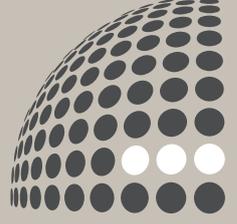


SETA

Policy Debate



SETA | Foundation for Political, Economic and Social Research | July, 2013 | www.setav.org | No:8

The Human Cost: Syria in Crisis and Human Rights



| talip küçükcan | nadim hourly | walid saffour | cengiz çandar |



ABSTRACT

The Syrian Crisis has been raging for over two years and the focus of both the media and academia has primarily been on the political aspect. Yet, this crisis is not one that is just political. It also has a human rights dimension and can be seen as a humanitarian crisis. International NGOs have reported human right violations occurring within Syrian, by both the Assad regime and the opposition forces. The statistics regarding casualties, internally displaced peoples, and refugees are staggering. The international community has yet to reach a consensus on action and is still struggling on how to handle the crisis. Syria quickly devolved into a civil war and death tolls are mounting. Assad has once again taken the upper hand as the opposition forces have become further fragmented and there have been reports of skirmishes between different factions of the opposition forces. This is a complex conflict; it is not simply black and white. In order to fully understand what is happening in Syria, every aspect of the conflict must be considered including the actors both inside and outside the state. Each of the panelists explores the Syrian Crisis through different experiences and makes recommendations accordingly.

The Policy Debate is based on a panel discussion on “the Human Cost: Syrian in Crisis and Human Rights,” organized by the SETA Foundation in Ankara, Turkey on April 26th, 2012. The panelists included Walid Saffour, president of the Syrian Human Rights Committee, Nadim Houry, the deputy director of the Middle East and North African division at Human Rights Watch, and Cengiz Çandar, a journalist for Radikal Daily. The discussion was moderated by Talip Küçükcan, Director of Foreign Policy Research at SETA. The speakers addressed the following questions: What are the accusations against the Syrian authorities? Do the human rights NGOs in Syria and the world have the capacity to uncover and report human right abuses? What is the role of international organizations in stopping the violations in Syria?



July, 2013 | Policy Debate Series No: 8

THE HUMAN COST: SYRIA IN CRISIS AND HUMAN RIGHTS

| talip küçükcan | nadim houry | walid saffour |
cengiz çandar |

Edited by Kristen Van Norman

Event Date: Thursday, April 26, 2012

Policy Debate Series

The Policy Debate Series serves to provide a forum for fresh perspectives on controversial issues in world politics and Turkish foreign policy by bringing together experts representing diverse viewpoints and backgrounds. The series aims to bring these informed and innovative discussions to a broad audience. The presentations are transcribed from speakers' voice records and edited in a way that maintains the original content of their speech.

2013©All Rights Reserved

THE HUMAN COST: SYRIA IN CRISIS AND HUMAN RIGHTS

Talip Küçükcan, Director, SETA Foreign Policy Research

Welcome to “The Human Cost: Syria in Crisis and Human Rights” Panel Discussion. The Syrian crises has been followed by many in the world but I think the human dimension or human rights dimension has been neglected compared to the political dimension of the crisis. Here at SETA, two weeks ago, we had an international panel which focused on the different roles of the actors in the region. But in that meeting we were not able to touch upon specifically the human rights issues of the Syrian crises.

Today, we have three speakers who are well-known in this field. Walid Saffour is from London. He is the President of Syrian Human Rights Committee. This is one of the leading organizations that follow the human rights issues in Syria. Our second speaker will be Nadim Houry from Lebanon who is the Deputy Director of Human Rights Watch. He is responsible for Middle East and North African Division. And third speaker is Cengiz Çandar whom we all known as a columnist in Radikal Daily newspaper. He is also one of the most well-known observers of Middle East issues, specifically the Syrian case.

As of yesterday, in Turkey, there were 23,000 refugees who crossed the border from Syria to Turkey. Their plights are mostly, I think, are unheard because we are focused these days on the Annan Plan, whether it will succeed or if the conflict will end. But meanwhile, we know from the reports by the deputy director of Human Rights Watch, and the first speaker Walid Saffour, whom you all know is the policy writer of the newspaper and he is one of the leading thinkers on these issues, specifically the Syrian Case. Each speaker will have fifteen to twenty minutes and afterwards, we will have question and answer session. Now, I would like to invite Walid Saffour to make his case in fifteen to twenty minutes to address human rights issues in various dimensions.

Walid Saffour, President, Syrian Human Rights Committee

Ladies and gentlemen, I am Walid Saffour and have been monitoring the human rights situation in Syrian since 1986. We have been working with groups of people inside

Syria, Lebanon, Jordan, Yemen, and Saudi Arabia and in Iraq, previously. You know that the current uprising sparked and started by the arrest of children in Syria. Some of them below 10 years of age and some of them were teenagers. They had been arrested in the province of Dar'a. Their parents requested their release. They have been faced with brutal attack by the boss of the political intelligence branch, at that time who is the maternal cousin of Bashar al-Assad. People that went to street demanding the release of their children and the authorities started to shoot at them. That date, on the 18th of March, dated the start of the Syrian uprising, demanding for the freedom and dignity in Syria.

Walid Saffour:
I consider myself as part of the image. I am not an outsider, who observes Syria. I am member of Syrian society and had been forced out of my country 32 years ago.

Of course now, after the elapse of around 14 months, we can see that the total number of victims, according to our statistics is around 14,000. Exactly, I can say up to the 21st of this month (April 2012) there were 13,709 victims and 400 people in two days. Almost half of these people were from Homs only. Only in Homs, there are 5,592 victims which constitute around 41% of the total deaths. After that comes, the province of Idlib comes, which constitutes 18% of victims. Also, the province of Hama constitutes 11%, and Dar'a which constitutes 10%.

Now we can say without any hesitation that the Syrian authorities committed what can be legally described as the extra judicial killings or executions which lie beyond the horizons of law. What we mean by that is that the Syrian authorities killed people in streets, shooting at them, this is one or by snipers, or killing them after they raid houses or stabbing them to death. I have some statistics about confirmed cases. For example, I have 160 cases, for example, that show some soldiers, who refused to shoot at the people, were killed instantly. Also, I have around 315 people that were killed by snipers. 65 people were slaughtered. 35 people were burned. 9 people were crushed by tank and 7 people stabbed to death. These are just some of the confirmed cases. We have been documenting throughout the crisis for 14 months. People killed as well as a result of shelling and bombardment as happened in the Baba Amr. When Baba Amr was surrounded for around 35 days last February and March, it was bombarded and shelled, many people were killed. These acts of killing are included in this description.

Other people were killed under torture (I'll speak about torture later) or in car bombs that were staged by the Intelligence and the Syrian authorities. Other people killed were soldiers, who refused to shoot and kill the demonstrators, were instantly executed by other security members. We also know about the discovery of mass graves and mass murders in Baba Amr and many other areas in Syria. When we come to the classification, the death toll is not exclusive to males. It is composed of both males and females. Around 94% of them are male, 6% of them is female. We have 12,924 people who were killed were male while we have 874 women. As well as the adults, children were killed also. The number of the children is massive and big. According to our statistics, the number of children that were killed is 948. The numbers differ from organization to organization. Some people try to make too much restriction about the classification. So, they reduce the number. However, I consider myself as part of the image. I am not an outsider, who observes Syria. I am member of Syrian society and had been forced out of my country 32 years ago. I was an ex-prisoner and I know what this land means. I was tortured and my back was broken. I was obliged to have three operations in my

back. So, the documentations, which I rely on, depend on my own experience. It is not equal to far away observations.

When we come to another sort of the suffering people, who are wounded during the uprising, they are wounded because of the shelling and bombardment of whole areas. For example, when we go to Homs, the city and old neighborhood was constantly being shelled for 3 weeks and these areas are still being shelled by heavy artillery, tanks and bombs. Other areas (Hama, Latika, Idlib etc.) also are being shelled. The result of shelling is not only deaths but there are many cases of wounding. People, who are wounded, suffer a lot. Many of them have permanent disabilities. According to one statistics in Syria, we have, there are 30,000 people, who have permanent disabilities. I think the number might be bigger than that. Some of them were paralyzed, lost a limb, or suffering from the consequences with the lack of treatment. They are unable to find any sort of treatment because going to the hospital is considered suspect or criminal. If you go to public hospital, you will be investigated, interrogated arrested or tortured in the hospital. Some of the patients were killed inside the hospital. Some of them were arrested and taken to the prisons straight away. Even the pro-regime medical staffs like doctors or nurses in the hospitals act as a spies of the regime. They report any wounded straight away and the officers come to arrest wounded people. Therefore, people go to makeshift hospitals in order to receive treatment. In these makeshift hospitals, people, who need major operations, receive only first aid. We have many, many cases of people that need operations inside the country. They can't leave the country because they might be arrested. They have no passports or travel documents to go abroad. Also, they need transport vehicles to go outside the country to Jordan, Turkey or Lebanon to receive treatment. As well as, they need money. At that moment, Syrian people lack money.

We spoke about children and the big number of child victims. Around 1000 children have been killed so far. The plight of children is like the plight of others, and even sometimes more. Children who are arrested are counted and treated like adults. They were put in jail with criminal prisoners at times with those that harm little animals. Or they were held incommunicado for lengthy periods. The children after this ordeal, according to our study of 154 children, we found that the children, especially the infants, are in a state of continuous fear and they cry all the time. We have a study on 12 kids less than 7 years old. They can't control themselves because of fear so the sound of shelling, the sound of bombardment or the sound of violence because they have seen how their parents or neighbors were killed. This has influenced them. Some of these children are very violent at the moment. We also have heard about the torture children like Hamza al-Khateeb. He is very famous at the moment. He was only 13 years old when he was arrested. After around 3-4 weeks, his body was given back to his family with mutilated organs. He was shot and his body was defaced like his colleague and friend, Thamer al-Sahri. But the most striking case that I have ever heard of is the case of a four month old baby, Afaf Mahmoud Al-Saraqibi, from Homs. This baby was arrested with her parents. 16 days later, she was handed over to her uncle, dead, with traces of torture over all her body. When we were investigating her case, we had been told by confirmed people, from inside the military intelligence branch in Syria that 3 soldiers were playing with her, hitting her, and dropping her on the floor in front of her parents, until she died. This

Walid Saffour:
This baby was arrested with her parents. 16 days later, she was handed over to her uncle, dead, with traces of torture over all her body.

is an unimaginable case and one of the most brutal things that I have ever heard during this time: that a child of four months, only, is killed in this case.

When we come to the ladies, we come to the rape cases. So far, here at the SHRC has documented 1447 cases of rape. The rapes were sometimes very vicious. Some cases of rape before killing the lady, as in Homs, happened when the ladies were stripped naked in front of her families, they were raped then killed.

Nadim Houry:
We are certain of crimes against humanity and horrible violations are taking place. But we only know the tip of the iceberg.

Syria has been very well-known for its torture in prisons since the 1960s. Torture is routine and systematic in Syrian prisons. In 1980s, it was widespread in Syria and many people died during that time in prisons. But during this uprising, the violence inside prisons and the types of torture were very vicious, brutal, and inhuman. Many people were killed and tortured. The documented and confirmed number, we have, is 529 cases. After they were tortured and killed in the prisons, their bodies were handed over to their families, torture was noticed from prison. This number is very big when compared with the previous years. The types and methods that are applied are also inhuman from the beating to the techniques used. Some organizations counted 38 methods, which were applied on the prisoners and me. I have tested some of these like the tire method, which broke my back. I was squashed into a car tire and beaten all over my body. After 32 years, the scars are still visible. I was kept in this situation around 8 hours. When I was released, my back was broken. This is nothing when compared to the other people. There are no accusations. Just before coming here, I received three cases. People were arrested in Damascus and received inhuman torture just because of they are from Baba Amr. When they were seen to be from Baba Amr, they were arrested. Such actions described as extrajudicial actions, killings are counted as war crimes by the international human rights laws. They should be referred to International Criminal Court. Also, they should be dealt with by the United Nations organizations. I wanted to carry on but I have been asked to stop. I may have a chance to talk at the end of session.

Talip Küçükcan, Director, SETA Foreign Policy Research

Thank you Walid. I think Walid described us what is happening in Syria on the ground and he told his own story as well as the sad story of the people who lost their lives, indiscriminately killed, and people who were disabled. He talked about the rapes and murders of children and women. I think these are all the issues that so far I'm heard of very effectively in my mind. And also, he ended it up with the call on the International Court of Justice, International Criminal Court and the UN to intervene. As you know, earlier on, the Arab League has sent an observation mission but it has terribly failed to report injustices or the war crimes that were happening in Syria. Now the UN has sent, again, observer missions to what is going and whether the ceasefire has been achieved. But though there has been a mission of UN, I think the killings are still going on in Syria. Now, I hope to turn to Nadim because he is also closely following the events nearby Syria, not into. We will have this perspective. The floor is yours, Nadim.

Nadim Houry, Deputy Director, Human Rights Watch

Thank you very much. Thank you for having me here today. My name is Nadim Houry. I am the Deputy Director for Middle East and North Africa Division at Human Rights Watch. Since 2006, I was the researcher on Syria, now I oversee all the work, amongst other countries work on Syria. I think Walid gave us a lot of information on Syria to work

with so let me build on what he said. Let me first start by saying, the crisis in Syria, at its core is a human rights crisis. Walid mentioned how it all started with the fifteen school kids in Dar'a and I think this is what is at the core of the problem, particularly the way for many years the Muhaberat, the secret police service in Syria, have operated with complete impunity controlling people's day to day lives.

Why do I start with that because, if we have to recognize that any solution to the crisis in Syria, is going to have to incorporate a human rights component. I will get to this bit later and also recommendations for the Annan mission, where do we go forward and some lessons learned from the Arab League monitoring mission. Now, the second main observation is that I tend to think of Syria in terms of human rights violations like an iceberg. We know. We have documented. We are certain of crimes against humanity and horrible violations are taking place. But we only know the tip of the iceberg. There is so much more that is happening. We have not yet been able to document properly. Why? Because the energy that has been used by the Syrian government, by the Syrian regime to prevent outsiders from going in, to monitor and observe independently from journalist to human rights activists to UN agencies. But also the energy they have spent arresting, detaining, torturing and in some cases killing people who in Syria and come together to spread information out. So, one challenge for us at Human Rights Watch has been in Syria is actually to get the information. How do you get the information? How do you verify that it is true? And how do you compile it in such a way that it can be used one day to hold those officials accountable?

So let me just start telling you how we have been working. Obviously, we do not have an office in Damascus. We have not been allowed to go into Syria, legally, for years. So one of our key strategies has been to deploy teams at the borders of Lebanon, Jordan, Iraq, and Turkey to interview refugees fleeing. They bring their stories and their tales. I am based in Beirut and often go up to Northern Lebanon, to Tripoli where there have been many wounded Syrians who have been brought over to get treated, to a large part because what Walid was saying of the dangers of being treated in hospitals in Syria. So they have to be sort of smuggled out of the country, crossing mountains, to get to a hospital in Lebanon.

The second method that we have used a lot, in addition to interviewing people is we have been working with networks of activists inside Syria. Similar, I think to what Walid is doing. They do a lot of that. They provide us with information. These are people that we have known for a long time and we rely on them greatly. I think one thing maybe here, if you allow me a small foot note, one thing that has been impressive to see for the last year is how Syrian society has been transformed by this crisis. You know, almost forty years of Ba'ath rule in Syria, had in some ways crushed the dynamism of Syrian society. You know, it was the state, the police, the Muhaberat, the Ba'ath party structure. But I think that what we've seen over the last year, is Syrian society reclaim some of its dynamism and we see it in various forms: these informal committees being created locally to provide humanitarian aid, we've all seen the YouTube video to transmit information and I think that has made the job of the international groups a lot easier. Now having said that, we still need as an independent and objective, monitoring body to confirm the information. How do you do it? And I think that we have tried different

Nadim Houry:
One thing that has been impressive to see for the last year is how Syrian society has been transformed by this crisis.

Nadim Houry:
Children were
being treated
exactly like adults
when they were
detained. So they
were subject to the
same torture.

ways. One, multiple and dependent accounts; I think that this is key. Two, is confirming information; waiting until you feel you have enough data, enough precision to go public. And I think that this is very important, Secondly, focusing on trends and patterns. Maybe someone, I have worked on many conflicts, sometimes witnesses have seen horror and maybe they don't remember things exactly, or maybe you're not sure about their credibility, or it is someone you're talking to on Skype and you don't know who they are. But if you see patterns developing, trends that you are seeing in multiple places, or for example in detention facilities where you have interviewed over many months, different people that have been detained who have been tortured. Then you can be certain and confident of that information. Finally, you know, we are trying to adapt and make use of new technology to the maximum amount possible. Today for example, it is possible, for groups like Human Rights Watch to purchase commercially available satellite imagery. It is not only governments that have access to such imagery and we have hired a consultant who analyzes some of those pictures. So when we were looking, for example, to what was happening on in the assault against Homs. And we were getting clear testimonies that this was indiscriminate shelling. We could also overlay by purchasing satellite imagery of Homs at different points and have people that could look at these images and calculate how many impact shells. I think that this makes for very compelling, complimentary information to our tradition based, testimonial gathering that we do.

Now I think that it has been very important and this is something we have seen in the Arab Spring. How do you make use of new technology of people filming and posting things on YouTube or on Twitter? How do you verify that this information is correct? Because again, our idea eventually, we are not journalists, we do not want to document just to document, we want, one day for this information to be used in a court of law. And I think we obviously, look, we have volunteers that scour the internet looking at all the YouTube footage, flagging things that are important that we try to verify. How do we do this? We do it in three ways. One, we often ask people whom we know; refugees that are from some of these areas if they can confirm if this street is indeed in Homs or Hama or in this village. Two, we often try to locate the person who filmed it. Finally, we often have sort of a list of this footage and we try to confirm as people come out, were you present, can you confirm what happened that day?

Now what is it that we are finding? I explained a bit our methodology because I think that it is important given the context. What is it that we are finding? Here, Walid has mentioned a lot of it. We have published now four major reports, over 60 press releases, and shorter pieces documenting violations. I will gather them in the following four areas. One was the violation that we saw in connection to the repression of protests. This was the clear excessive use of force, opening fire on peaceful protestors, shooting people, following people, beating them sometimes to the point of killing them, the use of snipers heavily deployed on government buildings, on rooftops. All these things we have documented clear patterns. The second clear pattern, I would say, is around the issue of arbitrary arrests, torture, and incommunicado detentions. I will not cover what Walid already covered. But who is being detained in Syria today, it is not just the activists, but of course they are being detained. It's the human right, political activists, and the protestors but in many cases, as well, there are documented cases where they have

taken families of activists as hostages as a way to exert pressure on these activists. A prominent human right activist, her husband was taken, and before her husband was found, the brother of the husband had been taken. Is this new? No. We had seen this in Syria before. But what we saw now was the escalation in the numbers and violence.

We have also seen minors, children being detained. And children were being treated exactly like adults when they were detained. So they were subject to the same torture, there were many cases of children being held in incommunicado detention. We now know from studies that have been done in many countries that holding someone in incommunicado detention, in effect disappearing them has psychological effect on adults and particularly if you subject children to this, it will have effect in their future. The torture and detention obviously is very rampant. There are clear cases of death in detention including cases of minors. The third area of violation has been the denial of medical care which is seen in many forms. Not allowing the wounded to reach hospitals, detaining these wounded from hospitals, and we have documented cases in Homs where 5 people were taken from the operating room by security services, the Muhaberat. There have been some cases of incidences that we have documented of shootings on Red Crescent ambulances and finally, ill treatment in hospitals. Hospitals are supposed to be a place to be treated, to get better; we have documented cases, particularly in some of the military hospitals where there was ill treatment of people that had been hospitalized.

Finally, a big area of violations was during and right after military operations. If you look at the Syria situation now, the first big military operation was in Dar'a. And what we saw there was basically indiscriminate shelling of an area, collective punishment, use of snipers to shot anyone in the streets. We saw that pattern then being replicated in so many other areas and sometimes with even more veracity such as in the assault on parts of Homs. So you would have forms of collective punishment that were clearly documented, denial of humanitarian aid to be able to be delivered. Finally this is in regards to indiscriminate shelling, we have documented a troubling pattern during the last assault in March on the governor of Idlib where we saw in at least 4 villages, the Syrian Army using local residents as human shields. This was done for three reasons. One they have become worried of coming under attack from the Free Syrian Army or from an IED attack so what they will do going from point A to point B is to force residents to walk in front of the tanks to prevent that. And finally, one of the most serious violations has been the issues of summary executions. This is very grave. We have documented cases of summary executions of detained opposition fighters when they were under what we call International Law so either they were wounded or they had surrendered and they were actually executed. We also documented summary executions of families that remained in what were considered anti-government areas after the Free Syrian Army withdrew. There are many cases in Homs but also in some parts inland.

Finally, we are going to talk about the iceberg, at least when it comes to Human Rights Watch. We have received a lot of very concerning reports that we are still trying to document. We have received around 12 cases of sexual violence and rape against women. This has probably been the hardest issue to document because of the stigma associated with it. So many women are not comfortable talking about it. But this is an area of

Nadim Houry:
There are Syrian refugees in Lebanon, Jordan, and even in Turkey. But the largest populations of people that have been displaced are actually in Syria.

great concern for us. The other area of great concern is the reports we are getting that the Syrian regime is using field courts, summary courts inside prisons against certain detainees. These courts have been used back in the 1980s often they end up with a death sentence. We are not yet at the stage where we can release our findings publicly because we are still waiting, as I explained our methodology, more confirmation, more independent information.

We talked about the refugee population. Obviously, Turkey is hosting a large number of Syrian refugees. There are Syrian refugees in Lebanon, Jordan, and even in Turkey. But the largest populations of people that have been displaced are actually in Syria. By the Syrian Red Crescent, their own estimate is that 400,000 people have been displaced. The UN puts that number closer at 1 million. These are people that have had to leave cities like Homs, Hama, and their villages and have had to seek shelter in other parts of the country. They are in a particularly precarious position because the Syrian government has restricted access to humanitarian groups, only the International Committee of the Red Cross is allowed to provide some assistance but that remains limited. This is also because of the fear these people have from declaring themselves. And I mentioned to you about these informal networks that are being created today in Syria, just last week, 3 activists from Damascus were detained because they were organizing humanitarian relief, food packages and others for displaced families that have left Hama and are now staying with friends, relatives, and others all around Damascus.

Maybe before my time ends, I just want to look a bit forward. What is important today from the human rights documentation? I don't think any reasonable person; any good faith person can deny that human right violations are happening in Syria. I think that the evidence, be it from local Syrian groups or independent international groups like Human Rights Watch, the UN Commission of Inquiry that was mended by the human rights council establishes without a doubt that there are clear patterns of crimes against humanity being committed. That is not an issue anymore. There is wide recognition of this. The key is how do not to we go from recognizing this to some sort of accountability? One we need to shift how we think about documentation and go from documenting narratives, stories, people's testimonies to start preparing cases. Focus on maybe the 50 most horrendous events and just try to build around exactly what happened, not just what happened to the victims but also go through the chain of command. We've done that in one report where we interviewed 50 defectors because they are ones who know who were giving the orders. Not only who was torturing but who was responsible for the detention facility or who was responsible for the military unit that went in after the Free Syrian Army left. This is the kind of documentation that is needed today and this is the kind of documentation, frankly, that access to defectors will be important because they are the military experts who need to compile these documents. Secondly, push for access, particularly now in connection to the Anan Plan. The Anan Plan is sending monitors. One thing we have been lobbying hard for is, "don't make the same mistake as the Arab League monitors;" this is a human rights crisis; you need to have human right monitors. You cannot have monitors inside simply watching people being killed and saying "this is not part of our mandate." You will lose the confidence of the people, but you are also losing the gist of your mission which is protection. Obviously this is not something that President Assad and the Syrian government is going to accept but this is where

Nadim Houry:
You cannot have monitors inside simply watching people being killed and saying "this is not part of our mandate." You will lose the confidence of the people.

the international community must put pressure to push for access. So we have seen for example in the Six Point Plan access for journalists but where is the access for the human right groups? This is very important. Even the journalists are not getting access yet. But I also think that the international community needs to think about better access for refugee camps outside of Syria. This is very important. The Turkish government has had a very generous policy towards the Syrian refugees but it can do much better, in our opinion, to allow access by human rights groups to interview these refugees. This has been a challenge because, ultimately, we are trying to piece the puzzle together and we need to have maximum access to these refugees.

I will leave you now with one thought: where do we go from here? Kofi Anan has been focused right now on the issue of the escalation and the idea, I think, in his vision is de-escalate the conflict and go through to some sort of political negotiation ensuring that the human rights component is essential and central to these negotiations is key, otherwise these negotiations will fail. If there is no accountability for the way the Muhaberat security forces have been acting, there will be no solution for what is going on in Syria. And here maybe I will just end with a footnote, as the situation in Syria takes longer, and as the opposition or parts of the opposition feel completely abandoned and feel the need to defend themselves militarily, we have also seen violations being committed by these armed groups. This is a worrying development: we can discuss it; we can understand where it came from. We are not to say that the government is at the same level where the violations are much more severe but I think that this is an important issue and a wakeup call to the international community. If this situation is left to fester as it is, there will be more problems and we will see more refugees. I will leave it at that and maybe we can take more questions later.

Talip Küçükcan, Director, SETA Foreign Policy Research

Thank you Nadim. I think what you have said was complementary to the earlier speech by Walid. I think what you have said is quite important despite the difficulties and challenges of having access to the cases in Syria. You have, I think, managed to collect significant data. You have also pointed out that this is only the tip of the iceberg. There are a lot of things that is still unknown and should be discovered to bring to the justice. The last point you have made is also important because if the Syrian crisis is going on, there will be more dead and problems will escalate. Now, I will turn to Cengiz Çandar, who will have insights on Syrian Crisis from the humanitarian and human rights perspective.

Cengiz Çandar, Journalist, Radikal daily

Thank you. Well, obviously there will be some overlapping comments and observations with the previous two speakers. They have eloquently conveyed the situation and gave heartbreaking examples in terms of human rights violation in Syria. In history, there are certain instances where individuals symbolize and signify the great transformation of history, great happenings. One of such was symbolize in the name of Mohamed Bouazizi who was a humble poor street vendor who burned himself in Tunis, Tunisia to protest the situation he was put in. That event triggered what the western press likes to label as the Arab Spring or Arab Revolutions or Arab Enlightenment. It depends what you pick as the title but there is one thing certain that what we are witnessing is a great historical happening.

Cengiz Çandar:
So the regime was signaling to the people of Syria to be silent, stay silent, kneel down, and bow your heads. If you shout, your vocal cord will go.

Cengiz Çandar:
These are mini
massacres. After a
certain period of
time they become
statistics.

In Syria which is part and parcel of this Arab enlightenment or Arab Spring or Arab Revolutions. There are names like Mohamed Bouazizi of Tunisia that symbolize and signify what will be and what actually is happening in Syria. One name, Walid already mentioned, is Hamza al-Khateeb. He was one of those youngsters, even deserves to be called a child. One of those children wrote graffiti on the walls of his native, Dar'a. Then, he disappeared, as Walid already mentioned. He was thirteen years old and his dead body was given to his parents about a month later with clear signs of horrific torture on his body. His neck and knees were broken. His genital organs were cut off. This was the beginning of the turmoil in Syria because that began in the southernmost town of Dar'a, on the Jordanian border of Syria.

Another name which is registered in annuals of the human rights violations in Syria is the name of Ibrahim Kashush. He was from Homs and his body was discovered and pulled out from the river Orontes. (We called in Turkish and Arabic as Asi River.) When his body was taken out, because he had disappeared, he was known to be involved in demonstrations in Homs against the regime. He was a young, cement worker. He was a humble person as Mohamed Bouazizi of Tunisia, a worker and young. He participated in several demonstrations in Homs. The popular slogan of those demonstrations was "Yalla Irhal Ya Bashar," which means "it is time to leave Bashar, leave, leave the office." It was one of those disappeared whose corpse was discovered in the river Orontes after some time he was disappeared. When he was found out, it is seen that his throat was cut for the vocal cord to be taken out and cut. It was very symbolic because he was one of those who shouted "Yalla Irhal Ya Bashar." He was taken out, disappeared, and killed in a way cutting his throat to take out his vocal cords. So the regime was signaling to the people of Syria to be silent, stay silent, kneel down, and bow your heads. If you shout, your vocal cord will go.

So, from the very beginning unlike what is happened in Tunisia, Egypt and even in Libya, Bahrain and Yemen, the case of Syria, the turmoil in Syria, has been part and parcel of the Arab Enlightenment and it has become subsequent in violations of human rights. That is how the turbulence in Syria, the violations of human rights unfolded. What followed the violation of human rights, which were the reaction and response of the regime against the mass demonstrations, started in Dar'a moved over to the coast Baniyas, Latakia then to Homs and Hama, all the way next to Turkey's border to Idlib, covering nearly entire territorial space of Syria as we see it on the map? What followed all these countless individual human rights violations as both of our speakers emphasized? What followed were mini massacres. Since over a year we remember every day, we wake up, or we watch on the TVs or we hear on the radios, "today forty five people killed," the number some days is eighty, some days is over two hundred, some days is less around twenties, thirties or over. These are mini massacres. After a certain period of time they become statistics.

In the first instances in the months of June, July, August, even September last year, when the security forces fired upon and killed scores of people, the indignation was all over the world. Now we are getting use to hear "seventy people were killed in entire Syria." It is fine. Just two months ago, more than two hundred people were killed in one city. In the entire Syria, if sum total for a day forty/fifty people were killed, it is acceptable. It becomes acceptable. So this is one of the dangers of these subsequent human rights violations

which mark the real situation in Syria. Because being the by-products of this, whatever I called mini massacres, thousands of people disappeared. Nobody knows the traces of them. Where are they? Whether they are killed or they survive. If they survive how and under what conditions or whether scores of people dumped in graves all together. We don't know it. There are several records that we know the names. Some people disappeared. We know the names but we don't whether they were killed or not. We don't know the names of some people who are disappeared- they have been disappeared.

Obviously, there are displaced people also. Nadim mentioned some figures some moments ago. There are huge numbers. Hundreds of thousands of people left their homes. But we know, concretely is that Homs was - I say "was", not "is" - the third largest city of Syria. Now, it is not only totally ruined but nearly totally deserted. But what has been of the people? Some of the people of Homs went across the border to Lebanon but most of them as we hear, moved to Damascus. It is only one hour drive from Homs to Damascus. Thousands of people of Homs left their homes and now they are in Damascus. From our own experiences here in Turkey or from other experiences are in the world, we know what influences and troubles in urban centers for generations to come. So now, the people who migrated to Damascus from Homs are looking for dwelling, to settle. But the problems for Damascus, after a decade, after decades will be the result of what has happened to Homs two months ago, three months ago. So the situation is a totally humanitarian disaster; violation of human rights plus a humanitarian disaster by its own aspects. Number of people were killed, displaced people, and refugees, who went across the borders in Turkey, in Lebanon and in Syria. This is because of the practices of the regime. They exercise violence in the country. They committed crimes so humanitarian disaster in the country is directly connected by the totalitarian nature of the regime in Syria.

Regime in Syria stands over four pillars. It depends on four main pillars. One is that it is a dynasty that rests upon a sectarian constituency. It has a sectarian basis. Two, the second pillar is the security. It is a police state with all Muhaberat and branches, which provides the survival of the regime. Number three is the army. Its rank and file mostly of the Sunni sect, but it still is dominated by the members of the Sect that the ruling dynasty belongs to. And fourth is one party rule. It is Ba'ath Party and this is the situation over half a century in Syria. So it is strongly consolidated totalitarian regime.

Such regimes by their nature as history proved us are unreformable. You can't reform these regimes and they can't reform by evolution from within. We know it by the end of the cold war. They either go by implosion or by external intervention. The first case is Soviet Union as a totalitarian state. Soviet Union could not resist reformation attempts from within that were represented by as I hope you all may remember of Gorbachev. It couldn't resist. It collapsed. It imploded. The other case is former Yugoslavia. Implosion most of time ends up in civil war. So, there are lots of fears concerning Syria that if the opposition is armed, then there could be a civil war, as if there is anything else but civil war in Syria nowadays. Or in the case of Yugoslavia, which is very similar in a sense to Syria in terms of producing humanitarian disasters and blunt violations of human rights as they have done it. Milosevic regime of Serbia using the name Yugoslavia Tito committed in Bosnia and Herzegovina in first, then in Kosovo. So, these regimes were

Cengiz Çandar:
The concept of humanitarian intervention is applicable for Syria as it was for Bosnia and Kosovo and it should be applicable to Syria. "How?" It is another issue.

overthrown. I wouldn't say when it comes to Syria, foreign but external assistance. If there was no external intervention in Bosnia, the Bosnian Muslim people would be subjected to genocides and perish from its own territory. So would be the case for the Muslim people of Kosovo, if there wouldn't be an external intervention. So, this brings us to the concept of humanitarian intervention, which is a new concept and came out in the last quarter of the twentieth century and it has to be applicable to Syria as well, if we do not only shed our tears and speak of agonies of the Syrian people and the violation of human rights.

Cengiz Çandar:
The International
Criminal Court
might prove
itself to be the
most effective
mechanism to
stop the chain of
massacres that
are shedding the
blood of Syrian
people every day
and everywhere in
Syria.

Syria should be intervened in order to stop the massacres, shedding the blood of the Syrian people, and to stop the human rights violations. In the international law, none intervention to internal affairs, domestic affairs of a country which was a Westphalian principle of the seventeenth century is no more valid if there is a humanitarian disaster. If you are committing civil violations of human rights and creating humanitarian disaster, which is the case in Syria, then you cannot depend on non-interference in the domestic affairs or the right of national sovereignty because there is a humanitarian disaster. Therefore, the concept of humanitarian intervention is applicable for Syria as it was for Bosnia and Kosovo and it should be applicable to Syria. "How?" It is another issue.

For concluding, I just want to make a reference to the findings of Human Rights Watch, which was underlined in its recommendations in latest report on the Syria situation titled "In Cold Blood." It has recommendations to the UN Security Council, to all countries, to the Arab League, to Russia and China, to Syrian government as well. It mentions, which I would take to credit to myself also because I'm toying with this issue since several months, that the case of Syria should be taken to International Criminal Court. If UN Security Council, because of the position of Russia and China, renders itself as dysfunctional, then the apparatus that was created by the participation and leading role of the friends of Syria, which is consisted of nearly a hundred countries, all members of the United Nations. Referring to the UN General Assembly resolution on the situation of Syria, which could be an international law reference. It is not only UN Security Council which makes up the basis for international law. Also, UN general assembly resolutions are parts of international law, which could be referred to. As long as these organs, apparatuses can become functional invoking this International Criminal Court, which gave a fatal blow to Milosevic, Karadzic and Mladic, who committed huge crimes in former Yugoslavia. If this is transferable to the Assad dynasty and if the international system strangles through the International Criminal Court and be legitimize the Syrian regime through such efforts, then the road will be shorter to prevent the violations of human rights in Syria and it might prove itself to be the most effective mechanism to stop the chain of massacres that are shedding the blood of Syrian people every day and everywhere in Syria. Thank you.

Talip Küçükcan, Director, SETA Foreign Policy Research

Thank you very much Cengiz Çandar. Çandar started over with some symbol names and I think he made very insightful comments, metaphorically which I really enjoyed when he talks about metaphors. He ended with a comparative analysis and also some solid, concrete recommendations actually. If the UN systems exhausted, there are some other alternatives that could be tried. Thank you very much. Now, we have a question

and answer session. Just over twenty minutes. I will leave the microphone to you. If you raise your hand, the microphone will come to you. Please introduce yourself and please name the address of your question. We can start from this lady.

Question and Answer Session

Question: My name is Yakın Ertürk. I am a professor of sociology, retired from Middle East Technical University. I would like to thank the panelists for their very insightful talks. I also want to thank SETA for organizing this meeting. But I must express I am rather surprised that SETA has not acknowledged the work of the UN Independent Commission of Inquiry on Syria, which was established by the Human Rights Council. Of course Nadim mentioned it in passing because he knows very well the work of the commission. I am one of the members of that commission. Ironically, I am from this country and I have been given briefings on Syria everywhere in the world but apparently I was too busy elsewhere and this commission's works has gone unnoticed in this country. Actually, I have resigned from the commission last month because Syria did not give us access to the country. Anyway, I would like to draw everybody's attention that the commission produced two very comprehensive reports on human rights violations including confidential lists of perpetrators, army units etc., which has deposited to be made available like the Human Rights Watch's works for future investigations. The Commission is continuing to work. There are many questions that come to mind but I will just ask a few. So, I will ask Human Rights Watch, Nadim, whether you are documenting new trends of human rights violations given the change to the nature of operations particularly in January where massive bombardments and targeting of villages took place. What are the newcomers coming out of Syria saying?

For Cengiz Çandar, I very much appreciate your emphasize on humanitarian intervention. I think you said "how this is done is a different matter." But I think this is precisely the matter. That is why precisely a year has passed and the international community has not been able to come up with any consensus except the very moderate Security Council Presidential Statement, approving the Annan Plan, which obviously has no human rights component. There is no international government. We are still governed by member states which were established within the Westphalia context. Who is going to do the intervention and what risks are there? Thank you.

Question: My name is Hatice Altıntaş. I am a former executive of MAZLUMDER (The Organization of Human Rights and Solidarity for Oppressed People). I was in Syria for language education and I was impressed by the dignity of people. I thought that such a nation deserves better governance. When I passed my remarks to my Syrian friends, they immediately told me not to talk about this issue. They also warned me about not to criticize the government. I congratulate this freedom struggle. Turkey and Syria neighbors and also we are brothers. I have a question for Mr. Saffour. Do you find sufficient the support of Turkish government and society? I have also a question for Mr. Çandar. How do you evaluate the attitude of Iran regarding the crisis in Syria? Thank you.

Question: I am the second secretary of Saudi Arabia. Thanks for your speeches. It seems that the status quo in Syria will not continue. What do you think about the future of Syria?

Nadim Houry:
Every action has a reaction, and as the levels of violence increase, we have seen a reaction that hopefully will not drift that way.

Nadim Houry:
Are we there yet?
Should we be
there? I think this
is the real debate,
and human right
groups are not
necessarily the
best ones to say
it but this is a real
debate that needs
to be taking place
which is clearly
the violations
are ongoing, and
clearly piecemeal
answers are
not going to be
sufficient.

Nadim Houry: Thank you for the question. I think that the Commission of Inquiry of the UN has produced two very strong reports and we just saw the team continuing to work. Their work is to be truly commended. I am hoping that the UN mechanism will find the courage within its own system to push it further along as opposed to just let it just sit there. But to answer your question, I think there have been, with the latest military operations, particularly since the end February/March, there are two worrying trends that we saw. I think particularly in Hama but also in Idlib, was the heavy shelling and amount of indiscriminate shelling and the intensity and for how long. This was complete, collective violence. You put in a circle and you shoot from afar. We had seen some of that in Dar'a, but nothing to compare it. In Dar'a, I was surrounded but the intensity of the shelling was not like that. Two, and this is something we are continuing to investigate, we've already published some of our finding on it, is what happened after the Syrian Army entered and the Free Syrian Army withdrew. We know there were extrajudicial killings. We have received reports but are hoping to better confirm, a number of cases of rape and what is not clear yet is if this was a deliberate policy, a local rogue commander, or was this the work of a pro-government military working? Clearly, with things going on in Syria, the minimum- turning a blind eye, and allowing it to happen. It will be very interesting to document what is happening there. A product of this enormous violence, I would say, is we have seen some parts of the armed opposition, as well, committing some violations which has increased over the last couple of months particularly since there is not a unified armed opposition entity, it is not under one command; there are various groups. Every action has a reaction, and as the levels of violence increase, we have seen a reaction that hopefully will not drift that way. But I think the extrajudicial killings are a worrying pattern on such a large scale.

On the issue of reports, Human Rights Watch produces reports about over 80 countries per year; we are documenting human right violations in many different contexts, with all sorts of governments. Now I would also say though, qualitatively today what is happening in Syria are not just human right violations. They have been described by the Commission of Inquiry, by us, by various legal experts as crimes against humanity and when it mounts to that level, when it's not just bad policies, when it's a systematic policy of abuse, it does invoke the framework of the Responsibility to Protect by the international community. Now I think that they challenge for the international community how to operationalize this concept of responsibility to protect relevant today to the people of Syria? The Responsibility to Protect imagines a sort of escalated response and we've seen the first like sanctions, hopefully one day soon we will see action by the International Criminal Court. That perception, this is a legal theory, where at the end, it does accept and allow in certain circumstances, military intervention. Are we there yet? Should we be there? I think this is the real debate, and human right groups are not necessarily the best ones to say it but this is a real debate that needs to be taking place which is clearly the violations are ongoing, and clearly piecemeal answers are not going to be sufficient. I would agree with Cengiz, this is a fundamental question. Can the regime be reformed? Can it rein in the Muhaberat? Can we see accountability? What happened to the maternal cousin of Bashar who was responsible for torture and deaths? Do we know? He is probably enjoying his time on the beach with this family.

Cengiz Çandar: First, this is the first time that I see Professor Ertürk in person. I know her, I know you. I have followed you and your efforts to put forth in regards to the UN

Commission. It is commendable but undervalued. I am unhappy to hear that you left it because you were, as far as I could tell from afar, you were very instrumental to the good work of the commission. Coming directly to your question, I am not a human rights activist, if I am an activists, I am more a political activists. Therefore, I cannot, as Nadim, as he remarked a few moments ago, we cannot ask human rights organizations to make political goals. They collect data; they create the picture that is to be a transmission with collecting data, and conveying it through lobbying to certain organizations, to societies, to peoples, political decision makers, on what is to be done. That brings me the necessity if we are serious about stopping the human right violations, I emphasize the perpetrators, and it seems we have been perpetrating forever unless the Syrian people surrenders and it seems if the Syrian people are breaking the barrier of fear. So they don't seem as if they will be surrendering. That means we will be with the Syrian people for the massacres, so how do we stop it? They need, and we all need to be concerned about such humanitarian disasters in Syria. External assistance, the legal framework of it, of humanitarian intervention, it was integrated when it comes to Bosnia or Kosovo, for example, you executed council resolutions again because of the position of Russia, you couldn't get a military intervention to protect the Bosnian people in terms of international effort and you couldn't go through the Security Council because of a probable Russian veto. But it did take place in Bosnia, and it changed the fortunes of the people in Bosnia, later on it happened in Kosovo. There should be such an international effort, we can't just lie down and allow China and Russia to use their veto and there is this principle of non-interference in our affairs- "that is a Syrian affair." If it is a humanitarian disaster, it is not a "Syrian Affair." It is a humanitarian affair. It concerns everybody. There needs to be an external move to stop of all this, even if the UN Security Council proves itself as dysfunctional. When we come to the gist of your question on how to do this, this is the issue. We are going around many months but what I feel that this fragile Syrian group should invoke this mechanism of the International Criminal Court; at least it can be in the resolution. The Friends of Syria group is found in many countries and subscribe to it, all those countries, all the countries in the International Criminal Court and if they sign a document declaring that Bashar al-Assad and others are war criminals and will be tried in the International Criminal Court once they are captured. At least, by this way, the hundred member countries, UN Council members, will be pushing Russia, China, and others, Iran also too, into a certain corner and strangling, squeezing, and to deter the regime from furthermore committing human right violations. All civil society organizations will be enemies in society which are keen on following the Syrian case should be mobilized for such concrete targets. That's what I have in mind but of course it is beyond our capacity. You are right, even some tenets of the Westphalia system eroded but the world is still nation-states and what is to be done is to be done through cooperation and coordination between states as political actors. As humble civilians or civic societies, what is our part and we can only force and push our governments to certain position, that's what I mean. Coming to the question, remember, the position of Iran and its relation to Syria is very visible. But it's not a matter of how I do see it, it [Iran] is on the side of the Syrian regime. It has certain national interests according to their own interpretation; of course, Syria is a very important component to the geopolitical perception and its own national interests. So it seems that Iran until the end, but I don't say till the end because that would leave space for flexibility to change positions. But till the end, if not at the end, Iran will be that much more important, even more so then Russia because it is a bigger power than

Cengiz Çandar:
Even some tenets of the Westphalia system eroded but the world is still nation-states and what is to be done is to be done through cooperation and coordination between states as political actors.

Iran which wheels and deals with the international system can be neutralized or step back from what it is doing right now in regards to Syria. Iran will go further, maybe not till the end, there will be pragmatism but until the death.

Walid Saffour:
We need to move
the mechanism of
the human rights
within the United
Nations as Syrians
have been pushed
from their homes;
this is a crime
against humanity.

Walid Saffour: I've been listening this morning to an interview by Al Jazeera given to Mr. Erdogan, the Turkish Prime Minister. He was asked exactly the same question that you have just asked me. I agree with him that Turkey has felt a lot of the Syrian people and hosts around 25,000 Syrian refugees. And facilitated many meetings and conferences making Turkey the land for free Syrians to come and go and activate their own on Turkish land. But I believe that Turkey was coaxed, in what I can see from being an inactive superpower that did not want to act quickly with the Syrian issue at this moment. We have the Chinese and the Russian beat us all the time. And on the other side we have the wavering Americans stances: sometimes up, sometimes down. And now the new stance taken by the European Union, their stance is purely humanitarian. However, they have not offered anything at the humanitarian level other than the conferences and the meetings. So I believe that the Turkish government would like to offer something but it can't offer its own and can't act independently in this international crisis of the Syrian onslaught on the Syrian people. The Turkish government can do more than they are doing at this moment. But we need to move the mechanism of the human rights within the United Nations as Syrians have been pushed from their homes; this is a crime against humanity. This is not a little thing. From Hama only, we have 50,000 people that mean 90% of Hama was displaced. My immediate relatives, about 120 families, I am from Homs, all of them were displaced. Some of them are inside Homs, in Damascus, some of them in Jordan, and some in Lebanon. None of the families relating to me are in their houses at this moment, so this is a big crime. This is crimes against humanity. This issue should be addressed justly by the international organizations, and activate the ICC and the bringing the perpetrators of the human right abusers to the ICC.

Talip Küçükcan, Director, SETA Foreign Policy Research

I think that we've come to an end of this panel. That is all the time we have. Before closing, I would like to thank the panelists for their insightful thoughts and recommendations and for their efforts which we should acknowledge. I hope next time we will have time for more questions.

Walid Saffour is a Syrian human rights activist, and the current president of the Syrian Human Rights Committee. He was arrested and tortured for several times before he was obliged to leave Syria in 1981. He has contributed to many human rights researches and articles about the situation in Syria. He was born in Homs (1950) and holds MA degree in linguistics and translation theory from London.

Nadim Houry is Human Rights Watch's deputy director of its Middle East and North Africa division, and he is director of the Beirut office. Prior to joining Human Rights Watch, Houry served as deputy counsel for the Volcker Commission, where he spent more than a year conducting fact-finding missions in the Middle East as part of the United Nation's corruption inquiry into the Oil-for-Food Program. An attorney by training, Houry worked as a corporate lawyer for Shearman & Sterling in New York for the two years.

Cengiz Çandar is a Turkish journalist and researcher. He began his career as journalist in 1976 in the newspaper Vatan after living some years in the Middle East and Europe due to his opposition to the regime in Turkey following the military intervention in 1971. An expert for the Middle East (Lebanon and Palestine) and the Balkans (Bosnia and Herzegovina), Çandar worked for the Turkish News Agency and several leading Turkish newspapers. He has also been a columnist for Lebanon's al-Mustaqbal newspaper and Turkey's Turkish Daily News and New Anatolian newspapers, which are published in the English. Çandar served as special adviser to Turkish President Turgut Özal between 1991 and 1993. He also lectured on History and Politics in the Middle East at Istanbul Bilgi University, Istanbul Kültür University and Özyeğin University.

SETA | FOUNDATION FOR POLITICAL ECONOMIC AND SOCIAL RESEARCH

Nenehatun Cd. No: 66
GOP Çankaya 06700 Ankara TÜRKİYE
Ph: +90 312.405 61 51 | Fax: +90 312.551 21 90
www.setav.org | info@setav.org

SETA | Washington D.C. Office

1025 Connecticut Avenue, N.W., Suite 1106
Washington, D.C., 20036
Ph: 202-223-9885 | Fax: 202-223-6099
www.setadc.org | info@setadc.org