

Assyrians for existence and freedom

I. Introduction:

Since March 2011, the Assyrian Human Rights Network (AHRN) has documented 29 cases of detention of Assyrian Syrian citizens. In order to contribute to preventing these violations, AHRN believes it is necessary to highlight them and expose their perpetrators. It aspires to end the illegal inhumane treatment of Syrian detainees in Syrian regime prisons by holding the authorities fully legally responsible for the fate of these detainees.

II. Report methodology:

This report is based on the information gathered and documented by the AHRN's team of field researchers in Syria. The report analyzes different types of violations committed by the Syrian authorities and their affiliated armed militias against detainees held in their prisons, based on victim (released detainees) statements and testimonies, some of which are quoted in the report. In addition, the report provides conclusions and recommendations based on the analysis of information gathered over the course of more than three years. Certain pieces of information have been withheld in order to ensure the safety of AHRN's team. The names of former detainees who gave their testimonies have been changed as per their request and in order to protect their lives.

III. Types of violations:

Assyrians participated along with other Syrians in the popular movement since it began in March 2011 through their political parties as well as civil society, women's and youth institutions. The Syrian authorities countered this peaceful movement with excessive violence. The AHRN has documented 29 cases of detention of Assyrians, 25 of these detainees were released while 4 other remain under arrest as of the time of writing. All of these cases of detention were carried out by Syrian government authorities, security services and affiliated militias, and took place in the cities of al-Hasaka, al-Qamishli, Aleppo and Damascus. The detainees included politicians, activists and opinion leaders from political and civil forces, most of them belonging to the intellectual elite.

Throughout the period of detention of Assyrian activists, the official security apparatus has committed different types of violations, including arbitrary detention, severe torture, starvation, threats of sexual assault and degrading treatment. These types of violations emerge vividly in the testimonies of released detainees. They include the following:

1- Arbitrary detention: Arbitrary detention clearly contradicts Article 9 of the Universal Declaration of Human Rights and Article 9 of the International Covenant on Civil and Political Rights, both of which disallow detention without legal action and were ratified by Syria. Arbitrary detention also violates the provisions of paragraphs 1 and 3 of Article 53 of the Syrian Constitution, which prohibit the arrest of citizens without a court order. Article 54 of the Constitution criminalizes assaults on personal freedom. The following examples clearly indicate infringement on these provisions.

On Friday 20/5/2011, and without presenting an arrest warrant, joint forces from the political security and criminal security branches stormed the headquarters of the Assyrian Democratic Organization (ADO) in the city of al-Qamishli. ADO is an unlicensed Syrian opposition political party, and a founding member of the Damascus Declaration and the Syrian National Council.

The Security forces arrested everyone on the premises en masse; 13 leaders and activists, most of whom are physicians, lawyers, engineers, teachers and university students who played an effective role in the peaceful civil movement. The arrests took place following the participation of some ADO members in a peaceful demonstration in al-Qamishli before noon that day.

On Monday 11/02/2013, a state security patrol in al-Qamishli raided the offices of a relief organization of the Syriac Union Party, a humanitarian association that distributes in-kind assistance to local residents, arresting two members before releasing them the next day.

On Tuesday, 19/11/2013, a patrol of armed personnel and four vehicles of the Army of National Defense, locally known as the “masked” group, raided ADO’s headquarters, a private home in the city of Al-Hasakah, without an arrest warrant. The patrol arrested everyone in the house and took them to the headquarters of the Army of National Defense, a group of armed militias affiliated with the government and deployed in most governorates. These militias are headquartered in the Arab Socialist Baath Party’s building in the city of al-Hasakah.

Mr.(J.T.) described the security services’ raid of his office, “.... We heard sudden violent knocking on the outer door of the headquarters. When my colleague stood up to open the door, I realized they had already broken the door and barged in. Nine men armed with machine guns and pistols came in and when I asked them about who they were and what they wanted, they beat me with rifle butts on my back. I fell to the ground and one asked me to stand up and raise my hands facing the wall. Meanwhile, I heard cursing, beating and kicking through the broken door, and realized it was my friend being dragged on the ground. In the meantime, others were searching the office. They took everything including computers, books, a TV, a generator, and even kitchen tools. They either stole or broke everything they laid their hands on.”

2- Torture and cruel treatment as a means to extract confessions: Testimonies of released detainees indicate that government interrogators, officers and security personnel used torture and cruel treatment in government detention centers to coerce detainees into making confessions. The means of torture and cruel treatment used include the following:

A- Physical violence: The interrogators used severe beating as a means to extract confessions from detainees during interrogations. To this end and as indicated in detainee testimonies, the interrogators used dragging on the ground, slapping, punching, kicking and lashing with cables. They also used the tire, bastinado, and the “flying carpet” device. Some detainees were electrocuted in different areas of the body in order to extract confessions. Even older and sick detainees were subjected to these practices.

Describing torture using the flying carpet, J.T. explained: “.... it is made of two jointed pieces of wood. Lying flat on my chest, my upper body was tied to one piece and my legs to the other. They bent both pieces upward and tied them together, so my body took a concaved shape, and I felt like my lower back was going to break from the intense pain.... the security personnel beat me with a cable on my feet, back and entire body until I passed out and no longer felt what was going on around me.”

D.A. describes how he was tortured using a tire: “...Then, one security officer put me inside a rubber tire. My back was bent with my head pointing downward and feet upward. They tied my feet together, with one personnel whipping my feet and exposed body parts with a thick yard and a hose, shouting: ‘you traitors, dogs, agents.’ With regards to electric shocks, S.E. said in his testimony: “They took off my shoes and socks, and I felt a piece of metal grabbing onto my toes, I shortly learned that they were two small pliers clasping my toes. It was only seconds before my body convulsed and my limbs shrunk. They electrocuted me 4 times. I could not move, and I was completely unconscious and semi-paralyzed. Two personnel dragged me on the floor and threw me in another room, shackled and blindfolded.”

B- Psychological torture: Most released detainees confirmed in their testimonies that they would undergo interrogations in the early morning hours, and that they were subjected to different psychological pressures to extract their confessions. These pressures included threats to arrest their wives or daughters, as J.T. cited in his testimony, and forcing detainees to attend torture sessions that led to the death of other detainees, as cited by E.D. who said: “I witnessed some cases of torture and heard detainees being tortured, since the cells were close to interrogation rooms. We saw torture marks and blood running on their bodies, some were sent to the National Hospital as a result of severe beating. One detainee died because of sickness and torture. He was about 35 years-old and very skinny. They denied him treatment. When he died, someone came to us and ordered us to carry him, saying ‘remove this corpse and dump it outside in the snow.’”

C- Death threats and degrading treatment: Assyrian detainees in government detention centers were, like most of the Syrian detainees, subjected to various types of verbal abuse by interrogators and jailers including accusations of treason for demonstrating against the regime, death threats, and egregious insults. This is in addition to the beating and ill-treatment during home and office raids and rounds of arrest. In some cases, the security personnel forced detainees to kiss interrogators’ boots, crawl to and from the toilets, and perform other degrading acts.

Detainee S.J. described the death threats he received from the interrogators, saying: “After a few steps, he asked me to kneel against the wall, then I felt the barrel of his gun on my neck from behind. I was very apprehensive and frightened. He told me with complete indifference: ‘What if I pull the trigger and kill you and say you were trying to escape? I would get a reward for killing someone from the opposition like you.’”

Torture as well as cruel and degrading treatment used to extract confessions from detainees constitutes a glaring violation of Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights, which prohibit the use of torture for any reason. These practices also violate the provisions of the 1984 Convention against Torture, especially Articles 1 and 16, which outlaw torture and other cruel, inhuman and degrading treatment, as well as Article 15, which reaffirms the invalidity of confessions or statements made as result of torture. Moreover, these practices contradict the second paragraph of Article 53 of the Syrian Constitution, which prohibits torture and all sorts of degrading treatment of detainees.

3- Threats of sexual assault: Interrogators and jailers used to strip detainees naked for relatively long periods of time in order to humiliate or intimidate them. The detainees were blindfolded at times when they were subjected to these practices. The security forces used this method in certain cases with the pretext of inspection to imply that they could sexually assault the detainees, in an attempt to scare them and coerce them into making confessions to acts they did not commit.

In this context, D.A. said in his testimony that he was stripped naked and witnessed firsthand other cell mates being stripped by force. In a similar incident, but in a different detention center, O.J. described how he felt when he almost became a victim of sexual abuse after he was stripped naked by the security personnel. He said: “I was terrified when they asked me to take off all my clothes, as I imagined they were thinking of assaulting me. I decided not to allow that to happen at any cost. In that difficult moment, I asked God to hasten my death if that happened.”

These practices violate Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights, which prohibit all forms of torture. These practices also violate the provisions of the Convention against Torture, especially Articles 1, 15 and 16, which outlaw torture and other cruel, inhuman and degrading treatment, and Articles 2, 4 and 10 which require states parties to enact legislations criminalizing these practices and penalizing their perpetrators. Moreover, these practices contradict the second paragraph of Article 53 of the Syrian Constitution, which prohibits torture and all sorts of degrading treatment of detainees.

4- Use of sectarianism: It was noted in the majority of arrests involving Assyrians, according to their testimonies recorded by our team in Syria, that the authorities exploited religion and sectarianism during interrogations, using an individual's religion as an additional reason to subject him to cruel and degrading treatment. The interrogators were astounded by the fact that Christians participated in the demonstrations advocating for freedom, and denounced their participation in rallies that began in front of mosques driven by mobs, Islamists, armed elements and separatists, according to the interrogators. According to detainees, the interrogators always played the Islamic-threat-to-Christians card. The interrogators and jailers repeated claims such as: Christians are indebted to this regime that protects minorities; the Christian who participates in a demonstration against the regime is a traitor; the regime is turning a blind eye on some Christian dissidents because it wants to protect them.

R.K. confirms this in his testimony, saying: "They threatened me, saying that if this regime were to be overthrown, the Arab Muslims would eat us, take our wives and exile us." S.E. describes how his interrogator reacted angrily to his explanation of why he participated in demonstrations calling for freedom: "He was furious, and accused us of being terrorists and traitors, saying that all Christians and Assyrians should disown us because we were Israeli agents. He said to me: 'you must not forget Hafez al-Assad's and Bashar al-Assad's favors towards minorities, they were the ones who protected you. And if this regime was gone, you would be crushed and killed in the streets.'"

These practices against Christian detainees constitutes discrimination against a segment of Syrian society based on its religion and beliefs, and thus contradicts numerous articles in international treaties and local laws, most notably Articles 1, 2 and 7 of the Universal Declaration of Human Rights on the prohibition of discrimination on the basis of religion, color and creed. It also contradicts Article 27 of the International Covenant on Civil and Political Rights, which forbids states from denying minorities their right to enjoy their own cultures. Further, this practice violates the spirit of Article 20 of the International Covenant on Civil and Political Rights, which prohibits practices that call for national, racial or religious hatred that constitute incitement to racial discrimination and violence.

5- Detention conditions: Poor detention conditions constitute a form of cruel treatment or inhumane and degrading punishment. Government authorities and affiliated armed groups used different methods to create poor conditions, including:

A) starvation and dehydration and denial of access to toilets: According to the detainees, they were deprived of food and water for long periods, especially in the first days of their detention. Some detainees received their first meal in prison on the third day of their detention. M.B. says: "On Sunday evening, and after more than 60 hours into my detention, I had food for the first time and it was a piece of bread and a bit of a jam." Many detainees tried as much as possible to avoid visiting the toilet because of the ill-treatment and violence they endured while going there. The interrogators and officers allowed detainees to drink from toilet faucets only despite the fact that toilets are often dirty places where diseases spread.

B- Unsanitary detention centers: The detainees described their detention centers as an environment where insects like lice and bedbugs bred and diseases including scabies and fungal diseases spread. The detention centers mostly consist of small rooms, known as solitaires, with no ventilation and poor lighting. In most cases, the detainees had no blankets, especially in the early days of detention. The detainees had to sleep on the bare floor in the cold of winter. Some were detained in the bathrooms of a building controlled by local militias affiliated with the government. E.D. describes his place of detention in his testimony by saying: “It was a room in a basement with no source of light except for a lamp outside the room. There was only one vent to let the air in but it was often shut. The humidity was very high to the point that some plants grew on the walls. The setting was ideal for diseases, especially with the various types of insects including lice and bedbugs, as well as spreading scabies.”

C- Denial of medical care: The difficult conditions of detention caused some detainees to contract serious diseases. D.A. entered prison suffering from heart disease but was denied medication until the last weeks of his detention. When he was released, he was suffering from kidney infections due to violence, beating, extreme cold weather, and poor conditions in the detention center. In his testimony, D.A. said that one of his cell mates suffered from severe and frequent asphyxiation in the detention room but was not given treatment throughout the period of his detention, prompting his mates to knock strongly on cell doors and call on security to save him.

Legally, all forms of cruel and degrading treatment constitute a crime that cannot be justified under international law. This practice is prohibited in all relevant instruments and under customary international law, regardless of whether the states committing these practices have ratified the treaties that prohibit torture and other forms of cruel treatment.

6- Forcing detainees to appear on state television: In 13 out of 18 documented cases of detention, the authorities used extreme physical violence against Assyrian detainees to record their confessions on Syrian television. D.A. said that two senior officers gave him a written confession to read on state television. The false confession included that he was paid to participate in demonstrations, and that he and his colleagues were misled. Others were made to introduce themselves and say that they regretted demonstrating and that they saw armed men participating in the demonstrations. Most of those detainees either acquiesced under torture or firmly refused filming the confessions in front of the camera.

T. J. describes his response to a senior officer who offered him temptations, including immediate release, in return for appearing on state television. He said: “I became hysterical; I told him: ‘sir, give me a gun,’ he looked at me and said with amazement: ‘what did you say?’ I said to him: ‘either you kill me with your gun and I’m willing to release you of responsibility for killing me by signing a paper to prove it, or I kill myself with your gun. Appearing on television as a criminal is a major insult to me and my family, and I won’t accept it even if it costs me my life.’”

R.E. describes the officers' attempts to persuade him by telling him: "we want you to go home and not to have to transfer you to Damascus where you'd appear on television subserviently after two electric shocks." When the detainee insisted on refusing the offer, the officer made another more convincing offer: "The lieutenant told me: 'Listen, I have a better idea; we wouldn't record inside the security branch but in the street, as if you were an ordinary citizen who the television interviewer met by chance. And you'd read off a paper which we'd give to you.'" Although the Syrian Constitution sanctifies freedom in Article 3 and clearly guarantees the right of Syrian citizens to express their views in Article 42, to participate in peaceful demonstrations in Article 44, and to exercise freedom of association in Article 45, the authorities could not tolerate the participation of some civilian citizens in peaceful demonstrations demanding freedom one month after protests began in the country, arresting and pressuring them into confessing that they had participated in demonstrations in which armed men took part. This clearly contradicts the aforementioned constitution articles; the provisions of Articles 18, 19 and 20 of the Universal Declaration of Human Rights, and Articles 18, 19, 21 and 22 of the International Covenant on Civil and Political Rights which guarantee the rights of assembly, peaceful demonstration and freedom of opinion and expression.

7- Forcing detainees to confess to acts they did not commit: Most detainees who gave testimonies were tortured to force them to sign investigation reports containing confessions to acts they did not commit, according to them. The reports were often not read to victims. The detainees were forced to sign with their fingerprints on papers without knowing their content, as happened with S.E., who said: "One of the security personnel hit me hard on my head, and asked his colleagues to hold me still lying flat on my chest. After much effort, one of them used my thumb to sign those papers forcibly with my fingerprint, without me knowing their content. After he finished, he spat in my face and said: 'let's see now who would believe you, you've just stamped the testimony that would get you hanged.'"

The charges leveled against Assyrian detainees included inciting demonstrations, destroying public property, participating in unlicensed demonstrations, communicating with media channels, affiliating with unlicensed parties, taking part in local coordinating committees, and supporting terrorists and insurgents. Interestingly, one of the detainees had been severely tortured after the interrogators found a song stored on his mobile phone whose lyrics lament the killing of citizens by the authorities. This charge was enough to subject the youth, A.M., to torture. He described the incident in his testimony, saying: "He played the song [entitled] 'Ya Haif' [O injustice!] and started beating me with two sticks on my feet and back as I was lying on my stomach. He also beat me on my head with the stick and stomped his feet on my back and head, while spewing obscene insults against our mothers, sisters and our honor."

According to Article 15 of the Convention against Torture, all states shall ensure that statements made as a result of torture are not invoked as evidence in any proceedings. This concerns the majority of the detention cases we documented. Since March 2011, serious violations have been documented in this context by Syrian and international human rights organizations and the Independent International Commission of Inquiry on Syria, whereby a large number of detainees died under torture as their confessions were being extracted.

8- Failure to try detainees: According to the information and testimonies we collected, the majority of Assyrian detainees, like most Syrian detainees, were not referred to justice. Of the 17 cases documented by AHRN, only three cases were referred to the courts. In the other cases, the detainees were arrested, detained and released without trial or facing direct charges. Most of the Assyrian detainees spent their period of detention at the detention centers of the security services without a judicial warrant, court order or trial.

This constitutes a clear violation of the Universal Declaration of Human Rights, especially Articles 7, 8 and 10, and Article 14 of the International Covenant on Political and Civil Rights, which guarantee the right of citizens to enjoy the protection of the law and resort to independent and impartial courts for redress. This practice also contradicts Articles 50, 51, 53 and 54 of the Syrian Constitution, which unequivocally guarantees the right of citizens to resort to courts based on the sovereignty of the law.

9- Exerting pressure on detainees after their release: Government authorities continue to persecute Assyrian activists even after their release. These activists are repeatedly summoned and interrogated by the security services. Some activists lost their personal property to confiscation; others were so intimidated that they left Syria, while others lost their livelihoods as they were suspended from their jobs.

M.B, the only wage earner in his family, described his meeting with the officer in charge: “He told me: ‘the directorate received a report from the security services, indicating that you participated in demonstrations and were arrested. The report requested that you be fired from your job.’ I asked him: ‘what should I do?’... But it wasn’t that simple, my request [for getting back to job] was circulating from the police command to the criminal security branch, then to the political security, then to the directorate [where I work] then back again. I remained in this situation for six months during which I didn’t receive my salary.”

The practice of impounding the personal property of some detainees, firing others from their jobs, threatening to ban university students from sitting for their exams, and constantly threatening to deprive detained citizens of their livelihoods, creates a state of disintegration of the families of detainees that do not receive support from the community which fears the reactions of the security apparatus. This practice also constitutes a major violation of Articles 1, 10 and 11 of the International Covenant on Economic, Social and Cultural Rights.

IV. Conclusions:

- 1.** The arbitrary arrest of civilian activists without a judicial process or trial, their detention in unsanitary and unfit lockups, and their subjugation to torture as well as cruel and degrading treatment is a clear violation of the Universal Declaration of Human Rights; the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights; the Convention against Torture and other international laws. Because these violations are systematically practiced by the Syrian authorities against citizens in detention, and as part of a large-scale assault on civilians at a time of internal armed conflict, they constitute a clear violation of the four Geneva Conventions, especially Common Article III, and therefore are tantamount to crimes against humanity and war crimes according to international humanitarian law.
- 2.** The arrest of 29 Assyrian leaders and activists by Syrian authorities undoubtedly indicates that the regime is punishing the Christian opposition with detention as well as cruel and degrading treatment. This fact refutes the claim authorities make regarding their protection of minorities, because the Syrian regime protects only those Christians that stand by its side. Dissident Christians, on the other hand, are detained, tortured, killed or displaced. This has been the case with Christian activists in Syria since March 2011, as documented by local and international organizations.
- 3.** This report shows that the Syrian government's policy of arresting civil movement leaders will systematically and progressively empty the political arena of peaceful activists, including Christians in particular, perhaps to support Syrian authorities' allegations that the popular movement is nothing but an Islamist religious extremist movement. This conclusion is reinforced by the fact that the Syrian authorities turn a blind eye on Islamist extremist armed forces in order to let them grow and multiply. This would justify the Syrian government's decision to rule out a political solution to end the crisis, on the one hand, and to adopt a military strategy to encounter the popular demands, on the other.
- 4.** Interviews with detainees from different cities and detention centers clearly suggest that the Syrian authorities play the religion card both to exert pressure on Assyrian detainees and to discriminate against them. This constitutes a serious pattern that must be addressed. It is a systematic policy implemented by Syrian authorities repeatedly in different governorates at different times.
- 5.** Most Assyrian detainees belong to the intellectual elite; they include doctors, lawyers, engineers, teachers, and university students. They are members of political parties and civil society institutions, and logically have no relation with the armed movement and military forces. This refutes the charges of supporting terrorism with which the Syrian authorities are trying to accuse these detainees. Twenty detainees are affiliated with the Assyrian Democratic Organization (including members of the Assyrians Youth Coordinating Committees and Assyrian Human Rights Network), 4 detainees are affiliates of the Syriac Union Party, 3 detainees are affiliated with the People's Democratic Party, and two are independent including one woman.
- 6.** The pressures exercised by the Syrian authorities on Assyrians motivated a number of youth and civil society leaders and activists to disguise themselves or leave, as some were repeatedly summoned by the authorities, others feared re-arrest, and others faced threats to their livelihoods. These practices and security threats have discouraged a large segment of the Assyrian community from participating in public affairs. Hence, this segment is no longer influential in the political scene, now spearheaded by militias and other undemocratic local forces as well as the regime.

V. Recommendations:

To the Syrian government:

1. Immediately release all Syrian detainees, including Assyrian detainees who are predominantly opinion leaders and political activists, as they have not committed any offense nor have they violated the law. Among these detainees is Gabriel Moshe, Head of the ADO's Political Bureau, who has been detained since December 19, 2013. It is worth noting that none of the Assyrian detainees benefited from the presidential amnesty issued in early June 2014.
2. Immediately stop subjecting detainees to violence, torture and cruel treatment, and open the door for concerned international organizations to observe the reality of prisons and detainees' conditions in government detention centers.
3. Refrain from playing the sectarian card which threatens to fragment the Syrian society, pitting its components against each other, thus threatening the country's stability and social unity.
4. Reinstate detainees who have been dismissed from their jobs as soon as possible, and refrain from punishing the families of detainees financially and denying them their livelihoods.
5. Disclose the fate of veteran Assyrian detainees in Syrian prisons, including most notably Malki Yusuf Koria who has been detained for 36 years, and Fahmi Zia Nano who has been detained for more than 22 years.

To the Human Rights Council:

- Call on the UN Security Council to pass a resolution binding on all parties to the conflict in Syria, commissioning a UN special mission to investigate prison conditions and abuses in government detention centers as well as those run by other parties to the conflict in Syria.
- Call on the UN Security Council to refer crimes committed in Syria to the International Criminal Court, and to hold the perpetrators immediately accountable in order to address impunity and stop violations in Syria, and to explore other effective methods if the UN Security Council fails to refer such crimes.

To the UN Security Council:

- Perform the Security Council's primary role of protecting international peace and security, as the Syrian crisis represents a direct threat to regional peace and security with potential repercussions on international peace and security.
- Exert more meaningful efforts to stop the ongoing 3-year war in Syria by exerting serious pressure on all parties to the conflict to push them to accept a comprehensive political solution that ends the suffering of the Syrian people and the deteriorating situation in the country.
- Refer the violations committed in Syria to the International Criminal Court, as they constitute crimes against humanity and war crimes according to international law, with the aim of ending these violations and holding the perpetrators accountable.
- Pass an international resolution binding on all parties to the conflict in Syria, primarily the Syrian government, to stop all practices and violations against religious, linguistic and national minorities in Syria which threaten to destabilize the Middle East and displace its native populations, particularly the Christian Assyrian minority.



Fahmi Nano



Malki Yosef

