



# General Assembly

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## Human Rights Council

### Eighteenth session

Agenda item 4

Human rights situations that require the Council's attention

### **Written statement\* submitted by the Cairo Institute for Human Rights Studies – CIHRS, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 August 2011]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## Crimes against humanity in Syria\*\*

The Cairo Institute for Human Rights Studies (CIHRS), in cooperation with the Damascus Centre for Human Rights Studies (DCHRS) and the Haitham Maleh Foundation for the Defense of Syrian Human Rights Defenders (HMF), remains gravely concerned about the severe and ongoing violations of international human rights law committed by the Syrian authorities against its citizens. Syrians are currently living a full-fledged human rights crisis, and in several areas, a humanitarian emergency as well.

Reports from Syrian human rights groups confirm that the ongoing violations of international human rights law committed by the Syrian authorities are systematic and widespread, and that they appear to amount to crimes against humanity. Ongoing demonstrations are repressed using lethal force; and thousands have become victims of extrajudicial killings, arbitrary arrests, and enforced disappearances since the beginning of the unrest. There are no signs that these violations are ceasing or decreasing.

The following patterns of human rights violations have been identified by Syrian human rights organizations since the beginning of the unrest:

1. Whilst almost all demonstrations in Syria continue to be peaceful, the Syrian Security Forces continue to use lethal force to repress demonstrations and remove any dissent. Security Forces have hit protesters with live ammunition in the upper parts of their body, which is indicative of wanting to do more than merely disperse crowds, but also to terrorize, wound, or kill.<sup>1</sup> The use of lethal force has resulted in the extrajudicial killing of around 3000 civilians.<sup>2</sup> Whilst protesters are most heavily targeted, other civilians not involved in demonstrations have also been killed. In addition to the killings, protesters are routinely injured by the use of live ammunition, sticks, stones, and knives.

Soldiers that have refused to comply with orders to shoot at protesters are also amongst those killed by the Security Forces. There are several reports of extrajudicial killings of members of the military and reported deaths of soldiers and officers who refused to open fire on civilians. One such incident took place on 10 April in Homs, where the Mukhabarat (Syria's intelligence agency comprised of different intelligence services) executed 14 soldiers and one officer (Rami Katash) after they had refused to fire on demonstrators.<sup>3</sup>

The Syrian authorities have also recruited armed gangs to help facilitate their crackdown on protesters, so-called "Shabbiha."<sup>4</sup> DCHRS has collected numerous testimonies that confirm the presence of these gangs and their actions aimed at repressing demonstrations, spreading terror, and contributing to military attacks in besieged cities.

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\*\* The Damascus Centre for Human Rights (DCHRS) and the Haitham Maleh Foundation for the Defense of Syrian Human Rights Defenders, NGOs without consultative status, also share the views expressed in this statement.

<sup>1</sup> "Bashar Al Assad: Criminal Against Humanity," International Federation for Human Rights, July 2011, p. 8.

<sup>2</sup> Based on a recent update compiled by the Syrian Center for Transitional Justice and Democracy Empowerment and numbers cited by the Haitham Maleh Foundation for the Defense of Syrian Human Rights Defenders

<sup>3</sup> Ibid.

<sup>4</sup> "Report of the Fact Finding Mission on Syria pursuant to Human Rights Council Resolutions S-16/1," Advanced Unedited Version, OHCHR, August 2011, p. 5

2. In addition to the deaths since the beginning of the unrest, thousands have become the victims of arbitrary arrest and detention. On numerous occasions, the arrests have occurred on a collective and mass scale. Aside from demonstrations, the raids and arrests sometimes take place in private houses, notably targeting journalists and human rights activists, or at checkpoints. While it is difficult to have an accurate overall number of those arrested, from 18 March – 15 July, DCHRS documented 11200 cases of arbitrary detentions. On Friday 29 April, one of the deadliest days since the beginning of the unrest and the same day the Human Rights Council held its first Special Session on the situation in Syria, DCHRS recorded that 504 individuals were arbitrarily arrested across the country. In most cases of arrest since the unrest began, no judicial charges were held against the detainees at the time of their arrest. This is exemplified by the sweeping arrests in Daraa where no formal charges were brought against the detainees.<sup>5</sup>

Many of those arrested have reported that they have been denied medical care, as well as access to lawyers and their family, thus violating international standards for detention. In some cities, such as Banyas and Daraa, the government has installed detention centres in football stadiums and in some schools.

3. There is evidence of torture and ill treatment taking place in detention facilities, also during temporary arrests. It is believed that torture is being used as a tool to deter further demonstrations. On the Friday the 29 April alone, amongst the 504 that were arrested, a significant amount were later released with evidence of torture, and 56 died as a result of torture.

Different means of torture, inhumane, and degrading treatment are being used against protesters and others in the context of the unrest. Physical torture has included punching, beating, lapping, burning, tearing apart skin, pulling nails, and the use of electrical shock devices, in addition to the denial of medical care for the sick and wounded. Psychological torture has included solitary confinement, death threats, isolation and blindfolding, and many have been handcuffed and placed in unknown locations or in military camp prisons.

While it is impossible to have accurate estimates given the lack of access for journalists and independent observers, as of 3 June, at least 148 had reportedly died as result of torture. When returning bodies that show clear signs of torture, the Security Forces have frequently requested families to sign a document alleging that armed gangs would be held accountable for the deaths of their family members.

4. The human rights and humanitarian situation is particularly dire in the cities and areas of Syria that have been placed under complete military siege, notably Daraa, Banyas, and the Idleb province on the boarder to Turkey. These cities are blockaded using heavy artillery such as tanks, and a complete information blackout is imposed on these cities.

The situation in Daraa, where the protest movement started, represents perhaps the most brutal example of a Syrian city under siege. Syrian Security Forces have systematically opened fire on overwhelmingly peaceful crowds during demonstrations and funeral processions, killing, by June, at least 418 people in the

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<sup>5</sup> “We have never seen such horror: crimes against humanity by Syrian Security Forces,” Human Rights Watch, June 2011, p. 34.

governorate, and wounding hundreds more.<sup>6</sup> The large-scale military operation in Daraa started at the end of April, when Syrian Security Forces put the city under military control, and imposed a siege on the city, preventing movement in and out of the city, as well as within the city itself, depriving the residents of basic services,<sup>7</sup> and creating the ongoing humanitarian crisis.

These patterns clearly indicate that crimes against humanity appear to have been committed in Syria. The existence of patterns of violations amounting to crimes against humanity is further corroborated by the content and conclusions of the OHCHR Fact Finding Mission. Statements by the Special Advisors to the UN Secretary General on the prevention of genocide and the responsibility to protect, which considered that the scale and gravity of violations in Syria indicate a serious possibility that crimes against humanity have been committed, further confirm this assessment.

Despite the strong indications of crimes against humanity having been committed, the Security Council has so far failed to uphold its responsibility to protect while innocent Syrians continue to be slaughtered on a daily basis by Syrian security forces. The Human Rights Council on its part must do all that is possible within its mandate to respond the international human rights crimes committed in Syria.

CIHRS, DCHRS, and HMF urge the Human Rights Council and its individual member states to:

- Remain seized of the situation in Syria and ensure that it remains on the Council's agenda until there is an end to the human rights violations committed against peaceful protesters in the country and measures for accountability have been put in place.
- Urge Syria to immediately halt all violations, release all those detained in the context of peaceful protest, and remove the media and information blackout.
- Urge Syria to cooperate with the Commission of Inquiry newly mandated by the HRC resolution adopted at the second Special Session on Syria on 23 August 2011, and to provide it with unrestricted access to all areas and actors.
- Ensure that the Commission of Inquiry is able to report to the Council on its findings as soon as possible.
- Ensure follow up on the outcomes and recommendations of the Commission of Inquiry.
- Urge the Security Council to refer the case of Syria to the International Criminal Court for investigation into crimes against humanity.

In addition, we urge the Security Council to:

- Act on the findings of the UN Fact Finding mission on Syria which has concluded that Crimes Against Humanity appear to be taking place within Syria, and immediately refer the situation in Syria to the International Criminal Court for investigation of these allegations.
- Impose a stringent set of sanctions on the government of Syria, with due regard to the need to ensure the humanitarian needs of the population are met, including a total ban on the selling or trading of weapons with the Syrian government.

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<sup>6</sup> Human Rights Watch, June 2011, p. 14.

<sup>7</sup> Ibid, 15