

# Civilian and Legal Rights



**Background:**

The Syrian State is facing one of the greatest adversities in modern history. The ruling authority is blatantly accused of committing war crimes and crimes against humanity against its own people, where some these crimes have an ethnic and racial aspects. Right now Syria is one of the worst countries in the world in terms of crimes like torture, extrajudicial killing, usage of chemical weapons and cluster munitions, barrel bombs and arbitrary arrests. However, Syria was subjected to oppression and dictatorship long before 2011 as its people's human rights was violated by Al Baath party, which was transformed to a ruling family.

This report is conducted by three Syrian Human Rights groups; the Syrian Network for Human Rights, the Syrian Association for the Defense of Human Rights, and the Syrian Center for Research and Legal Studies. This report depicts how much the Syrian Republic was committed to its international obligations during the past four years where Syrians witnessed a complete breakdown of all human rights and values.

**The legal and constitutional structures and Syria's commitment to the international Human Rights treaties:**

Even though the Syrian constitution includes constitutional articles that are derived from the Universal Declaration of Human Rights, but the constitution was misused for almost 50 years by Al Baath Party where the 'case of emergency' was announced and citizens were deprived of their rights.

Even though the Syrian Arab Republic endorsed some the international human rights agreements and treaties, however it did not abide and enforce it. In what follows are some of the international agreements that were endorsed by the Syrian Arab Republic:

The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention for the Prevention of All Forms of Racial Discrimination, the International Convention for the Suppression of Crime and Punishment, the four Geneva Conventions of 1949, the Additional First Protocol, the Children's Human Rights Convention, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against torture, abuse or inhuman degrading treatment, the United Nations Convention against Transnational Organized Crime to prevent human trafficking especially women and children, the protocol on anti-smuggling of migrants by land, sea and air, the convention of rights of disabled persons and its protocol.

However, we would like to note that the Syrian Republic's endorsement for these special agreements on human rights was not complete since it did not endorse other protocols and had its reservations on some of the articles which lost the real value of these agreements. For instance, article 20 and 22 from the Convention against Torture which somehow protected perpetrators from being held accountable.

On 30 September 2008, the president issued a legislative decree, no. 69 and according to it the military penal code in Syria was amended. The amendment restricted the prosecution of police officers, national, custom and political security officers who were accused of inflicting torture.

It should be noted that all members from the intelligence departments cannot be prosecuted according to Article 16 (from the State Security Department Legislation that was issued in the Legislative Decree No. 14 dated on 25 January 1969) and to article 74 from the Internal Regulations of the State Security Regulations that was issued in the Legislative Decree number 549 dated on 25 May 1969.

**Article 16:** *None of the workers in state security branches shall be prosecuted regarding crimes they commit during their assigned tasks, unless an order is issued by the director of the department.*

**Article 74:** *None of the workers in state security branches or its contracting employees shall be heard before a court regarding crimes they commit during their line of duty before they are referred to the Disciplinary Council and an order from the director.*

In 2011, after the uprising began, and instead of improving the legislations, the Syrian authorities issued Article 55 on 21 April 2011 which included other state security officers under the same protection laws mentioned above. In other words, the authorities offered more protection to all state officers regarding committing extrajudicial crimes or torture.

Authorities did not abide to any of the recommendations it accepted before and below is a comparison between the violations that are committed by the Syrian authorities and its correspondent recommendations.

## Human Rights Scope – A Realistic Observation:

### A- The right to live:

- Since 2011, government forces (security forces, army and local Shiite militias) continuously committed serious violations against the basic human rights in Syria, the right to live. SNHR recorded the killing of 183,827 civilians either through random or deliberate killing, whether by surface-to-surface missiles, knives, or chemical weapons.
- Government forces did not abide to UNSC resolution 2139 that which called for the halt of using random shelling weapons especially barrel bombs. However, government forces dropped not less than 19947 barrel bombs after the resolution was issued. Government forces deliberately targeted civilian gatherings like markets, schools and hospitals.
- Government forces stormed towns, shot-dead and slaughtered entire families in Homs, Hama, and Damascus suburbs. Some of these crimes had ethnic or racial aspects. Bodies were burned, and individuals were raped.
- Government forces targeted individuals who worked in the medical field. They directly killed medical staffers, abducted them, or tortured them. Not less than 553 medical staffers were killed as a result.

- The Syrian Government constantly targeted media personnel and journalists. They either killed or arrested them. Not less than 479 media personnel were killed.
- Government forces expanded its use of cluster munitions where 229 incidents were documented which also killed 189 civilians including 43 children and 12 women. Remnant from cluster munitions shelling killed 221 individuals including 54 children and 21 women.
- Government forces did not cease the use of chemical weapons even after resolution 2118 was issued and even after the mass chemical attack on Eastern Ghouta in Damascus on 21 August 2013. We recorded the use of 134 incidents where chemical weapons were used in Damascus suburbs, Hama, Idlib and Aleppo, even after resolutions 2118, 2209 and 2235 were issued.
- Even though Syria endorsed recommendation (101-5) in the first round of the Universal Periodic Comprehensive Review, its government forces besieged several regions that were under the control of armed opposition, prevented civilians from leaving it, and obstructed the entrance of the medical and food supplies which caused several deaths. The number of the registered deaths due to the besiegement reached 901 individuals, including 294 children and 189 women.
- Government snipers targeted civilians who tried to leave besieged regions like Al Yarmouk Camp and Al Mo'adameya town in Damascus suburbs. It also planted landmines in agricultural lands that surrounded Madaya town in Damascus
- Government forces used a mass punishment policy in those besieged towns. As a result, the medical and health situations deteriorated and diseases were spread in those areas. The shortage in medical supplies added insult to injury when it came to elderly people who suffered from chronic diseases.
- Even though ISIL controls vast regions in Syria and committed widespread violations against the citizen's human rights, like killing, executions, and stoning. However, Syrian government forces did not protect its civilians at all and did not attack ISIL effectively. Most of the government forces' attacks were focused on regions under the control of armed opposition (which is documented in our periodic reports).
- Government forces did not provide any protection for Arabs, Turkmens or Assyrians against the Kurdish Self Management forces' violations. KSM forces displaced tens of thousands of the residents in Al Hassaka western and southern suburbs in February and August 2015. They also confiscated their properties and destroyed their houses by flattening it to the ground, as mentioned in Amnesty International and SNHR report, "No Alternative to Return Home."
- The Russian airstrikes started on 30 September 2015 per request of the Syrian authorities. More than 90% of the Russian forces' attacks were on civilian regions that are under the control of armed opposition which killed 1984 civilians and displaced thousands in Aleppo, Homs, Hama, and Idlib. Vital facilities, especially hospitals, were targeted greatly. Also, Russian forces used cluster munitions in a widespread

## Recommendations:

1. Commit to resolution 2139 and abide to its articles by ceasing random and deliberate attacks on civilian regions. Halt the use of artillery, rockets, and barrel bomb shelling.
2. Halt the use of chemical weapons and abide to UNSC resolution 2118 and 2209. Independent international committee must be allowed to investigate the use of chemical weapons and provide contact zones with protective masks since the UNSC cannot stop those attacks.
3. Immediate stop of any cluster munitions use and allow international committees to disarm thousands of cluster munitions in shelled regions. Join to the treaty that prohibits the use of cluster munitions.
4. Break the siege off not less than 10 regions in Syria facilitate the entrance of food and medical supplies, transport patients to safer regions for treatment.
5. Stop the Russian military attacks on Syrian lands which killed thousands of civilians and targeted vital facilities.
6. The Syrian government must cease the use of foreign Shiite militias which supports the government. Those militias committed ethnic cleansing massacres.
7. Investigate all crimes committed by security forces, army, supporting militias and Russian forces. Issue compensations for all victims.

## B- The Right to Liberty and Personal Security:

- 1- Even though Syria accepted recommendations (101-10, 101-11, 101-12, 101-13, 101-14, 101-15, 101-16, 101-17, 101-18) in the first round of the Universal Periodic Comprehensive Review, however, its forces continued with its arbitrary arrests and unlawful detentions. All society groups were exposed to this kind of treatment including those who did not participate in the uprising. Several detainees were enforced to disappear. The number of arrest cases reached not less than 124596 individuals.
- 2- Most of the arrests were conducted on military checkpoints or after raids without any legal documents. Most of the detainees were transferred to civil courts, military and anti-terrorism court and without any evidences. Detainees are tortured to confess to crimes they did not do and they are not allowed to contact a lawyer.
- 3- Government forces arrested hundreds of young men between 25 and 45 years old for military conscription. Detainees are pushed to front lines with armed opposition groups. Also, government security officers and local militia members receive bribes from the detainees' families in order to give them any piece of information that would determine their fate.
- 4- Even though government forces released some of the detainees according to deals it performed with armed opposition in Homs and Damascus suburbs, however, government forces re-arrested them according to SNHR reports, especially in Old Homs.

## Recommendations:

1. Immediate disclose of detainees' lists and their whereabouts. Allow their families to visit them and form a plan to release all political detainees or those who were arbitrary arrested.
2. Allow international monitors to have unconditional access to all detention centers and prisons in Syria, including unofficial prisons which are run by government security forces.

## C- Prohibition of Punishment and Inhuman Treatment:

Even though Syria endorsed the anti-torture agreement since 2004 and committed to the first round of the universal periodic comprehensive review, (102-2 + 102-3 + 102-4 + 102-5+ 102-6 +102-7), however government forces still torture its detainees in the most heinous ways since 2011 and on a daily basis. The effects of this torturing range between death, psychological traumas, and disability. Government forces used several torturing techniques like “The German Chair”, “Crucifixion” and more horrifying techniques.

Not less than 12486 individuals were killed under torture during interrogations techniques or due to poor health situations in government detention centers. We documented systemized and widespread torture patterns in all government prisons and detention facilities. Those patterns were identical to a certain extent with the “Caesar-leaked” images that were taken in 601 Military Hospital in Damascus. SNHR conducted a study, “The Photographed Holocaust” which revealed the identity of 724 victims among those individuals who were killed under torture. Also, Human Rights Watch issued a study about this issue entitled “If Dead

## Recommendations:

- Conduct immediate investigations about these crimes and hold the persons responsible for these violations accountable for their crimes.
- The Syrian government should fully cooperate with the Human Rights Council regarding those investigations inside government detention facilities and prisons.

## D- Enforced Disappearance:

- Even though Syria is not a party in the international agreement on protecting all enforced disappeared individuals. Enforcing individuals to disappear violates the Geneva conventions, which Syria is a part of. Government forces did not abide to UNSC 2042 dated 14 April 2012, and resolution no. 2139 dated on 22 February 2014. The number of enforced disappeared individuals reached 58148 individuals, including thousands of children and women.

## Recommendations:

1. Ratify to the international agreement about protecting enforced disappeared individuals.
2. Disclose the fate of all the enforced disappeared individuals immediately and release the arbitrary arrested individuals.
3. Allow the independent international investigation committee to have access to the detention centers and allow it to conduct investigations and hold the persons who committed these violations responsible for their crimes.
4. Include enforced disappearances in the Syrian Penal Code.

## **E- Attaining Justice:**

1. Even though the Syrian government pledged to accept recommendations (102 -9 , 102-10 , 102-12) the first round of the universal periodic review, and promised to endorse it, however its promises were not fulfilled. On the contrary, government forces encouraged those who committed these crimes by granting them full immunity.
2. In the first round of the Universal Periodic Comprehensive Review, (recommendation 101-19), Syria pledged to establish an independent and neutral judiciary system, however, in reality, the judiciary system in Syria remained attached to the security forces.

## **Recommendations:**

- Uphold all those involved, security forces and army officers, accountable for war crimes they committed against the Syrian people.
- Abolish legislation decree no. 14 dated 15 January 1969 and decree no. 69 which grant immunity to members of the state security officers and army. According to the Syrian state, they are protected by the law and thus those legislations should be abolished.

## **F- Freedom of Movement:**

1. Official institutions in Syria prevented residents and political activists from having passports or even renewing their old ones. Additionally, Syrian authorities prohibited its governmental employees from traveling as well. All these factors increased the forged-passports making in the black-market. Passports were used as a weapon, disrupted the lives of several people and caused an economical crisis.

## **G- Child Rights:**

1. Even though the Syrian government endorsed the agreement on Child Rights, nonetheless it committed several violations. Government forces killed 19594 children either by random shelling, slaughtering or sniping. Not less than 10873 children were arrested and thousands were tortured. 156 children died under torture in Syria.
2. Government forces used 15 years old adolescents as guards inside neighborhoods in Damascus and it used them in surveillance operations.
3. Nearly two million children inside Syria were deprived of their right to education due to the armed conflict. Thousands of residents stopped sending their children schools since government forces deliberately targeted schools and educational facilities. Child labor is a very serious problem that has spread in Syria and in neighboring refugee countries due to poverty and homelessness.

## **Recommendations:**

- Government forces should stop recruiting children in military operations immediately.
- Do not prosecute underage children and stop treating them as adults. Stop detaining them in adult detention centers or prisons.
- Stop targeting schools and educational facilities.

## **H- Women Rights:**

1. Even though Syria endorsed CEDAW agreement, nonetheless, government forces committed several violations against women since the beginning of the uprising. It killed not less than 19427 women and arrested not less than 8642 women.

2- Since the beginning of the uprising, government forces used rape as a weapon of war in order to quell the protests. Most of the sexual abuse happened during invasions or inside government official or non-official detention facilities or prisons, as stated the “Sexual Abuse: A Scar of A Lifetime” report, that was issued by SNHR.

### Recommendations:

- Investigate all those accused of rape and hold them accountable for their crimes.
- Lift of reservations about the CEDAW agreement.

### I- Independent Judiciary:

1. The judiciary system in Syria is controlled by the executive authorities represented by the President who heads the Supreme Judicial Council and thus the council is controlled by the president mainly, the Judicial Inspection Authority, the Deputy Minister of Justice, the Attorney General of the Republic, the President of the Court of Cassation and its oldest advisors. Also the Minister of Justice acts on behalf of the president.

Judges are treated like all government employees and are assigned the same way. However, one of the most assigning techniques for a judge is to receive approval from more than 10 security authorities.

The public prosecutor was integrated with the Minister of Justice which made judges lose their distinctive roles as independent judges. Exceptional Courts overlap regular courts and prevents regular courts from issuing verdicts.

2. Presidential elections took place in 2014 and in 2016 parliamentary elections will be conducted. The striking matter is that this election will take place amid the absence of more than two-thirds of the Syrian people. Not less than 5 million Syrians are considered as refugees outside Syria and not less than 9 million Syrians are internally displaced according to UNHCR. The current authorities only control quarter of Syria’s geographical area. The parliamentary or presidential elections’ laws are mere dictates from the president. All elections committees do not undergo judicial supervision and elections are not done on official holidays and are done in the voters’ working places. Therefore, voters are not given full freedom of voting as they are controlled by their employers and the security forces. Additionally, appealing the polls is done before a biased court, The Supreme Constitutional Court, where the president appoints or dismisses its members without restrictions for four years. Additionally, the president’s tenure is seven years and in case of an appeal regarding an elected parliament member, the parliament has the sole right to implement the resolution or not.

### Recommendations:

- Human rights should be the basis of any conflict resolution in Syria.
- Abolish the reservations on articles 20-22 from the anti-torture agreement. Allow residents to prosecute the criminals.
- Cancel all decrees and laws which grant immunity to offenders which prohibit their legal prosecution. Decree 69 dates 30 September 2008 – articles 74 – 16 from the General Intelligence Administration Law.

- Review the national legislations, including the constitutional amendments for 2012 where the executive authority overlaps the judicial authorities.
- Ensure the effective independence of judges, lawyers and the judicial authorities from the executive authority including the president. Pledge to effectively protect them from all forms of intimidation.

### J- Refugees and Displaced Residents:

- Government forces displaced not less than 6.5 million Syrians. Also, not 5.8 million individuals are registered as refugees in different countries.

### Recommendations:

- The Syrian government should cease its military attacks and provide shelter for the displaced residents. It should also provide help for displaced civilians in neighboring countries.

### References:

Analytical Study about the Leaked Pictures of Torture Victims in Syrian Military Hospitals “[The Photographed Holocaust](#)”.

If the Dead Could Speak, Mass Deaths and Torture in Syria’s [Detention Facilities](#) .

Most Notable Sectarian and Ethnic Cleansing Massacre “[The Society’s Holocaust](#)”.

Torture methods practiced by [syrian authorities](#). Sexual Abuse: “[A Scar of a Lifetime](#)”

Rape in Syrian Security Branches: Seven Raped Women in Hama Security Branch.

The Syrian Regime Uses Toxic Gases Again and Violates UNSC Resolutions 2118, 2209, and 2235 “[Russia’s Inadequate Assurance](#)”.

[Four Years Harvest](#): The Use of Cluster Ammunition... That is Still Going The Cluster Ammunition Supplies Must be Destroyed the same as the Chemical Weapons. The 2nd Anniversary of UNSC Resolution 2139 [Not Less than 19947 Barrel Bombs](#) killed 8136 Civilians.

[Children of Syria](#) ... The drowned hope Universal Children’s Day... Syria: The Worst Place in the World.

Russian Forces Kill 570 Civilians, including 152 Children and 60 Women “[They Came to Kill Us](#)”.

[The Lethal Ceasefire](#): “The Death of 63 Civilians, 21 amongst Which Died From Hunger in Madaya”.

syria: [‘Between prison and the grave’](#): Enforced disappearances in Syria.

No Alternative to Return Home: [Violations Committed by Kurdish- Self-Management Forces](#) in Al Hassaka Governorate

Widespread Violations Displace Tens of Thousands of Al Hassaka Residents.

Is it the Syrian Regime or ISIL?

[Destruction of Vital Facilities](#) in Opposition Controlled Regions.

[The Syrian regime’s settlements](#) with the residents of Homs is either a certain death or forced-disappearance.

