

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Security Council Should Refer Syria to ICC for Crimes Against Humanity

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(London) Former Syrian soldiers identified by name 74 commanders and officials responsible for attacks on unarmed protesters, Human Rights Watch said in a report released today. The report names commanders and officials from the Syrian military and intelligence agencies who allegedly ordered, authorized, or condoned widespread killings, torture, and unlawful arrests during the 2011 anti-government protests. Human Rights Watch has urged the Security Council to refer the situation in Syria to the International Criminal Court (ICC) and impose sanctions against the officials implicated in abuses.

The 88-page report, [By All Means Necessary!: Individual and Command Responsibility for Crimes against Humanity in Syria](#), is based on more than 60 interviews with defectors from the Syrian military and intelligence agencies. The defectors provided detailed information about their units participation in attacks, abuses against Syrian citizens, and the orders they received from commanders and officials at various levels, who are named in the report.

Defectors gave us names, ranks, and positions of those who gave the orders to shoot and kill, and each and every official named in this report, up to the very highest levels of the Syrian government, should answer for their crimes against the Syrian people, said [Anna Neistat](#), associate director for emergencies at Human Rights Watch, and one of the authors of the report. The Security Council should ensure accountability by referring [Syria](#) to the [International Criminal Court](#).

The defectors statements leave no doubt that the Syrian security forces committed widespread and systematic abuses, including killings, arbitrary detention, and torture, as part of a state policy targeting the civilian population, Human Rights Watch said. These abuses constitute crimes against humanity.

### Killings of Protesters and Bystanders

All of the defectors interviewed by Human Rights Watch said that their commanders gave standing orders to stop the overwhelmingly

peaceful protests throughout the country by all means necessary during regular briefings to soldiers and armed units and prior to their deployment. The defectors said that they understood the phrase by all means necessary as an authorization to use lethal force, especially since they had been given live ammunition instead of other means of crowd control.

About half the defectors Human Rights Watch interviewed said the commanders of their units or other officers also gave them direct orders to open fire at protesters or bystanders, and reassured them that they would not be held accountable. In some cases, officers themselves participated in the killings.

Amjad, who was deployed to Daraa with the 35<sup>th</sup> Special Forces Regiment, said that he received direct verbal orders from his commander to open fire at the protestors on April 25:

The commander of our regiment, Brigadier General Ramadan Ramadan, usually stayed behind the lines. But this time he stood in front of the whole brigade. He said, Use heavy shooting. Nobody will ask you to explain. Normally we are supposed to save bullets, but this time he said, Use as many bullets as you want. And when somebody asked what we were supposed to shoot at, he said, At anything in front of you. About 40 protesters were killed that day.

The United Nations High Commissioner for Human Rights has said that more than 5,000 people have been killed since the start of the protests. Human Rights Watch has [documented](#) many of these killings.

Syrian authorities most recently President Bashar al-Assad, in an interview on December 7 have repeatedly claimed that armed terrorist gangs, incited and sponsored from abroad, were responsible for the violence in the country since the uprising began in March. Human Rights Watch has documented several incidents in which demonstrators and armed neighborhood groups have resorted to violence, and the number of armed attacks on security forces by military defectors has significantly increased since September. However, the majority of protests that Human Rights Watch has been able to document since the uprising began in March has been largely peaceful. The defectors Human Rights Watch interviewed disputed the governments claim about armed gangs and said that the protesters they observed were not armed and did not present a significant threat to the soldiers.

### **Arbitrary Arrests, Torture, and Executions**

Information provided by the defectors corroborates Human Rights Watchs findings of widespread arbitrary arrests and torture of detainees across Syria. The defectors described large-scale, arbitrary arrests during protests and at checkpoints, as well as sweep operations in residential neighborhoods across the country that have resulted in hundreds, and at times, thousands, of arrests.

Defectors told Human Rights Watch that they routinely beat and mistreated detainees and that their commanders ordered, encouraged, or condoned these abuses. Those who had worked in or had access to detention facilities told Human Rights Watch that they witnessed or participated in torture.

Hani, a member of the Special Operations branch of Air Force Intelligence, described the orders he received:

On April 1, we were conducting arrests in Moadamiyeh neighborhood in Damascus. We received our orders from Colonel Suheil Hassan. He told us explicitly to beat people severely on the heads, and not to worry about the consequences. We also used electric cattle prods. He verbally communicated the order to us, before we were dispatched.

We were beating people inside the buses, and then at the detention facility at the base. At the detention facility, we would first put people in the yard, and beat them randomly, without any interrogation. I was involved in escorting prisoners to the yard, and then to the detention facility. That day we arrested about 100 people. We put all of them in a 5-by-5 meter cell.

My unit was also involved in beating people. My heart was boiling inside, but I couldnt show it because I knew what would happen to me.

Three defectors described to Human Rights Watch incidents of summary executions and deaths from torture, involving 19 victims. Lieutenant-Colonel Ghassan, who served in the Presidential Guard, said that around August 7, he witnessed a summary execution of a detainee at a checkpoint in Douma:

I was stationed at a checkpoint in the Abdul Rauf neighborhood in Douma. My shift was supposed to be from 4 p.m. to midnight. I arrived at 3:45 p.m. and immediately heard screams and sounds of beatings from an abandoned building near the checkpoint. I went in, and it turned out that Colonel Mohamed Saker, who had the shift at the checkpoint before me, had arrested someone from the wanted list. I wanted to take over right away to stop it, and said it was my shift. But Saker said, No, be patient, well deal with him first.

Seven soldiers were beating the man whom they had arrested. When I came, he was still alive. He was screaming, and the soldiers were swearing and laughing. It lasted for about five minutes longer, and then he died. He stopped moving, and I saw blood coming out of his mouth.

When I took over, I informed Khadur [commander of 106th brigade of the Presidential Guard, Brigadier General Mohamed Khadur] that we had a fatality. He ordered us to leave the checkpoint and the body behind. We went back to headquarters. Somebody must have picked up the body. People saw us coming out of that building.

Local activists have reported more than 197 executions and deaths in detention as of November 15.

Defectors also provided further information about the denial of medical assistance to wounded protesters, the use of ambulances to arrest the injured, and the mistreatment of injured people in hospitals controlled by intelligence agencies and the military, a disturbing pattern that Human Rights Watch and other organizations have [documented](#).

### **Command Responsibility**

Under international law, commanders are responsible for international crimes committed by their subordinates if the commanders knew or should have known about the violations and failed to investigate and stop them.

Human Rights Watch said that given the widespread nature of killings and other crimes committed in Syria, scores of statements from soldiers about their orders to shoot and abuse protesters, and the extensive documentation of these abuses by international and local organizations and the media, it is reasonable to conclude, at minimum, that Syrias senior military and civilian leadership knew about them. The ongoing killings, arrests, repression, and general denials of responsibility by the Syrian government also make clear that officials have failed to take any meaningful action to address these abuses.

Furthermore, Human Rights Watch has collected information indicating that the Syrian military and civilian leadership have been closely involved in the violent crackdown on protesters.

Try as he may to distance himself from responsibility for his governments relentless brutality, President Assads claim that he did not actually order the crackdown does not absolve him of criminal responsibility, Neistat said. As the commander-in-chief of the armed forces, he must have known about the abuses if not from his subordinates, then from UN reports and the reports Human Rights Watch sent him.

Human Rights Watch also called for the investigation of other high-level officials for their command responsibility for crimes against humanity. These officials include: Imad Dawoud Rajiha, defense minister; Imad Fahed al-Jasem el-Freij, the Army chief of staff; Maj. Gen. Abdul Fatah Kudsiyeh, director of the Military Intelligence Department; Maj. Gen. Jamil Hassan, director of the Air Force Intelligence Directorate; Maj. Gen. Ali Mamlouk, director of the General Intelligence Directorate; and Maj. Gen. Mohamed Dib Zeitoun, director of the Political Security Directorate.

The Syrian officials who engaged in these crimes must know theyll have to pay for them eventually, Neistat said. And they must know that theyll end up holding the bag even as President Assad claims he didnt know anything.

### **Repercussions for Disobeying Orders**

The consequences for disobeying orders and challenging government claims about the protests have been severe. Eight defectors told Human Rights Watch that they witnessed officers or intelligence agents killing soldiers who refused to follow orders.

Habib, a conscript soldier from the 65<sup>th</sup> Brigade, 3<sup>rd</sup> Division, told Human Rights Watch that a soldier from his battalion was killed around April 14 for not following orders of Colonel Mohammed Khader, the battalion commander, to shoot at protesters in Douma:

The soldiers were in front. Colonel Khader and the security agents were standing right behind us. Yusuf Musa Krad, a 21-year-old conscript from Daraa, was standing right next to me. At some point the colonel noticed that Yusuf was only shooting in the air. He told First Lieutenant Jihad from the regional branch of Military Intelligence. They were always together. Jihad called a sniper on the roof, pointed at Yusuf, and the sniper then shot Yusuf twice in the head. Security agents took Yusufs body away. The next day we saw Yusufs body on TV. They said that he had been killed by terrorists.

Three defectors told Human Rights Watch that the authorities had detained them because they refused to follow orders or challenged government claims; two said that security forces beat and tortured them.

### **Recommendations**

Human Rights Watch called on the United Nations Security Council to refer the situation in Syria to the ICC. Because crimes against humanity are considered crimes of universal jurisdiction, all states are responsible for bringing to justice those who have committed them.

Human Rights Watch also specifically called on Russia, one of the few countries that still supports the Syrian government, to end its opposition to strong Security Council action on Syria; to suspend all military sales and assistance to the Syrian government, given the real risk that weapons and technology will be used to commit serious human rights violations; and, in bilateral meetings, to condemn in the strongest terms the Syrian authorities systematic violations of human rights.

Over 5,000 Syrians have lost their lives, and countless more have been injured, arrested, and tortured, as Russia has wasted time defending Assads ruthless slaughter and empty promises of reform, Neistat said. The Russian government has a duty to protect the Syrian people, not its brutal government killers.

### **Additional Witness Statements From the Report**

Mansour, a member of Air Force Intelligence in Daraa, said that in April the commander in charge of Air Force Intelligence in Daraa, Colonel Qusay Mihoub, gave his unit orders to stop the protesters by all possible means, which included the use of lethal force:

Our orders were to make the demonstrators retreat by all possible means, including by shooting at them. It was a broad order that shooting was allowed. When officers were present, they would decide when and whom to shoot. If somebody carried a microphone or a sign, or if demonstrators refused to retreat, we would shoot. We were ordered to fire directly at protesters many times. We had Kalashnikovs and machine guns, and there were snipers on the roofs.

Osama, who served in the 555<sup>th</sup> Airborne Regiment, 4<sup>th</sup> Division, said that Brigadier General Jamal Yunes, the regiment commander, gave the troops verbal orders to shoot at protesters during their deployment to Mo`adamiyeh, a neighborhood of Damascus, in May:

Initially, when the protest started, Brigadier General Jamal Yunes told us not to shoot. But then he received additional orders from Maher [Maher al-Assad, the commander of the 4th Division and President al-Assads younger brother]. He had some kind of paper that he showed the officers, and then the officers pointed their guns at us, and told us to shoot straight at the protesters. These officers later told me the paper contained orders from Maher to use all possible means.

Zahir, deployed to Banyas, Bayda, and Basateen in April and May, described how officers in his unit and accompanying intelligence agencies carried out arrests and looting in the towns they invaded:

In Bayda, we broke the doors and took whatever we wanted. The *mukhabarat* [intelligence agencies] were arresting people; in one area, they arrested 10 old men to force their children to turn themselves in. The same continued in Banyas, where we went the next days. In Basateen, we looted everything, both my unit and others. We always took money, and then whatever was there: gold, mobiles, electronics, and sometimes even womens clothing. I saw the *mukhabarat* and some soldiers also touching women inappropriately, pretending to be looking for bombs and explosives.

Salim, an officer with the 46th Special Forces Regiment who was stationed at the Idlib camp, described the mistreatment of detainees brought to the camp under the watch of the commander who oversaw the operations in Idlib, *Imad Fahed Al Jasem*:

From July to September, I observed how the *mukhabarat* brought detainees to the camp [in Idlib], usually 10 to 30 people, around 9 or 10 p.m., after every protest and they happened almost daily. They lined them up, blindfolded, put them on their knees, and beat them up. They swore at them, and put their feet on peoples heads. It was outside, right near my office. They beat them up while waiting for Al Jasem [*Imad Fahed Al Jasem*, who oversaw the operations in Idlib] to come to inspect the detainees.

When Al Jasem arrived, he would swear at the detainees for participating in the protests. And then they would take them to a nearby prison. The prison was guarded by the soldiers from my unit, so I sometimes went there. They held the detainees there for a night, in a 6-by-7 meter room, without food or water.

Nizar, who was a guard in the military hospital in Homs from mid-April to mid-September 2011, described the beating and torture of injured protesters detained at the hospital:

The *mukhabarat* and the army brought the injured and unloaded them in the yard next to the emergency area. Everybody would start beating them, including doctors and nurses. All the detainees were blindfolded.

After the initial beating in the yard, the nurses and guards took the wounded into the emergency room, provided them some basic assistance, and then the *mukhabarat* took them. They first held them in a detention facility on the premises for a few days; the army police was in charge of it. Then members of the Air Force Intelligence took them away in their cars. That was the case with every single injured person brought to the hospital. I think people were tortured in the detention facility because I regularly heard their screams. People with serious wounds were taken to intensive care and guarded there by army police. Sometimes, soldiers would go in there, and I would hear people screaming; I think they were beating them inside there.

Colonel Dr. Haitham Othman was in charge of the hospital. The chief doctor in the hospital was trying to tell him and the *mukhabarat* not to torture people because the hospitals job was to treat people and not to torture them, but everybody just ignored him.

We were not supposed to allow any family members in. When relatives asked at the gate, we told them that this was an army hospital and it didnt have any civilians.

Summary Executions by Syrian Forces in al-Bayda and Baniyas

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