demonstrations, making or distributing anti-government leaflets or opposition flags,<sup>1</sup> or otherwise supporting protesters are often arrested and detained arbitrarily without access to their families or lawyers. Detainees are routinely tortured, in some cases to death. Some have been subjected to enforced disappearance; their families have been unable to obtain any information about their fate and whereabouts since their arrest.

Until July 2012, protest demonstrations in Aleppo, Syria’s largest and most populous city, remained smaller and less frequent than in other main towns. The authorities showed little tolerance for such public displays of dissent and, as elsewhere, responded with brute force. Security forces and militias have systematically used unwarranted lethal force to break up demonstrations, invariably killing and injuring peaceful protesters who posed no threat to them or to others.

While in much of the country government repression of peaceful demonstrations gave way to an increasingly deadly armed conflict between government forces and *shabiha* militias on the one hand and armed opposition groups on the other, until July 2012 Aleppo remained a microcosm of what the rest of the country was in the early months of the protest movement which began in February 2011 – with peaceful demonstrators being routinely assaulted, shot at and hunted down by security forces, soldiers and state-armed militia.

In early May 2012, security forces and *shabiha* militias attacked students who were demonstrating inside Aleppo’s “university city”, a gated area where the student dormitories are located. Several students were killed or injured. Following the incident, the student dormitories were shut down, leaving thousands of students, most of them poorer students from rural areas, homeless just as end-of-year exams were approaching.

In June 2012, as protest demonstrations were increasing in scale and frequency in Aleppo and as intense armed confrontations were taking place between government forces and armed opposition in rural areas around Aleppo, security forces stepped up the crackdown in the city. Checkpoints were set up throughout the city. Armoured vehicles and trucks with mounted machine-guns were deployed in “hot” areas and then used by government forces to fire on demonstrations, killing and injuring a growing number of protesters and passersby.

As part of the stepped up crackdown, suspected protest activists and their supporters were hunted down more systematically. Activists who had managed to remain below the security radar screen started to receive warning or threatening calls; some were attacked, beaten and threatened; others were arrested and have since disappeared.

The gruesome killing and mutilation of three young medics who were part of a network providing emergency medical care to wounded protesters, whose charred bodies bearing torture marks and bullet wounds were found on 24 June, a week after their arrest, sent shockwaves through protest activist circles in the city. Several activists told Amnesty

International that they now feared being tortured to death or summarily executed if they were arrested. If young activists involved in humanitarian and relief work were targeted in such a manner, what awaited those who were active in organizing protests and strikes and distributing flags and anti-regime leaflets? Many were forced to leave their homes and go into hiding.

At the beginning of July, as the security forces increasingly targeted non-violent opposition activists, members of the armed opposition, the Free Syrian Army (FSA) moved into some areas of the city from nearby towns and villages. They repeatedly clashed with security forces and militia members, who continued to attack demonstrators. The situation rapidly escalated and in the last week of July major clashes erupted between government and opposition forces in several neighbourhoods, including Salah al-Din, Bustan al-Qasr, and al-Sukkari, south-west of the city centre, and Hanano, to the north-east.<sup>2</sup>

The Syrian army moved into the city in force with tanks and combat helicopters, shelling residential districts with battlefield weapons, including mortars and artillery, which are imprecise and should not be used in civilian residential areas.

Residents not involved in the confrontations were inevitably caught in the crossfire and many were killed and injured in indiscriminate attacks as terrified families fled the neighbourhoods. At the end of July parts of Salah al-Din, Hanano and other districts, virtually empty of their residents, had become the theatre of fierce clashes between heavily-armed government forces and the less well-equipped FSA fighters.

Months of relentless and lethal attacks on peaceful demonstrators have failed to suppress the protest movement. Rather, the repression has fuelled resentment and fear. Some youths who were previously arrested and tortured now say they would rather die than be arrested and tortured again. Some have joined the armed opposition. Aleppo is now suffering the same fate as the rest of the country: all-out repression of legitimate protest has spiraled into a protracted armed conflict that is claiming more lives every day.



A demonstration for the release of Dr Mohamed Bachir Arab, Aleppo, 20 July 2012. © Private

This report, based largely on Amnesty International's field research in and around Aleppo in late May 2012, concludes that the Syrian government is responsible for systematic violations amounting to crimes against humanity in Aleppo, which it has no intention of ending, let alone investigating. The international community - despite ample evidence of the scale and gravity of the human rights and humanitarian law violations being committed in Syria - has so far failed to bring any meaningful pressure to bear on the Syrian government to end them.

The cases and patterns of abuses investigated in this report, together with the gross and widespread human rights abuses documented by Amnesty International over the past 18 months in other parts of the country, constitute a body of evidence that Syrian government forces and state-armed militias have been responsible for crimes against humanity and war crimes.

Amnesty International and other international human rights organizations have made numerous recommendations to the Syrian authorities over the past 18 months, as well as in previous years, which, if implemented, would have done much to curtail the practices documented in this report.

However, the Syrian government has shown no desire to try to stamp out these grave human rights violations, to investigate them or to hold those responsible to account. On the contrary, crimes under international law and other human rights violations continue to be committed, evidently with the blessing of government authorities at the highest level.

Amnesty International is therefore reiterating its call on the UN Security Council to:

- Refer the situation in Syria to the Prosecutor of the International Criminal Court for investigation of crimes under international law.
- Ensure that an adequately resourced and strong international human rights monitoring mission with the capacity to monitor, investigate and publicly report on all human rights abuses is established, either by expanding and strengthening the UN observer mission (UNSMIS) before its mandate expires in August 2012 or by establishing another mechanism.
- Freeze the assets of President Bashar al-Assad and his close associates.
- Immediately impose an arms embargo on Syria aimed at stopping all weapons, munitions, military, security and policing equipment from reaching government forces.

The organization is also calling on any country considering supplying arms to the armed opposition to have in place the necessary mechanisms to ensure the material supplied is not used to commit human rights abuses and/or war crimes.

## ABOUT THIS REPORT

Since the onset of the unrest in 2011, Amnesty International – like other international human rights organizations – had not been able to conduct field research in Syria as it was effectively barred from entering the country by the government. The increasing gravity of the human rights crisis in Syria and the refusal of the government to countenance any form of outside verification led the organization to take the decision to enter Syria to carry out first-hand investigations without the authorization of the Syrian government. Between mid-April and the end of May 2012, Amnesty International conducted on-site investigations in the Aleppo and Idlib governorates in the north-west of the country.

In the city of Aleppo at the end of May an Amnesty International delegate observed peaceful

demonstrations and funeral processions where members of the security forces and of state-armed militias repeatedly fired live rounds at demonstrators; visited secret field hospitals where injured protesters were receiving emergency medical treatment; interviewed witnesses, protesters who had been shot and injured by security forces during demonstrations, families of those killed, victims of torture and arbitrary detention, as well as relatives of people who have disappeared into secret detention since their arrest, medical professional involved in providing medical care to victims, and volunteers providing aid to people displaced by the conflict. The organization's delegate also viewed hours of footage filmed by local activists of the demonstrations during which protesters and bystanders were killed and injured. Since leaving the country, the organization has remained in daily contact with activists in the city and has continued to receive and follow up information about ongoing human rights violations.

In Aleppo city, all of those interviewed expressed fear of possible reprisals, and for this reason, the names of victims (except for the dead and some of the disappeared) and witnesses, and other identifying details, have been withheld.

The findings substantiate those of other bodies, such as the UN Commission of Inquiry on Syria and the UN Committee against Torture, as well as the evidence collected by Amnesty International during research missions to Lebanon, Turkey and Jordan, where the organization interviewed Syrians who have fled their country since the violent repression of the unrest began.

While the field research in the Aleppo and Idlib governorates conducted between mid-April and the end of May 2012 provided further evidence of a plethora of abuses, this report focuses only on abuses committed by security forces and militias in the city of Aleppo in a bid to suppress dissent in the city. The findings of Amnesty International's visit to other parts of northern Syria are contained in a report, *Deadly Reprisals – deliberate killings and other abuses by Syria's armed forces*,<sup>3</sup> published on 14 June 2012.

The vast majority of the human rights abuses documented by Amnesty International since the start of protests in February 2011, including those in this report, have been committed by the state's security and armed forces, and *shabiha* militias. However, there are growing numbers of reports of abuses committed by armed opposition groups, including the torture and killing of captured soldiers and *shabiha* as well as the kidnapping and killing of people known or suspected to support or work with the government and its forces and militias.<sup>4</sup> Amnesty International condemns without reservation such abuses and calls on the leadership of all armed opposition groups in Syria to publicly state that such acts are prohibited and to do all within their power to ensure that opposition forces put an immediate end to such abuses.

## 2. PROTESTERS IN THE LINE OF FIRE

**“The army killed my brother. They will punish us if we complain... so we have to say that my brother was killed by an armed gang, a terrorist gang...”**

The sister of a young demonstrator shot dead on 25 May 2012 in Aleppo

In Aleppo, Syria's forces have repeatedly and blatantly violated their obligations under international law by firing live ammunition at non-violent demonstrators who posed no threat to the lives of the security forces or others. They have killed scores and injured hundreds of demonstrators and bystanders, some as a result of reckless shooting and others who were seemingly targeted deliberately.

The increase in the frequency and scale of protest demonstrations in 2012 was matched by increasingly repressive measures by the security forces – more demonstrators killed and injured, more activists arrested and more widespread use of torture against detainees. Such practices in Aleppo are in keeping with the pattern of lethal attacks systematically carried out by Syrian security and armed forces against non-violent demonstrators throughout the country since the outbreak of protest demonstrations in February/March 2011.

In the last week of May 2012 an Amnesty International delegate who was in Aleppo witnessed uniformed security forces and plain-clothes militias repeatedly shooting with Kalashnikov rifles as well as with shotguns that fire deadly metal pellets into crowds of demonstrators. At least 10 youths and children were killed and dozens injured on 25 May alone.



Mo'az Lababidi was shot dead during a funeral which turned into a demonstration. © Private

Among those killed was Mo'az Lababidi, a 16-year-old schoolboy who was shot dead in front of the police station in the Bustan al-Qasr district, just south of the city centre, during the funeral procession of one of four demonstrators shot dead at a protest in the same area earlier that day. A mourner who was standing next to him when he was shot told Amnesty International that Mo'az was shot in the chest, collapsed and died immediately. Medics who retrieved his body confirmed that he had been struck fatally in the chest.

An Amnesty International delegate observed the funeral, which turned into a demonstration, as is often the case for funerals of

those killed by security forces. Mourners, mostly young men but also including many women and children, clapped with their hands raised, to show that they were unarmed, shouting “silmiya, silmiya” (“peaceful, peaceful”), and chanting slogans in homage to those shot dead a few hours earlier and called on President Bashar al-Assad to go.

Uniformed security forces and plain-clothes *shabiha* militias appeared after about 20 minutes, carrying Kalashnikovs and shotguns, and started to close in on the demonstrators. It did not take long before they started to shoot, sending people running for cover. Some were killed or injured, including Mo’az Lababidi.



Mo’az Lababidi’s funeral turned into a demonstration on 26 May 2012. © Amnesty International

Later that evening more demonstrators were killed and injured in the same area as they demonstrated against the killing of Mo’az Lababidi.

Earlier that day, another child, 13-year-old Amir Barakat, was shot dead in the same area. He was struck fatally in the abdomen. Eyewitnesses and relatives told Amnesty International that he was not participating in the demonstration and was walking near his home as demonstrators were running away from the security forces and militias.

Also earlier that day at another demonstration observed by the Amnesty International delegate in the Salah al-Din district, south-west of the city centre, a 20-year-old youth, Anas Qureish, was shot dead and several others were injured. The demonstration consisted of a small crowd of mostly young men who after Friday prayers walked towards the Salah al-Din roundabout from two nearby mosques chanting anti-government slogans. They had barely reached the roundabout when soldiers and plain-clothes *shabiha* opened fire. As protesters and bystanders fled for cover in the small streets off the roundabout, security forces and *shabiha* chased them, firing in their direction – a particularly reckless and dangerous practice in such a densely built-up residential area.



Amir Barakat was walking near his home when he was shot dead. © Private

The co-operation between security forces and *shabiha* militias was obvious. The two operated together during the demonstrations. After the demonstrators dispersed, green-clad uniformed members of the security forces and plain-clothes *shabiha* walked back together to the vehicles awaiting them nearby – a white bus and a white pick-up truck, both unmarked and each accompanied by a police car.

## DEMONSTRATORS ROUTINELY TARGETED

Scores of demonstrators have been killed and hundreds injured as a result of reckless shooting, while others appear to have been deliberately targeted. Consistent accounts indicate that leaders and organizers, as well as those who film protests or rescue the dead and injured, are often targeted.

'Abd al-Ghani Ka'ake, an 18-year-old high school student, was shot in the back of the neck while filming security forces firing on a demonstration by Salah al-Din roundabout on 4 May 2012. An eyewitness told Amnesty International:



'Abd al-Ghani Ka'ake was shot dead while filming a demonstration on 4 May 2012. © Private

*"It was about 12.45 and we had just got to the roundabout from the nearby mosque after Friday prayers. Members of the Hafedh al-Nizam [anti-riot] forces shot indiscriminately and many demonstrators ran away. 'Abd al-Ghani kept filming; he was in the middle of the road, opposite the school and was wearing a bright blue sweatshirt which made him stand out. He was filming the security forces and was shot in the neck from a height, probably by a sniper. As we were trying to rescue him we kept being shot at and once we managed to put him in the car, the car too was shot at as we drove away. He died shortly after, just as we got him to a medical facility."*

This description of events was corroborated by the accounts of two other eyewitnesses who were also standing near 'Abd al-Ghani Ka'ake when he was shot. His relatives told Amnesty International that he had previously been arrested by Air Force Intelligence members on 8 September 2011 and detained for eight weeks while he was still a minor. He was eventually released on 3 November 2011, on his 18<sup>th</sup> birthday. During his detention he was tortured and was not allowed to communicate with his family or anyone in the outside world.

Ahmad Muwaffaq Abayad, a 47-year-old construction worker and father of six, was shot dead on 24 February 2012 at a demonstration in the al-Sukkari area of Aleppo. He was shot in the right arm and side as he was trying to retrieve the body of another demonstrator who had just been shot. An eyewitness told Amnesty International:



Ahmed Muwaffaq Abayad was shot dead at a demonstration on 24 February 2012. © Private

*"As the security forces fired into the crowd, demonstrators had scattered and there was no dense crowd any more. Ahmad was trying to rescue a demonstrator who had been shot and was lying in the middle of the road and as he was doing so he was himself shot. I think he was shot by a sniper on a building."*

A medic who evacuated Ahmad Muwaffaq Abayad told Amnesty International that a bullet went through Ahmad's upper right arm, into his right side, travelled through his abdomen and exited from his left side. The medic noted that the exit wound was lower than the entry point, indicating that Ahmad was shot from above, probably by a sniper from atop a building.

Other demonstrators killed by security forces include 22-year-old 'Abd al-Wahed Hindawi, who was fatally injured at a demonstration after Friday prayers on 13 April 2012 in the al-Mashhad district of Aleppo. Another demonstrator who was standing next to him when he was shot told Amnesty International: *"When the security forces started to shoot, people ran in all directions. I took cover behind the corner of a building with three or four others. One of them*

*who was on the nearest to the outer side of the pavement towards the street was not completely covered by the wall; his left side was sticking out slightly from behind the building and that is where he was hit, on his left side. After he was shot I knew that he was 'Abd al-Wahed Hindawi". One of the medics who rescued him told Amnesty International that 'Abd al-Wahed Hindawi was shot twice. One bullet struck him on the left side of the neck and got lodged by the collar bone and a second bullet struck him in the upper left side of his chest, by the armpit, severing a main artery. He died shortly after.*

The following day, at his funeral-turned-demonstration the security forces again shot at the demonstrators, killing four men in their 20s - Ra'if al-Najjar, Manhal Mohamed, Yousef Ibrahim and Mohammed Ja'afar – and injuring scores of others. Amnesty International interviewed seven witnesses and two demonstrators who were shot and injured, and viewed several videos of the demonstration. A female student who was shot in the back told Amnesty International: *"We were demonstrating near the al-Rashid mosque; the security forces started to shoot at us and people tried to run away but there were security forces at both ends of the main road which runs through the Iza'a district, shooting and arresting demonstrators as they ran away. There were also snipers on the nearby buildings. I ran towards the hills and they were shooting behind me as I was running away and I got a bullet in my back".*

Another demonstrator told Amnesty International: *"Security forces and shabiha were blocking all the streets around the mosque. There were two buses of the security forces at each end of Iza'a Street. We were trapped in the area with the security forces shooting at the people and arresting them. I crouched by the wall of a building with other demonstrators. There were security forces and shabiha on the top of that building and other nearby buildings and they were shooting at demonstrators who were running away. They shot Anas, who was standing next to me. He was hit in the shoulder. Then some security forces members came to us and beat us with the butt of their Kalashnikovs. They arrested me and many others. They put me in one of their buses parked nearby with about 20 other demonstrators and we were taken to the al-Ansasi security headquarter".*

A young man who was arrested at the demonstration and detained for 45 days, during which he was tortured, told Amnesty International that before being arrested he saw at least 15 demonstrators collapsing after being shot: *"I saw them collapsing, some were carried away bleeding, other stayed on the ground. I don't know who died and who was saved".*

Two of the medics who were rescuing injured protesters in the area that day told Amnesty International that they knew of 26 people who had been shot and seriously wounded at that demonstration and at least another two dozen with less serious firearm injuries. They said that some of the injured had been shot with Kalashnikovs and others with hunting rifles.



'Abd al-Halim Termanini was shot dead at a demonstration on 17 May 2012. © Private

Also at the same demonstration on that day, 'Abd al-Halim Termanini, a 40-year-old tiler and father of four young children, was shot in the back of the head. The doctor who treated him

told Amnesty International that he had been extremely lucky because the bullet had gone through the scalp and only caused a superficial wound. He was again shot on 17 May 2012, this time suffering a fatal injury. One of his relatives who was with him told Amnesty International: *“After evening prayers when we came out of the mosque, we went to the demonstration in Salah al-Din. It was about 10 or 10.15 pm. We followed the demonstration for a short while, only about 2-300 meters, and then there was shooting. I saw a plain-clothes man with a Kalashnikov less than 100 meters away shooting in our direction. I was holding ‘Abd al-Halim’s hand. He was shot twice in the left leg - in the thigh and near the knee. Other demonstrators helped me to carry him to the house of relatives nearby and from there we went straight to hospital because his condition was very serious, but he died almost immediately because the bullet had gone through the main artery and he lost too much blood.”*

## BYSTANDERS AT RISK

Some of those killed or injured were bystanders who were not participating in demonstrations. The victims include men, women and children who were shot as they were passing by the location of demonstrations or who lived or worked nearby.

‘Omar Dahruj was shot in the head and killed in the early afternoon of 11 May 2012 as he was walking with his 10-year-old son near the Salah al-Din roundabout, where a small demonstration was taking place. The doctor who retrieved his body told Amnesty International:

*“The bullet penetrated his left eye and went through the brain, causing massive damage as it travelled through the brain all the way to the back of the head where it exited. He died immediately. He had absolutely no chance of surviving.”*

A demonstrator who witnessed the shooting told Amnesty International:

*“The victim – I did not know him and later I learned his name was ‘Omar Dahruj – was by the side of the road, by the pavement, with his child. Next to him a guy was filming or taking photos. I had just noticed that and then ‘Omar was hit, shot in the face.”*

The descriptions are consistent with footage viewed by Amnesty International that was filmed on mobile phones by demonstrators and onlookers.

Mohammed Haffar, the owner of a sweet shop by Salah al-Din roundabout was shot on the evening of 17 May 2012. Witnesses told Amnesty International that he was standing by the door of his shop when he was shot twice in the chest and abdomen. He later died from his wounds.

Two days later, on 19 May, a 50-year-old woman was shot and seriously injured as she stood on the balcony of her home in the early afternoon. A week later she was still in hospital in a serious condition. Amnesty International has not been able to confirm if she has survived.

## **STANDARDS GOVERNING THE USE OF FORCE**

The role of the security forces should be to protect the rights of people to assemble peacefully and protect the safety of all, including non-participants. A public event can breed hot-spots of violence which may be cordoned off and contained, or which may turn into a riot involving improvised weapons. In all instances, the principles of proportionality and necessity apply.

Under the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, police may use force only when strictly necessary and only to the extent required for the performance of their duty. Firearms should not be used except to defend people against the imminent threat of death or serious injury or to prevent a grave threat to life, and only when less extreme means are insufficient. Intentional lethal force should not be used except when strictly unavoidable in order to protect life.

Allegations of killings by law enforcement officials must be investigated independently, promptly and thoroughly, in a manner that conforms to the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions. These principles specify that complainants and witnesses (and their families) should be protected from violence or any other forms of intimidation.

### 3. MEDICS AND THE WOUNDED HUNTED DOWN

“Being caught with medical supplies is worse than being caught with weapons.”

A medic who provides life-saving treatment in secret locations to injured demonstrators



An injured demonstrator receiving treatment in a private medical facility. © Amnesty International

From the outset of the protest movement, Syrian government forces have often hunted down protesters and bystanders whom they have shot and injured. Injured protesters have been arrested and tortured, including, at times by being denied the necessary medical care, seemingly to increase their suffering and/or to cause their death.

Amnesty International documented such attacks

in a report published in October 2011.<sup>5</sup> The organization has also documented attacks by government forces and militias that have systematically destroyed and burned down field hospitals, medical facilities and pharmacies in towns and villages they attacked in other parts of the country.<sup>6</sup>

To avoid arrest and torture, many of the wounded protesters do not go to hospitals and instead rely on a network of volunteer doctors, nurses and first-aiders who have been providing life-saving emergency treatment to the wounded in secret safe houses. These makeshift field hospitals have to be constantly moved to avoid detection by the authorities.

During the last week of May 2012, an Amnesty International delegate visited some of the field hospitals where demonstrators who had been shot by security forces and militias were being treated. Doctors, nurses and medical students were frantically working in extraordinarily difficult conditions to extract bullets and metal pellets, stitch gaping bullet wounds and stabilize patients who had to be moved on as soon as possible. One of the doctors told Amnesty International:

*“If the security forces come here now we will all be arrested; they may even kill us. I am not exaggerating. Being caught with medical supplies or treating injured protesters is worse than being caught with weapons. I was arrested once before. They suspected that I was involved in treating injured demonstrators but they did not have any evidence, they were not really sure. They tortured me because they wanted information on the medics. In the end they let me go. But this was many months ago, when the situation was nowhere near as bad as it is now. Now it is much more dangerous. They kill people for nothing, just because they call for freedom, and those who don't get killed we are supposed to let them die? Of course we have to treat them. And if we end up getting killed for that, so be it.”*

On a day when Amnesty International visited field hospitals (25 May), 10 demonstrators and bystanders, including at least two children, were shot dead and dozens sustained gunshot wounds. Those in a serious condition who needed hospital treatment were evacuated to locations outside Aleppo because hospitals in the city were under tight security surveillance. Some were taken to nearby towns where Syrian armed forces were surrounding the towns but were not deployed inside them. However, given that in these towns medical facilities are poor, some of the patients had to be evacuated to Turkey. In both cases this involved long and perilous journeys to avoid army checkpoints, further endangering the health of patients already in critical condition. In normal circumstances patients with serious injuries from all over the region would go to Aleppo for medical treatment because it has the best medical facilities. However, this has been made impossible because of the risk to patients from the security forces.

While in Aleppo, Amnesty International observed the presence of security forces at medical facilities, corroborating accounts received from medical personnel, patients and visitors. According to the information received from multiple sources, in some cases hospital staff inform the security forces when they receive patients with firearm injuries and in other cases the security forces find out because they keep hospitals – both state and private hospitals – under surveillance.

A female university student, who was shot in the back while running away after the security forces started to shoot at peaceful demonstrators in the afternoon of 14 April, told Amnesty International:

*“I was taken to a hospital because my injury was too serious. In hospital I was interrogated and only avoided arrest because well-connected people intervened on my behalf and managed to convince the security forces that a girl like me could not possibly have been involved in demonstrations and that I was just passing by. Of course the story was that I had been shot by an ‘armed gang’, but I was shot by the security forces. They were shooting like crazy and injured many demonstrators in the same place where I was shot. One was a child aged 12. Several demonstrators were killed.”*

Medics told Amnesty International that on that day more than 40 demonstrators and bystanders were injured by live ammunition, 26 of whom sustained serious injuries.

A 32-year-old man who was shot in the abdomen on 17 May 2012 in the Salah al-Din area of the city told Amnesty International:

*“The demonstration was supposed to start at 10 pm but we started seven minutes earlier. I was at the front and within minutes the security forces and shabiha arrived and started to shoot at us. Two demonstrators near me were hit and fell. I don't know if they were injured or killed. I saw a man in plain clothes holding a Kalashnikov rifle and shooting. I was hit in the abdomen; I realized I was hit but did not immediately realize how serious it was. The bullet went through my abdomen from the right side and got lodged in the left side. My condition deteriorated very quickly and I had to be taken to hospital. There I was interrogated by the security forces and I said that I had been out shopping when I had been shot by an armed gang, even though I knew that I had been shot by a shabiha who was with the security forces.*

*“I don't know if they believed me. I paid a lot of money to the security forces who were in the hospital for them not to file a report about my case to their headquarters. Even though I paid a big bribe, there was still the risk that if other security agents found out about my case they would have arrested me. I left the hospital as soon as I could, well before I should have. I have been getting treatment from sympathetic doctors who check and dress my wound regularly. This treatment is not as it would be in a hospital and this why it is taking longer to recover, but it is better than being arrested and tortured.”*



An injured demonstrator receiving treatment at a field hospital. © Amnesty International

A 21-year-old man told Amnesty International that he was shot after he had been filming the same demonstration on 17 May for just 17 seconds. He was shot in the abdomen and the bullet exited from his back, causing serious damage to his internal organs and to the bottom of his spinal cord. Doctors treating him at a secret location told Amnesty International that his liver and pancreas had been damaged, and that 70cm of his intestines had to be cut out because of the damage. They said that it was very unlikely that he would walk again. One of the doctors said:

*“A case like this should have received urgent treatment in our best hospital, not in a facility like this. Some of the injured will suffer long-term consequences because they cannot get the level of care they need in a timely manner. The right medical facilities exist right here in this city but are not available any more to some of those who badly need them. As a doctor it breaks my heart to see this. It should not be like this.”*

The mother of a 13-year-old boy who was shot in the abdomen on the same day (17 May) told Amnesty International that the boy was not participating in the demonstration and was just passing by on his way home. The child suffered serious internal damage, losing part of his liver and some of his intestines. He was treated in a private medical facility but he too had to leave very quickly as his young age would not give him immunity from arrest. He then had to rely on sympathetic doctors for follow-up treatment at home.

Both the medics providing emergency life-saving treatment to injured protesters and the owners of the safe houses that serve as field hospitals put themselves at grave risk. Those who have been caught or even just suspected of being involved in providing such basic humanitarian services have been detained and tortured.

A nurse who works in one of Aleppo's hospitals told Amnesty International about his arrest and detention at the beginning of 2012: *"I was arrested by the Air Force Intelligence. They wanted to know about medical treatment to injured demonstrators; who treats them, where and who pays for their treatment and for the medical supplies. I didn't give them any information. I was detained for three weeks and they tortured me every day. They beat me with cables; they beat me so much that I had open wounds, the cable cut right into my flesh. They subjected me to the dulab [the 'car tyre' torture method whereby the victim is forced to bend at the waist and a tyre is put over the victim's bent body keeping the body and arms and legs immobilized while the victim is beaten] and to the shabeh [where the victim is kept in stress positions, sometimes suspended from the wrists, for long periods of time]. They put a gun to my head and threatened to kill me. I thought they were going to kill me.*

*"This was the second time they arrested me. The first time was last year, but this last time was much worse. I was released on bail, after paying 20,000 liras (about US\$350). If they arrest me again I don't know what they will do to me, but I can't stop helping people who are injured and who need help. It is a basic human duty. Nobody should be punished for this."*

The nurse still bore marks on his wrists, arms, legs and neck that were consistent with the torture he described.

A doctor active in the medical solidarity network in Aleppo told Amnesty International that he was arrested twice since the beginning of the uprising and questioned about whether he was involved in medical or humanitarian activities. On both occasions he was released without charges. He said that on both occasions the security forces who arrested him did not have any evidence about his activities and had seemingly arrested him on vague suspicions hoping that he would confess to his activities if he were put under pressure. In July 2012 he left Syria, as he felt that his security had been compromised by the arrest of other members of the medical network.

Another doctor, similarly active in the medical solidarity network, was abducted near his home in early July, taken to an unknown place where he was severely beaten and threatened. He was released hours later, unable to walk from the injuries sustained. He left his home and went into hiding.



A body is being cooled by iced water bottles as many families are too afraid to take bodies of relatives shot dead to the morgue. © Private

## TORTURE AND DELIBERATE KILLINGS OF MEDICS

The discovery of the charred and mutilated bodies of three young medics in Aleppo on 24 June 2012, a week after their arrest, sent shockwaves of fear around the city's network of volunteer doctors and nurses who provide emergency medical care for injured protesters.

The three – Basel Aslan and Mus'ab Barad, both fourth-year medical students at Aleppo University, and Hazem Batikh, a second-year English literature student at the same university and a first-aid medic – were part of the underground medical network that cares for injured

demonstrators. They were arrested by the Air Force Intelligence on 17 June 2012. Their friends from the medical network who informed Amnesty International of their arrest asked that their case not be publicized as they still hoped that the three might have been arrested randomly and that the security forces might not know about their medical activities.

Shortly after the three students were arrested, one of their parents called their son's phone and an unidentified man reportedly answered, saying: "You don't know how to raise your son. We will teach him how to behave." Efforts to have them released by paying bribes were in vain. Senior Air Force Intelligence officers – who had previously released detainees in exchange for bribes – reportedly told those who inquired on their behalf to "forget them".

Their burned bodies were eventually found in the early hours of 24 June in a burned-out car in the Neirab area of Aleppo's north-eastern outskirts. Medical personnel who saw the bodies at the morgue told Amnesty International that Basel Aslan had a gunshot wound to the head and his hands were tied behind his back. One leg and one arm were broken, several teeth were missing and flesh was missing from his lower legs, leaving the bone exposed. Some of his fingernails had been removed. The bodies of the others were more badly burned and they too bore other wounds, seemingly sustained as a result of torture. Images of the bodies seen by Amnesty International are consistent with these descriptions. The students' identity cards and university cards were found intact next to the bodies in the burned car, indicating that they were put there after the bodies were burned.

## **OBLIGATIONS OF STATES IN RELATION TO MEDICAL CARE**

States are obliged to respect, protect and promote the enjoyment of the right to the highest attainable standard of physical and mental health.<sup>7</sup> States must provide at least essential primary health care.<sup>8</sup>

Everyone has the right to life.<sup>9</sup> States must refrain from arbitrarily denying or delaying access to health care to the wounded and the sick, including as a means of punishing political opponents.<sup>10</sup>

Whenever the use of force is unavoidable, law enforcement officials must ensure medical assistance to those affected as early as possible.<sup>11</sup>

Everyone has a right of access to essential health care facilities and services on a non-discriminatory basis. States must refrain from arbitrarily denying or limiting such access, for instance, against political opponents.<sup>12</sup>

## 4. TORTURE AND ENFORCED DISAPPEARANCES

### “I thought I was going to die.”

A demonstrator speaking to Amnesty International about his torture

#### TORTURE IN ARBITRARY DETENTION

A student who was detained for 89 days between July and October 2011 told Amnesty International: *“They raised my big toenails, which in itself was very painful, but then they stuck electrical wires under the nails and gave me electric shocks. I thought I was going to die. I spent 68 days in secret detention in the Air Force Intelligence and was tortured all the time. I was kept without trousers for 43 days. On one occasions I was prevented from going to the toilet for four days and another time I was kept for three days on my stomach on the floor without being allowed to move, eat, drink or go to the toilet. The beating with thick electric cables was part of the daily routine.”*

A former detainee, who was released on bail on payment of 15,500 liras (around US\$250), told Amnesty International:

*“I was detained from 26 March to 14 May 2012. I was first taken to the Military Security branch. I was handcuffed at the back and blindfolded and was beaten with a silicon cable and plastic hose. After one day they said they were going to transfer me to Military Security in Idlib but first took me to Military Police [in Aleppo] and kept me there for 17 days. There I was tortured by having my legs raised and being beaten on the sole of the feet and the legs. One man died from the torture while I was there; his name is Ra'if al-Adel. Also there was a 71-year-old man from Ma'arat al-No'man who worked as a teacher in Saudi Arabia who was tortured and they did not give him his medicines for diabetes and he was in very bad shape.*

*“Then I was taken to Military Security in Idlib for about four weeks. The conditions were very bad. We were about 170 people in a room measuring about 7 by 5 metres. It was filthy and full of bugs and no space to lie down; I did not sleep at all for the whole time I was there. I thought I was going mad. I was regularly flogged with cables on my legs and I was punched in the head a lot.”*

A chemistry student, who was released on bail after 45 days in detention, told Amnesty International:

*“I was arrested on 14 March 2012 near the university. I had just filmed a demonstration and then I went to a friend's office, where I was arrested. They took me to the State Security*

*branch and beat me non-stop for seven days during which I was interrogated every day, some days more than once. I was subjected to the dulab [tyre] torture method and was beaten with cables, especially on my back, my legs and feet. After the seven days of beating they put me in an isolation cell, which was less than one metre by two, for 20 days. Then I was transferred to Damascus to the General Intelligence branch. There I was kept standing all day for many days; I was beginning to hallucinate; I thought I was going to die. I saw people being given electric shocks and having their head pushed into buckets of water until they almost drowned. They asked me about the demonstrations and wanted me to confess to being a terrorist and having weapons. I said yes to everything; in any case they make you sign and you cannot see what you sign, so I might as well confess to anything they want and avoid more torture.”*

Another chemistry student, who was arrested on 23 February 2012 and held for about 60 days, told Amnesty International:

*“I was arrested during a demonstration with some 200 others. I was beaten and shocked with a stun baton for three days in the police station and then sent to the central prison. We were only accused of being disrespectful to the President and undermining the unity of the state. Then I was told there were new accusations against me, about terrorism and weapons, and I was taken from the prison to the State Security branch for one day and then to the Air Force Intelligence for 10 days. My family paid a very large sum of money for me not to be tortured and I was not tortured but all the other detainees there were badly tortured. I saw people who could not walk at all, who were savagely beaten with cables for hours, were given electric shocks on sensitive parts of the bodies and fainted repeatedly, and were subjected to the dulab method.”*

A young man who was arrested on 14 April 2012 told Amnesty International:

*“I was arrested at the demonstration after the killing of ‘Abd al-Wahed Hindawi in the Iza’a area. Many demonstrators were killed and injured and many were arrested. One of them, Anas, was shot in the shoulder as he was standing next to me; we were sheltering against the wall of a building from where the security forces were shooting. Then they caught us and beat us with rifle butts and they arrested me and others. We were arrested by the Hafedh al-Nizam [anti-riot] and other security forces. They first took us to the Criminal Security centre in the Ansari district for a few hours and then to the Criminal Security centre in Ashrafiya. We were about 150 or so youth.*

*“We were taken upstairs in groups to the lajna khumasya [a committee comprising the five security/intelligence agencies]. I was blindfolded, handcuffed behind my back, made to kneel on the floor and beaten for a long time on my back, legs and soles of my feet. The others were also beaten; I could not see but could hear the beating and them screaming next to me. They asked us how many soldiers we had killed and how many tanks we had burned and what weapons we have. I think those who asked us these questions were not really serious and knew that we had nothing to do with such things, which have been happening outside Aleppo in the rural areas.*

*“After some hours of this beating we were taken to the cells. We were put in a cell with no air and hardly any light and absolutely no space. I spent six days standing or crouching but*

*could never lie down. Every evening we were taken to the corridor and were electrocuted and beaten there but without being questioned. For the electric shocks about 10 of us were tied together with a metal chain, which also served as a conduit for the electricity. When some of us fainted, which was very often, they threw water on us and then they shocked us again, which was even worse when we were wet. It was very, very painful. I was only interrogated one other time – twice in all. I was then taken to a judge with 11 others and was released on bail after a week by paying 20,000 liras [around US\$350].”*

A nursing student who has been arrested three times since August 2011, told Amnesty International about the treatment he was subjected to during his detentions: *“The first time I was arrested by Military Intelligence in August 2011 and held for a week; the second time I was again arrested by Military Intelligence but was transferred to the General Intelligence in Damascus. I was beaten and asked repeatedly if give treatment to injured protesters or if I do relief work, and I denied of course. I was subjected to shabeh and kept suspended by my wrists for hours at a time. In Homs, where I was detained briefly during my transfer from Aleppo to Damascus, one of the investigators attempted to rape a detainee, and the detainee reacted by head-butting the investigator, and he was beaten very badly as punishment. In Damascus I was held with a detainee who is originally from Hama but lived in Saudi Arabia. He was arrested from the airport as he arrived in Syria. He was kept standing without sleep for 50 days. Every time he nodded he was beaten. He was going insane, poor guy. And all this and his right ankle was broken or dislocated. I was eventually released after six weeks and three days. The third time I was arrested on 29 March at the funeral of Anas Zimo, a protester who was shot dead the previous day. I was detained for 2 days and after that I paid a large bribe to get out. Having seen how they treated me the previous time I was arrested, I was determined not to stay in detention”.*

Though most of those arrested and tortured are adults, children have not been spared. A 15-year old boy who was arrested on 29 February 2012 told Amnesty International: *“I was participating in a demonstration in Halab al-Jadida (New Aleppo) district when a man in plain clothes grabbed me, put a pistol to my head and marched me to a car nearby and pushed me into the car. I thought I was being kidnapped but when I got into car I realized that the kidnappers were security men. There were three of them in the car and me and three others demonstrators; they were older than me, maybe 20 or 25 years old or so; I did not know them. One of them had a flag of the revolution. The security men insulted and beat us as the car drove along. The demonstrator who had the flag was beaten more. They blindfolded us in the car and took us to the Military Intelligence headquarters in Halab al-Jadida. I was kept there for two days during which I was beaten many times. The boy with the flag was beaten very, very badly. I denied participating in demonstrations and said that I was just passing when I was arrested. My family paid 300,000 liras to get me out and so I was not tortured; I was only beaten, and two days later I was taken to the criminal security, but there I was tortured with the dulab method and beaten. They undressed me, slipped a car tyre around by body which kept my arms immobilized, and beat me”. After a short while I was taken to a judge and then to the central prison and then I was released”.*

## ENFORCED DISAPPEARANCES

### “I just want to know if he is alive or dead.”

A relative of a disappeared person

Detainees interviewed by Amnesty International were held for periods ranging from a few days to several months. Several were held in various detention centres within Aleppo or in other towns. The security forces, intelligence agencies/services and the military are all involved in arrests and detention in Aleppo, although in most cases their role is not documented. In every single case of detention studied by Amnesty International, those who carried out the arrests did not identify themselves, did not inform detainees of the reason for their arrest or of their place of detention, and held detainees incommunicado in unacknowledged detention – they denied holding the detainee when contacted by families seeking information on the whereabouts and legal status of their missing relatives. In the cases where detainees knew their recorded date of arrest (many detainees did not know) the date was when the detainees had been transferred to police custody, usually immediately prior to their first court appearance. This means that in most cases there is simply no official record of the time detainees spend in the custody of the intelligence agencies.

### ENFORCED DISAPPEARANCE IN INTERNATIONAL LAW

Most of the detention cases examined by Amnesty International amounted to enforced disappearances– that is, the detention by agents of the state or others acting with the knowledge or acquiescence of the state, followed by refusal to acknowledge the detention or by concealment of the fate or whereabouts of the disappeared person, thus placing the person outside the protection of the law.<sup>13</sup> Enforced disappearance is a crime under international law. In addition, when carried out as part of a widespread or systematic attack against the civilian population, enforced disappearance can constitute a crime against humanity.<sup>14</sup>



Mohamed Bachir 'Arab has been missing since 2 November 2011. © Private

Mohamed Bachir 'Arab, a medical doctor, went missing on 2 November 2011 with his friend Ahmed Omar Azoz. Both men had been in hiding as they were seemingly wanted by the Syrian security forces because of their involvement with the organization of peaceful protests in Aleppo. Despite repeated requests from their families, the Syrian authorities never confirmed the arrests or provided any information as to their whereabouts or legal status. Mohamed Bachir Arab is reported to have been tortured in detention. In early July, a released detainee stated that Mohamed Bachir Arab started a hunger strike on 1 July 2012 demanding he be released or brought before a judge, and that he was

transferred to a hospital on 6 July 2012. His family remained unable to obtain any information from the authorities.

Three medical doctors who were arrested in Aleppo in 2011 were held in secret detention – effectively disappeared – until their release earlier this year. One was held for six months, one for eight months and one for a full year. During their detention their families were unable to find any information on their whereabouts and legal status, as the authorities denied holding them.



Lawyers 'Abd al-Salam al-Atrash (far left) and Salam Othman (left) and brothers Dhia al-Din al-'Aabsi (right) and Ammar al-'Aabsi (far right) all went missing after they were arrested. 'Abd al-Salam al-Atrash is now believed to be held at Saydnaya prison, Damascus, but the fate of the others remains unknown. © Private

Lawyer Salam Othman has been missing since his arrest in Aleppo on 28 August 2011. He was arrested from his home and taken to Air Force Intelligence for three hours and then released and then rearrested later the same day. All efforts by his family and colleagues to find out where he is held have been in vain.

Another lawyer, 'Abd al-Salam al-Atrash, who was arrested in Aleppo in September 2011, disappeared until May 2012, when he was located in Saydnaya prison in Damascus.

A law student, Mohannad Yahya Ghebash, has been missing since his arrest in Aleppo on 21 December 2011.

Ammar al-'Aabsi, a 28-year-old teacher, was arrested at the school where he taught in Aleppo in December 2011 and subsequently disappeared. In the first months his relatives heard from released detainees that he was held by the Air Force Intelligence in Aleppo and that he had been tortured repeatedly and could not walk. After about four months the family heard that he had been transferred to the Air Force Intelligence in Damascus. Since then, they have heard no more news.

His brother Dhia al-Din al-'Aabsi, a 30-year-old father of three who owned a tailors' workshop, was arrested in front of his home in Aleppo in February 2012 and remains disappeared. The family has received information from released detainees that he is being held by the Air Force Intelligence in Aleppo but has not been able to obtain any official information.

The two brothers had been previously arrested in May 2011 with two other brothers. The four had been held in secret detention, effectively forcibly disappeared, by Military Security in

Aleppo and in Damascus for three months, after which they were released.

In all the cases examined by Amnesty International, attempts by families to locate or obtain any information about their detained relatives through official channels were in vain. Officials either denied their relatives were in custody or concealed their fate or whereabouts. In some cases, families and friends received news of their missing relatives through unofficial channels. Some heard from released detainees who had been held with their relatives. In other cases, information was obtained by paying bribes to officials or through friends who have personal connections with officials.

Amnesty International has received information about several cases of young men subjected to enforced disappearance whose fate or whereabouts remain unknown months after their arrest. However, there is no way of knowing how many people have been subjected to enforced disappearance by the security/intelligence services as many families do not report disappearances or detentions of relatives fearing that publicity may make matters worse for their detained or disappeared loved one.

As no independent organizations are allowed to visit detention centres in Syria, the ability to obtain information about the hundreds of people, possibly thousands, who have are held in secret detention centres throughout the country is extremely limited and in most cases non-existent.

## 5. SYRIA'S LEGAL OBLIGATIONS

### INTERNATIONAL HUMAN RIGHTS LAW

Syria is legally bound by its obligations under international human rights treaties that it has ratified, notably the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); and the Convention on the Rights of the Child (CRC),<sup>15</sup> as well as by relevant customary international law. International humanitarian law, which is applicable in most parts of the country due to the existence of a non-international armed conflict, did not apply to the city of Aleppo during Amnesty International's visit as at the time there was no armed conflict there and the city remained firmly under the control of government authorities (the situation has since changed).

Of particular relevance to this report are Syria's international human rights law obligations related to the right to health (see box in Section 3); the right to life; the right to freedom of peaceful expression and assembly; the prohibition of torture and other ill-treatment; the prohibition of enforced disappearance; and the prohibition of arbitrary detention.<sup>16</sup>

Article 21 of the International Covenant on Civil and Political Rights (ICCPR) allows the right of peaceful assembly and stipulates that “[n]o restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.” The UN Special Rapporteur on the right to freedom of peaceful assembly and of association has stated that “the presumption in favour of holding peaceful assemblies” is considered best practice. And he has further stated “that the exercise of fundamental freedoms should not be subject to previous authorization by the authorities...but at the most to a prior notification procedure, whose rationale is to allow State authorities to facilitate the exercise of the right to freedom of peaceful assembly and to take measures to protect public safety and order and the rights and freedoms of others.”<sup>17</sup>

In any event, the fact that a peaceful protest has not received official authorization can never justify unnecessary or excessive use of force – let alone use of lethal force, or arbitrary arrest and detention.

The UN Code of Conduct for Law Enforcement Officials (Code of Conduct) and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Basic Principles) contain key principles which should be observed by law enforcement officials, including when policing demonstrations and protests, and which should form the basis of the regulations contained in domestic law.<sup>18</sup> The UN Special Rapporteur on extrajudicial, summary or arbitrary executions has noted that some of the core provisions of these instruments, including those on the use of firearms, reflect binding international law.<sup>19</sup>

Police should apply non-violent means before resorting to the use of force, which should be used only if non-violent means have proven to be, or are likely not to be (4, Basic Principles).

If the use of force is unavoidable, they must always exercise restraint in its use. The use of any force by police should be strictly limited to those situations where it is absolutely *necessary* and *strictly proportional* to the legitimate aim pursued, i.e. deployed only to the degree that force is required for the fulfilment of their duty. In any use of force the police must at all times respect human rights, including the right to life and the prohibition of torture and other ill-treatment.

In addition, international standards require that firearms may only be used by security forces as a *last resort* – when strictly necessary to protect themselves or others against the imminent threat of death or serious injury, and the intentional lethal use of firearms is only permissible if strictly unavoidable in order to protect life (Article 3, Code of Conduct; 9, Basic Principles). The use of firearms, ammunition, or any other means or method likely to cause unwarranted injury or to present unwarranted risk should be prohibited (11(c), Basic Principles).

According to their obligations under the ICCPR and CAT, the Syrian authorities are required to take measures to prevent torture; investigate whenever there are reasonable grounds to suspect acts of torture and other ill-treatment have occurred – even when no official complaint has been lodged; bring those responsible to justice; and provide reparation to victims. The authorities are also required to take concrete measures to prevent torture and other ill-treatment, including by granting independent bodies the right to monitor the situation of detainees in all prisons and other places of detention. The authorities are further required to ensure that all acts of torture are offences under national law punishable by appropriate penalties which take into account their grave nature.

## SYRIAN LAW

Syrian law fails to provide an absolute prohibition of torture as required under Article 1 of the Convention against Torture, although it contains some provisions for protection from torture or other ill-treatment. According to Article 53(2) of the new Syrian Constitution of February 2012, “No one may be tortured or treated in a humiliating manner, and the law shall define the punishment for those who do so”. The Penal Code provides that: “[a]nyone who batters a person with a degree of force that is not permitted by law in a desire to obtain a confession for a crime or information regarding it...” can be sentenced from three months to three years in prison.<sup>20</sup> However, this definition of the crime of torture falls well short of the definition of the crime in international law.

Detainees are most at risk of torture and other ill-treatment during pre-arraignment detention, when they are held incommunicado and cut off from the outside world.<sup>21</sup> On 21 April 2011, the Syrian government passed Legislative Decree No. 55, which allows detainees to be held for up to 60 days without charge.<sup>22</sup> The same law allows the police to delegate their powers of arrest and detention to any of the multiple security and intelligence agencies who have a long and proven track record of arbitrary arrests and torture of detainees.

Even this unacceptably long 60-day limit on pre-arraignment detention is often disregarded. Peaceful protesters and opposition activists have been detained for weeks and months incommunicado in unacknowledged detention without appearing before a judge and during which they are tortured to force confessions out of them, and are held in conditions that amount to torture and cruel, inhuman and degrading treatment.

In most cases documented by Amnesty International, detainees were victims of enforced disappearance. They were held for weeks and months cut off from the outside world and their families were unable to obtain any information concerning their fate or whereabouts from security/intelligence agencies who would not even acknowledge their detention.

International human rights law and standards require states to investigate reports of torture, deaths in custody and enforced disappearances,<sup>23</sup> but such requirements are disregarded by the Syrian authorities. Amnesty International is not aware of any investigation having been carried out since March 2011 or of any cases of prosecution of individuals for their alleged role in perpetrating or ordering torture or enforced disappearances.<sup>24</sup>

Moreover, Syrian law effectively grants immunity from prosecution to members of security forces as no cases can be brought against them except when special permission is granted by their own or military leaders.<sup>25</sup>

## INTERNATIONAL CRIMINAL LAW

Certain human rights violations, such as torture and enforced disappearance, amount to crimes under international law and states are required to make such violations a criminal offence in domestic legislation. States are also obliged to bring to justice those responsible for these and other serious violations, including extrajudicial executions.

Individuals - whether civilians or military - can be held criminally responsible for certain violations of international humanitarian law and of human rights law. All states have an obligation to investigate and, where enough admissible evidence is gathered, prosecute genocide, crimes against humanity and war crimes, as well as other crimes under international law such as torture, extrajudicial executions and enforced disappearances.

According to the Rome Statute, certain acts, if directed against a civilian population as part of a widespread or systematic attack, and as part of a state or organizational policy, amount to crimes against humanity. Such acts include, among others, murder, extermination, enslavement, deportation or forcible transfer of population, imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law, torture, rape and other sexual crimes, and enforced disappearances.

Some of the violations by Syrian forces that are documented in this report constitute crimes against humanity, including extrajudicial executions, enforced disappearances and torture. All governments have a duty to investigate and prosecute crimes against humanity,<sup>26</sup> including exercising universal jurisdiction over the crimes.<sup>27</sup>

In a welcome step, the UN Independent Commission of Inquiry decided to deposit with the UN High Commissioner for Human Rights information to assist "future credible investigations by credible authorities". Such authorities include national police and prosecutors, but information should be provided only subject to guarantees of fair trial without the death penalty.

Despite overwhelming evidence of crimes against humanity, the absolute impunity at the national level and persistent calls by Amnesty International and other human rights

organizations, the UN High Commissioner for Human Rights and others, the UN Security Council has so far failed to refer the situation to the Prosecutor of the International Criminal Court.

## 6. CONCLUSIONS AND RECOMMENDATIONS

The Syrian authorities have gone to great lengths to shield themselves from scrutiny; notably they have denied or greatly restricted access to the country to international media and human rights organizations. However, even the most stringent restrictions can no longer obscure the gravity of the human rights situation, which has continued to deteriorate for many months. Syrian human rights defenders and citizen journalists have taken great risks – and in many cases paid a very high price – to report the violations. And protesters continue to take to the streets even as they face the risk of extrajudicial execution, arbitrary arrest, enforced disappearance and torture.

The information contained in this report about the deteriorating human rights situation in one city, Aleppo, contributes to the already large body of evidence of the responsibility of the Syrian authorities and security and intelligence services for the gross and widespread violations of human rights, amounting to crimes under international law.

Despite the obstacles imposed by the Syrian authorities, Amnesty International has been able to independently investigate allegations of human rights violations on the ground in Syria, including in Aleppo and surrounding areas, and concludes that the Syrian government is responsible for widespread, as well as systematic violations amounting to crimes against humanity. It is manifestly evident that the Syrian government has no intention of ending, let alone investigating, these crimes.

The international community has before it ample, credible documentation of the scale and gravity of violations committed, but it has so far failed to put any meaningful pressure on the Syrian authorities to halt their onslaught against civilians suspected of protesting or supporting the opposition. The UN Security Council squandered over a year in political wrangling, while the Syrian government responded to mass protests that were largely peaceful with unlawful killings, torture, enforced disappearance and arbitrary detention.

With the UN Security Council's abdication of its responsibility to protect human rights in Syria, and in the absence of any concrete international action to restrain government repression, the situation has spiralled into armed conflict in most areas of the country. With even the paralyzed UNSMIS observer mission due to end in August, it will appear to many in Syria that the UN and the international community have given up on even trying to end the violations and ensure justice for crimes under international law. With rising numbers of reports of abuses committed by armed opposition groups, the future for human rights in Syria looks bleak.

### RECOMMENDATIONS

#### TO THE UN SECURITY COUNCIL

- Refer the situation in Syria to the Prosecutor of the International Criminal Court for

investigation of crimes under international law, including crimes against humanity and war crimes.

- Immediately impose an arms embargo on Syria aimed at stopping all weapons, munitions, military, security and policing equipment from reaching government forces; and establish an effective mechanism to monitor compliance.
- Implement an asset freeze against President Bashar al-Assad and other senior officials.
- Ensure that an adequately resourced and strong international human rights monitoring mission – with the capacity to effectively monitor, investigate and publicly report on all human rights abuses – is established, either by expanding, extending and strengthening the UN observer mission (UNSMIS) before its mandate expires in August 2012 or by establishing another mechanism.
- Ensure that human rights monitors have the capacity to protect victims and witnesses. Monitors must be provided with necessary logistical and other support, including protection, so that they can travel to all areas of Syria and visit all places of detention. Observers and monitors should share information, including on allegations of violations ordered or committed by specific individuals, with the UN Commission of Inquiry.
- Demand that Syria grant access to humanitarian and human rights organizations and to international media.

#### TO ALL GOVERNMENTS

- Accept a shared responsibility to investigate and prosecute crimes against humanity and other crimes under international law committed in Syria. In particular, seek to exercise universal jurisdiction over these crimes before national courts in fair trials and without recourse to the death penalty.
- As part of this shared responsibility, establish joint international investigation and prosecution teams to investigate crimes under international law committed in Syria to improve the effectiveness of investigation, improve the chances of arrest and co-ordinate prosecutions.
- Immediately stop supplying arms and related equipment to the Syrian government.
- Any state considering supplying arms and related equipment to armed opposition groups should refrain from doing so unless the supplying state has in place the necessary mechanisms to ensure the material supplied is not used to commit human rights abuses or war crimes. If there is a credible risk of such violations, the transfer must not take place.

#### TO THE GOVERNMENT OF SYRIA

Amnesty International and other international human rights organizations have made numerous recommendations to the Syrian authorities over the past 18 months, as well as in previous years, which, if implemented, would have done much to curtail the practices documented in this report.

However, the Syrian government has made no effort to stamp out these grave human rights violations, much less to investigate them or to hold those responsible to account. On the contrary, crimes under international law and other human rights violations continue to be committed, evidently with the collusion of government authorities at the highest level. The organization again urges the Syrian government to take steps to implement the recommendations previously addressed to it and to uphold all of its human rights obligations under international law.

## ENDNOTES

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<sup>1</sup> The Syrian opposition, including the Syrian National Council (SNC) and the Free Syrian Army (FSA), has adopted the pre-1963 flag, which consists of three horizontal stripes – green, white and black – with three red stars on the white stripe. The official Syrian flag comprises three horizontal stripes – red, white and black – with two green stars on the white stripe.

<sup>2</sup> Fighting escalated following a bomb explosion in the National Security building in Damascus on 18 July 2012 which killed four senior government officials in a bomb explosion.

<sup>3</sup> Amnesty International, *Deadly reprisals: Deliberate killings and other abuses by Syria's armed forces*, June 2012 (Index: MDE 24/041/2012), <http://www.amnesty.org/en/library/asset/MDE24/041/2012/en/30416985-883b-4e67-b386-0df14a79f694/mde240412012en.pdf>

<sup>4</sup> See Amnesty International, *Syria: Disturbing reports of summary killings by government and opposition forces* (Index: PRE01/365/2012, 25 July 2012), <http://www.amnesty.org/en/for-media/press-releases/syria-disturbing-reports-summary-killings-government-and-opposition-forces>

<sup>5</sup> Amnesty International, *Health crisis: Syrian government targets the wounded and health workers*, October 2011 (Index: MDE 24/059/2011), <http://www.amnesty.org/en/library/asset/MDE24/059/2011/en/74190b0e-cbc4-4596-91fc-eb89863362d8/mde240592011en.pdf>

<sup>6</sup> Amnesty International, *Deadly reprisals: Deliberate killings and other abuses by Syria's armed forces*, June 2012 (Index: MDE 24/041/2012), <http://www.amnesty.org/en/library/asset/MDE24/041/2012/en/30416985-883b-4e67-b386-0df14a79f694/mde240412012en.pdf>

<sup>7</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR), Article 12.

<sup>8</sup> General Comment 14 on the Right to the highest attainable standard of physical and mental health, para. 43, UN Committee on Economic, Social and Cultural Rights (CESCR), [http://www.unhcr.ch/tbs/doc.nsf/\(symbol\)/E.C.12.2000.4.En](http://www.unhcr.ch/tbs/doc.nsf/(symbol)/E.C.12.2000.4.En)

<sup>9</sup> International Covenant on Civil and Political Rights (ICCPR), Article 6.

<sup>10</sup> General Comment 14, paras. 47 and 50, (CESCR).

<sup>11</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Principle 5 (c)), <http://www2.ohchr.org/english/law/firearms.htm>

<sup>12</sup> General Comment 14, para. 12(b).

<sup>13</sup> International Convention for the Protection of All Persons from Enforced Disappearance (ICCPED), Article 2: <http://www2.ohchr.org/english/law/disappearance-convention.htm>

<sup>14</sup> Rome Statute of the International Criminal Court, Article 7.1 (i): <http://www.icc-cpi.int/NR/rdonlyres/ADD16852-AEE9-4757-ABE7-9CDC7CF02886/283503/RomeStatutEng1.pdf>

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<sup>15</sup> ICCPR: <http://www2.ohchr.org/english/law/ccpr.htm> ; ICESCR: <http://www2.ohchr.org/english/law/cescr.htm>; CAT: <http://www2.ohchr.org/english/law/cat.htm> ; CRC: <http://www2.ohchr.org/english/law/crc.htm> . Other international human rights treaties to which Syria is a state party include; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

<sup>16</sup> ICCPR articles 2, 6, 7, 9 and 21.

<sup>17</sup> *Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association*, Maina Kiai, 21 May 2012, A/HRC.20/27.

<sup>18</sup> UN Code of Conduct for Law Enforcement Officials: <http://www2.ohchr.org/english/law/codeofconduct.htm> ; and UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials: <http://www2.ohchr.org/english/law/firearms.htm>

<sup>19</sup> Interim report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, UN Doc. A/61/311, 5 September 2006 (paras 31-32, 33-45)  
[http://www.extrajudicialexecutions.org/application/media/61%20GA%20Interim%20Report%20%28A\\_61\\_311%29.pdf](http://www.extrajudicialexecutions.org/application/media/61%20GA%20Interim%20Report%20%28A_61_311%29.pdf)

<sup>20</sup> Articles 319 and 391.

<sup>21</sup> As a state party to the ICCPR, Syria is obliged to prevent arbitrary arrest and detention and to allow anyone deprived of their liberty an effective opportunity to challenge the lawfulness of their detention before a court (Article 9 of the ICCPR). It must ensure that those arrested are promptly informed of any charges against them and are brought before the judicial authorities within a reasonable time.

<sup>22</sup> The law previously in force contained some important provisions which, if applied, could have provided safeguards for detainees. The Syrian Code of Criminal Procedure, in its Articles 104(1) and 104(2), sets 24 hours as the limit for bringing a suspect before a judicial authority; failure to do so renders him or her legally entitled to immediate release. According to Article 105 of the same code, if the detainee is kept in custody for more than 24 hours without having appeared before a judge, the authority holding him or her is acting arbitrarily and is liable to prosecution for the crime of deprivation of personal liberty, punishable by imprisonment for one to three years, as stipulated by Article 358 of the Penal Code. Similarly, according to Article 72(2) of the Code, suspects are guaranteed the right to contact their lawyers at any time and in private, except in cases of espionage. However, in practice these safeguards were routinely disregarded, and detainees were often held for weeks or months during which they were routinely tortured or ill-treated.

<sup>23</sup> The Convention against Torture (Articles 12, 13 and 16) obliges states parties to “ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction”. In case of death, the investigation should meet the requirements in the UN Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). The UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment also calls for an investigation to be held whenever a prisoner dies or a former prisoner dies shortly after release (Principle 34); UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Principles 9 to 17).

<sup>24</sup> The UN Commission of Inquiry noted in its report of 22 February 2012 that the Syrian authorities

failed to provide information about their claims that a National Independent Legal Commission was investigating more than 4,070 cases and stated that it had been “unable to identify any case of a successful prosecution of any military or security force commanders or civilian superiors bearing responsibility for any of the crimes against humanity or other gross human rights violations” in Syria since mid-March 2011. See: *Report of the independent international commission of inquiry on the Syrian Arab Republic*, paragraph 86, 22 February 2012, <http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-69.pdf>

<sup>25</sup> Since 1950, members of Military Intelligence and Air Force Intelligence have been granted immunity from prosecution for crimes committed in the exercise of their duties except in cases where a warrant is issued by “the general leadership of the army and military forces” (Legislative Decree No. 61 of 27 February 1950, Article 53). In 1969, immunity was granted to members of State Security for crimes committed while exercising their duties except in cases where its director issues a warrant (Legislative Decree No. 14 of 25 January 1969, Article 16). In 2008, immunity similar to that granted to members of the Military Intelligence and Air Force Intelligence was given to Political Security, as well as police and customs officials, with the same exception for cases where the “general leadership of the army and military forces” issues a warrant (Legislative Decree No. 69 of 30 September 2008, Article 1).

<sup>26</sup> See, for example, UN Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity (1973 UN Principles of International Co-operation), adopted by the General Assembly in Resolution 3074 (XXVIII) of 3 December 1973, para. 1: “crimes against humanity, wherever they are committed, shall be subject to investigation and the persons against whom there is evidence that they have committed such crimes shall be subject to tracing, arrest, trial and, if found guilty, to punishment”. See also, Rome Statute, Preamble: “it is the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes”.

<sup>27</sup> Amnesty International: *Universal jurisdiction: the duty of states to enact and implement legislation*, Chapter 5, Crimes against humanity: the legal basis for universal jurisdiction (Index: IOR 53/008/2001).

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