

REPORT

THE LOSS OF HUMANITY

THE HUMAN RIGHTS
DIMENSION OF THE
CIVIL WAR IN SYRIA

YAVUZ GÜÇTÜRK

THE LOSS OF HUMANITY

THE HUMAN RIGHTS DIMENSION OF THE CIVIL WAR IN SYRIA

COPYRIGHT © 2014 by SETA

SETA Publications 36
First Published in 2014 by SETA
ISBN: 978-605-4023-39-4

All rights reserved.

No part of this book may be reprinted or reproduced or utilized in any form or by any electronic, mechanical or other means, without permission in writing from the publishers.

Translated by Handan Öz and Gülgün Köse
Design and Cover: M. Fuat Er
Layout: Ümare Yazar
Cover Photo: AFP

Printed in Turkey, İstanbul by Turkuvaz Matbaacılık Yayıncılık A.Ş., July 2014

SETA | FOUNDATION FOR POLITICAL, ECONOMIC AND SOCIAL RESEARCH

Nenehatun Caddesi No: 66 GOP Çankaya 06700 Ankara TURKEY
Tel: +90 312.551 21 00 | Fax :+90 312.551 21 90
www.setav.org | info@setav.org | @setavakfi

SETA | İstanbul

Defterdar Mh. Savaklar Cd. Ayvansaray Kavşağı No: 41-43
Eyüp İstanbul TÜRKİYE
Tel: +90 212 395 11 00 | Fax: +90 212 395 11 11

SETA | Washington D.C. Office

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

SETA | Cairo

21 Fahmi Street Bab al Luq Abdeen Flat No 19 Cairo EGYPT
Tel: 00202 279 56866 | 00202 279 56985 | @setakahire

THE LOSS OF HUMANITY

THE HUMAN RIGHTS DIMENSION OF THE CIVIL WAR IN SYRIA

Yavuz Güçtürk



SETA

SIYASET, EKONOMI VE TOPLUM ARASTIRMALARI VAKFI
FOUNDATION FOR POLITICAL, ECONOMIC AND SOCIAL RESEARCH
مركز الدراسات السياسية والاقتصادية والاجتماعية

| | | |
|-------|---|----|
| | PREFACE | 11 |
| <hr/> | | |
| | EXECUTIVE SUMMARY | 13 |
| <hr/> | | |
| | CHAPTER 1 INTRODUCTION | 19 |
| <hr/> | | |
| | CHAPTER 2 THE HISTORY OF THE SYRIAN ARAB REPUBLIC | 21 |
| <hr/> | | |
| | CHAPTER 3 THE HUMAN RIGHTS RECORD OF SYRIA | 23 |
| <hr/> | | |
| | CHAPTER 4 HUMAN RIGHTS IN SYRIA AFTER THE ARAB SPRING | 29 |
| <hr/> | | |
| | CHAPTER 5 CONCLUSION | 91 |
| <hr/> | | |

CONTENTS

CONTENTS | 7

ABBREVIATIONS | 9

PREFACE | 11

EXECUTIVE SUMMARY | 13

INTRODUCTION | 19

THE HISTORY OF THE SYRIAN ARAB REPUBLIC | 21

THE HUMAN RIGHTS RECORD OF SYRIA | 23

HUMAN RIGHTS IN SYRIA AFTER THE ARAB SPRING | 29

From Protest to Civil War | 29

Shabbiha Militia | 57

Trials | 59

The Opposition | 61

Media Members | 70

Human Rights Activists and Relief Workers | 71

The Use of Chemical Weapons in Syria | 73

Humanitarian Aid and Refugees | 78

The Reaction of the International Community | 86

CONCLUSION | 91

ABBREVIATIONS

| | |
|-----------|--|
| AI | Amnesty International |
| UN | The United Nations |
| UNHCR | UN High Commissioner for Refugees |
| EMHRN | Europe-Mediterranean Human Rights Network |
| EU | European Union |
| FIDH | International Federation for Human Rights |
| HRW | Human Rights Watch |
| ISIS | The Islamic State of Iraq and Al Sham |
| KNC | Kurdistan National Council |
| LCC | Syria Local Coordination Committee |
| MAZLUMDER | The Organization of Human Rights and Solidarity for Oppressed People |
| MSF | Doctors Without Borders |
| OHCHR | UN Office of the High Commissioner for Human Rights |
| OPCW | UN Organization for the Prohibition of Chemical Weapons |
| FSA | Free Syrian Army |
| PYD | Democratic Union Party |
| RWB | Reporters Without Borders |
| SDMGUK | National Coalition for Syrian Revolutionary and Opposition Forces |
| SRMD | Syrian Revolution Martyr Database |
| SNC | The Syrian National Council |
| UNICEF | United Nations International Children's Emergency Fund |

PREFACE

Although its conceptualization belongs to the modern world, the history of human rights and violations is as old as the history of humanity. On the other hand, the history of humanity is the history of wars that have broken out for various reasons but mostly for some people disrespecting the rights of others. These two historic axes have given birth to the area of humanitarian law or the law of war (*jus in bello*).

We have been ashamed to witness the greatest human tragedy of the history right before our eyes in Syria, since March 2011. In fact, the Baath regime, with a terrible longstanding record of human rights violations in Syria has caused peaceful protests for freedom and democracy to erupt into a revolt first, and then into an armed struggle by using excessive violence and exercising severe violation of human rights. Not only human rights are violated in Syria, which is in a civil war now, but also crimes of humanity are committed right before our own eyes. Despite this carnage, humanity has already given up watching this heart-rending scene where chemical weapons and draconian methods of torture are used with impunity.

With these considerations, this study assesses the developments in Syria from March 2011 to date only and fully through a human rights perspective. If said properly, “The Loss of Humanity: The Human Rights Dimension of the Civil War in Syria” tries to take a picture of Syria accompanied by cross-sections reflecting sufferings of Syrian people who are turned into nothing but statistics now and become an entry in the chronicles of history by collecting individual

cases from different documents together. That being said, we also acknowledge and are aware of the fact that this report cannot cover the anguish felt in Syria to the fullest extent...

We hope this study will make a small contribution to the process of ending this tyranny and mirror all of us who have become partners in these crimes by remaining silent and keeping quiet. We would like to extend our thanks to the SETA Team for sharing their opinions and feedbacks, Yavuz Güçtürk in particular for his tremendous effort as the researcher, to our editor Ahmet Demirhan for the final reading, to M. Fuat Er and Ümure Yazar for preparing this research for publication. We would also like to thank Handan Öz & Gülgün Köse for translation into English and Zeynep Ardıç and Sabrien Amrov for revision of English version of the report.

Yılmaz Ensaroğlu
SETA, Director of Law and Human Rights

EXECUTIVE SUMMARY

In the aftermath of the Arab Spring, peaceful protests in Syria first transformed into an uprising when the regime responded with violence and then into an armed struggle by some opponent groups in order to overthrow the regime. The Syrian territories have become the scene of an on-going civil war as the opponents have taken the helm of some regions and cities nationwide. Massive human rights violations, crimes against humanity and war crimes have been committed during the civil war as Syria set the stage for one of the greatest humanitarian drama of the 21st century.

Because Turkey shares the longest border with Syria, the developments in this country today are of particular concern to us compared to others. Already, many institutions and corporations in Turkey, including SETA Foundation, conduct research on developments in Syria. In this report, the developments of about three years in Syria, from March 2011 to date, are being evaluated from a human rights perspective.

The First and second sections of this report cover the history of the regime in Syria and the last 40 years from a human rights perspective. Analyses and reports of various international organizations and numerous academic publications have been used as references to support our findings. The third section focuses on the human rights violations in Syria after the Arab Spring, as well as crimes against humanity and war crimes committed during the civil war. For this section, following references were used: the reports and statements released by the

United Nations (UN) organizations (OHCHR, OPCW, UNHCR, and UNICEF), Syria-related reports of international human rights organizations, the reports on human rights violations prepared by Syrians in Syria or in the Syrian Diaspora, the reports prepared after the interviews with Syrians living in refugee camps, Syria-related publications such as news stories, interviews, etc. in national and international media, and the data provided by research institutions. However, neither this nor other human rights reports on Syria cover all cases of the on-going human tragedy in Syria. It is possible to mention about millions of violations in this war in which over one hundred thousand people have lost their lives. Therefore, the report tries to take a picture of Syria from a human rights perspective by representing a sequence of violations and crimes that have been committed.

For about 40 years, human rights organizations have been criticizing the oppression and violence against opposition groups in Syria, which has been ruled by a single-party order by the Assad family. Although the regime signed a collection of international human rights documents, some of which are binding, positive developments in terms of human rights in this country for the last 40 years are little, if any. The state of emergency, which had been in effect since 1960 was officially lifted in 2012, but applies *de facto*. Perpetrators of gross violations of human rights committed during the state of emergency (e.g., The Tadmor Prison and Hama Massacres) have never appeared before the judge, the regime's policy of oppression prevented the formation of democracy and opposition. In fact, a pool of Syrian citizens who were opponents of the regime was forced to live in exile.

A positive atmosphere settled in after the death of Hafez al Assad in 2000, and the son Bashar al Assad replaced him. Problems of the country were relatively opened to discussion in this period called the Damascus Spring, but this did not last long. Some members of the parliament who demanded political reforms were sent to prison in February 2001. Similarly, some of the opponents who signed the Damascus Declaration in 2005, which were calling for democracy and reforms, were arrested as some others had to leave the country. It was ascertained that more than 90 politicians and human rights activists were arrested in the 10-year period after Bashar al Assad took office. It was noted in human rights reports that the actual number of the arrested was higher and that no information was provided about the arrested members of the opponent groups, notably Kurds and Islamists.

There were two occasions of transition to democratic order in Syria during the Bashar al Assad period. In the early years of his ruling, Assad missed the first opportunity that had arisen from the Damascus Spring and missed the second one after the Arab Spring. The protests, sparked by the torture of children who

took part in the early actions in the southern city of Daraa in March 2011, rapidly spread across the country. The Assad administration decided to suppress the anti-regime protests by using violence. Comprised of police, military and intelligence units in addition to the Shabbiha militia, the regime forces were used in these interventions.

The regime forces intervened in the protests by opening fire coupled with mass detentions of protesters. Torture, rape and enforced disappearances losses under detentions were among the methods used to prevent the society from participating in demonstrations. As it has been seen that the human rights violations transformed into a systematic state policy in Syria, the UN and human rights organizations started to voice the crimes against humanity committed by the regime.

It is clear that people who advocated armed struggle during these peaceful protests were few. In the early months of the Syrian uprising, there were neither individuals nor organizations coming to this country for “jihad”, nor Hezbollah militants, nor the groups coming from Iraq and Iran to support the regime, nor the third countries backing up the opposition. The regime ignored the reform calls and preferred to use violence against the opponents in the best way they knew how. As a matter of fact, this choice of the regime caused a part of the opposition groups to start an armed struggle. As the opponents took control of some regions and cities nationwide, Syria became the stage of a civil war.

In the following period, along with the violations and crimes against humanity committed by the regime, the war crimes were also articulated. With the onset of the civil war, the UN and human rights organizations mentioned in their reports that some opposition groups along with the regime were committing crimes of humanity and war crimes. Rape, ransom or abductions for the exchange of captives turned into daily occurrences as the number of death toll in torture and enforced disappearances increased remarkably. The incredible rise in the numbers of violations also affected the methods of operation of the human rights organizations. For instance, as it was impossible to follow one-by-one the individual torture cases, these organizations prepared reports on torture methods used and reported only sample cases or tried to locate the torture centers countrywide.

Based on the statements of the victims and witnesses as well as other evidence, the UN and human rights organizations were perpetually articulating the crimes against humanity and war crimes mostly committed by the regime forces since 2011. Although the victim and witness statements were detailed in these reports, the UN Security Council failed to adopt draft resolutions on sanctions to stop massacres and even condemnation drafts against the regime in Syria let

alone taking the perpetrators of these crimes to the International Criminal Court. Although the UN confirmed the use of chemical weapons in Syria, efforts to show a joint stance against the spiral of violence in Syria remained inconclusive due to the split in the international community in 2013. The only accomplishment was the launch of the chemical weapons destruction process in Syria.

For the first time, a regime member revealed the war crimes by the State of Syria in January 2013. The regime member, an MP code-named “Caesar”, worked as a photographer assigned by the regime to take the photographs of the killed detainees brought to military hospitals. He submitted a total of 55,000 photos of 11,000 dead bodies to the opponents. A committee of three former chief prosecutors at the criminal tribunals confirmed the authenticity of the photos and approved that the source was reliable. The committee decided that all these findings were “clear evidence” to be used in an international criminal tribunal for Syria. Despite these findings and similar others, massacres in Syria still cannot be stooped.

The refugee crisis as a side product of the civil war has created yet another tragedy. According to the UN, this crisis is the biggest since the genocide in Rwanda in 1994. Approximately 20 percent of the Syrian population is sheltered in neighboring countries and two million people in the country were the subjects of forced internal displacement. As of January 2014, about a total of nine million people became dependent on humanitarian aid. As a UN official puts it “The numbers are so high that it is overlooked that these figures in fact represent a child, a woman or a man.” The refugee crisis as a result of the Syrian civil war has reached to a level that the four neighboring countries cannot deal with. However, the international community, as it is in the civil war, shirks its duty here as well.

As this report went into press, the Geneva-2 talks had begun. The parties, however, failed to reach an agreement even on delivering aids to the civilians facing hunger in some regions of Syria, such as the city of Homs, not to mention a progress about the formation of an interim government in order to take a step forward for a new order in the country.

Plenty of massacres and crimes against humanity were committed in different regions of the world throughout the 20th century. Numerous studies and efforts were made to investigate and prosecute the perpetrators in these crimes such as The International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda. Despite all these efforts, however, decisions to ease the human conscience and reinforce the belief in justice have failed in all of the cases. In short, humanity has been unsuccessful in the fight against impunity. One of the paramount reasons behind the on-going crimes in Syria is that the

perpetrators in similar crimes of the past were not held accountable. Therefore, the international community must urgently motivate the International Criminal Court to act and take the perpetrators of the crimes committed to trial not only to stop the blood-shed in Syria but also prevent similar crimes in different regions of the world in the future.

INTRODUCTION

Universities, research institutions or civil society organizations in Turkey conduct various studies on social, political and economic developments in the Balkans, the Middle East, Central Asia, and the neighboring countries in particular. Recently, Syria is one of the countries that have become a current issue. Turkey has its longest border with Syria. Syria is also the country which resisted the change the most during the process of the Arab Spring. The government's brutal efforts to control the demonstrations in March 2011 have increased the reactions of opponents who demanded a more democratic order and wished to see the influence of the Arab Spring resonate in their country, and have caused the transformation of hostilities between opponents and the government into a civil war.¹

This study aims to evaluate the on-going civil war in Syria with regard to human rights, instead of political, economic or international relations perspective. Data and reports of reputable human rights organizations, media and research institutions are used as references. This study attempts to take a picture of about the last three years in Syria from the angle of human rights abuses by focusing only on the most obtrusive cases rather than all of the human rights violations that have been experienced in Syria since March 2011.

1. The incidents in Syria are termed as "revolt, revolution, conflict" since day one. Journalist Ayşe Karabat even used the word "Intifada," an Arabic word which literally means "shaking off, for the developments" and said that the Syrian as well call this struggle "Intifada". See. Ayşe Karabat, *Suriye Savaşları*, (Timaş Publications, İstanbul: 2013) p.24. In this report, we will term the happenings in Syria as a "civil war".

The human rights record of Syria indicates the fact that the regime has been constantly criticized by the human rights organizations for the pressure and violence against opposition entities in the country under a single-party rulership of a family for about 40 years. Although the government signed a collection of international human rights documents, some of which are binding, in the last 50 years, it is impossible to say that human rights in this country are in the right direction. As a result of the gross human rights violations, such as the Tadmor Prison and Hama Massacres during the state of emergency that lasted about 40 years, a part of the opposition became indistinct and fragmented while another part was forced to leave the country for exile. Islamic groups such as the Muslim Brotherhood and ethnic groups such as Kurds were among those that remained under the government pressure. A positive atmosphere settled in as Bashar Al Assad took office in 2000, but disappeared in a short time.

It is not possible to say that the revolts which started in March 2011 were purely terrorist activities organized by “external forces” during the Arab Spring as the Government of Syria claims. This is a reaction of people against the 40-year regime of oppression. The government chose to suppress the peaceful protests by using violence instead of taking steps to hear and meet the demands. The situation transformed into an uprising first and then to a civil war. International human rights organizations condemned detentions and arrests, but more importantly, tortures and ill-treatments of the protestors by the use of violence at the beginning. In the leading months, however, they began to voice that crimes against humanity were being committed in Syria with the involvement of Shabbiha Militia² and the army. In that period, human rights organizations asked opposition groups to follow the humanitarian law as the groups took some regions under their control. International organizations such as the UN and the Arab League called on the Syrian government many times to allow investigations by independent parties. The death toll in the civil war surpassed 130,000 as of the beginning of 2014. Millions of Syrians became refugees, both inside and outside the country, in need of security and humanitarian aids. As ways of bringing about peace back into Syria, which would require the regime goes through a painful transformation, are being discussed today, it is better to take a glance at the near political history of the country in order to read the process accurately.

2. Shabbiha literally means ghost or phantom in Arabic. However, the word is used in Syria to refer individuals involved in illegal affairs but manage to escape owing to their contacts in the security forces or the state. Once active in the Hafez al Assad period, Shabbiha take the center stage as civilian and paramilitary gangs firing on opponents and make operations against them since the beginning of the protests. For detailed information, See. Selin M. Bölme and Ufuk Ulutaş (ed.), “Suriyede Aktörler: Rejim, Muhalefet, Dini Yapı Ve Medya”, *SETA Kim Kimdir?*, no. 3 (February 2012), p. 45-46.

THE HISTORY OF THE SYRIAN ARAB REPUBLIC

After gaining independence in 1946, the Syrian Arab Republic underwent a tumultuous period until 1958, joined a union with Egypt in that year and was named The United Arab Republic. The Syrian Arab Republic was re-established following the termination of this union in 1961. A decade of coups and power struggles ended with a bloodless coup by Hafez Al Assad, a member of the Baath Party's military wing, in 1970. Hafez Assad won the "on paper" presidential elections five times from 1970 to his death until 2000. In order to reinforce his rulership, Hafez Assad united the political parties supporting the Arab nationalism and left currents under the name of "the National Progressive Front" (*El-Cephetu'l Vataniyetu't-Takaddumiye*)³ and the leadership of the Baath Party. He eliminated the groups unwilling to act under the auspices of the Baath.

Although the Syrian state was considered a republic on paper, not only the presidential post but also all the key positions in the administration have been controlled by the members of the Assad Family since its inception. The Assad Family belongs to the Nusayri community forming about 12 percent of the total population in Syria. However, next to Nusayris, Sunnis are also appointed to upper positions in critical ministries or in the military. As the Assad Family remained in power, they have pushed the Arab nationalism to the fore rather than Nusayrism.⁴

3. In this study, Turkish pronunciation of words; individual, place and institution names are used in the form of Turkish transcriptions if they are known and practiced in Turkish, for others Arabic pronunciations, as much as possible, are preferred rather than applying the rules of Turkish transcriptions.

4. Nusayris are also called as "Alawites." In this report, both terms were used to refer the religious group who represent about 12 percent of the Syrian population.

Nusayris, who has been living in Syria as a religious minority group for centuries, were backed by the French Colonial Administration against Sunnis who form the majority in the country while the French occupied this region after the collapse of the Ottoman Empire. The French implemented there a colonial policy⁵ of the same nature practiced in the 19th and 20th centuries in Africa and Asia. Since then, Nusayris have been appointed as state officials and military members in particular; therefore, had a strong grip in the government. During the period of the French patronage, Nusayris participated in the military ranks and were promoted to higher offices since the independence of Syria in the 1950s.⁶

A constitutional amendment reduced the mandatory minimum age of the president from 40 to 34 in order to pave the way for Bashar al Assad's succession after the death of his father in 2000. Bashar Assad won the elections afterwards by receiving 97.29 percent of votes and in order to have the support of Sunnis, he resumed business as usual from where his father left off. Bashar al Assad, supporting the Sunni capital circles in Damascus and Aleppo, also strengthened ties with Sunni clerics.⁷ In the early months of his rulership, Assad promised political and economic freedom; however, this period, known as the Damascus Spring, did not last long. The Arab Spring sparkled in Tunisia in 2011 leap-frogging to Syria in March 2011. The Assad administration, attempting to suppress the anti-government protests, caused a massive escalation of human rights abuses nationwide and then a civil war erupted as officials responded with violence against demonstrators. Before moving further in the issue of human rights violations of the last two years in Syria, it is necessary to highlight that the record of the Baath Party and the Assad Dynasty on human rights violations was poor prior to the Arab Spring uprising.

5. The most bitter result of the colonial policy, which proposes the split of society into two, as the "ruler" and the "ruled" was experienced in Rwanda in the 20th century. Belgium taking over Rwanda in the early 20th century created an artificial race discrimination between Hutus and Tutsies. Belgium supported Tutsies representing 10 percent of the society against 90 percent of Hutus, but had to withdraw from this country in 1962. In Rwanda gaining independence, Hutus representing the majority tried to eliminate Tutsies in mass killings. Nearly 800,000 Tutsies were killed in three months as a result of the genocide committed in 1994.

6. "Suriye Alevileri: Katliamdan iktidara", *BBC Türkçe*, March 14 2013.

7. Selin M. Bölme and Ufuk Ulutaş (ed.), "Suriye'de Aktörler", p. 8-9.

THE HUMAN RIGHTS RECORD OF SYRIA

In 1969, Syria ratified the “International Covenant on Civil and Political Rights” dated 1966, the “International Convention on the Elimination of All Forms of Racial Discrimination” dated 1965 and the “International Covenant on Economic, Social and Cultural Rights”. Syria also ratified in 2003 the “International Convention on the Elimination of All Forms of Discrimination against Women” dated 1979.⁸ Syria acceded to the Geneva Convention dated in 1949; however, did not sign the “International Convention for the Protection of All Persons from Enforced Disappearance”⁹ of 2006. A State of Emergency was in effect from 1963 to 2011 has granted the government sweeping powers of arbitrary detention and arrest and of restrictions in the freedom of movement, expression and organization. In that period, thousands of people were kept in detention for months, deprived of communication with kith and kin, legal support, or even the right to a fair trial.

As for the issue of torture, although Syria ratified in 2004 the “International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment” dated 1984, it did not signed the “Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment”. The UN Committee Against Torture (CAT) in a 2010 evaluation criticized Syria for the absence of a definition of torture in legal procedures while

8. For the fundamental human rights documents signed and ratified by the Syrian Arab Republic, See. <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en>.

9. Turkey has not yet signed the convention signed by 91 states and ratified by 37 states as of December 31, 2012.

the Constitution prohibits torture, and requested of Syria to ensure appropriate penalties for torture and the Committee stated that torture is a commonly used method in Syria.¹⁰ In its 2010 Human Rights Report, the US State Department describes Syria as an authoritarian regime and notes that security forces committed extrajudicial killings and there were reports of enforced disappearances and of systematic tortures in detention centers and prisons; and that impunity of security officers was a problem, as no formal investigations on all these violations had been undertaken. The report also stated that the judiciary in Syria was not independent; violence and societal discrimination against women continued, and that the government discriminated against minorities, particularly Kurds, and severely restricted workers' rights.¹¹

Meanwhile, Freedom House includes Syria in the "World's Most Repressive Societies" in the last 40 years.¹² The state of emergency officially remained in effect between 1960 and 2012 (although it continues de facto) and the single party regime under the hegemony of the Baath Party caused gross human rights abuses in this particular period. In Syria, where "freedom" only refers to an Arab state's independence from the Western influence, and where individual rights remained subject to restrictions in order to highlight the Arab nationalism against Zionism and Imperialism, the interests of the regime determined by the Baath doctrine has always been prioritized in the presence of citizens' rights.¹³

In Syria, it is estimated that there are 50,000 employees in 15 different security agencies. This is excluding the military and the Baath Party members. Therefore, one in every 240 Syrians is conducting agency activities for the regime.¹⁴ The goal of both the intelligence and the military is to provide the security of the Assad Family and to identify "domestic threats" rather than to protect the country against dangers from outside.

The gravest human rights violations before the March 2011 uprisings took place in the Hafez Al Assad period in the 1980s. Hundreds were killed¹⁵ during the operations in Alshaghoor (Cisruş-Şuğûr), Sarmadah and Kinsafrâh in 1980. The

10. "Concluding observations of the Committee against Torture", www2.ohchr.org/english/bodies/cat/docs/CAT.C.SYR.CO.1.pdf.

11. "2010 Human Rights Report: Syria", <http://www.state.gov/j/drl/rls/hrrpt/2010/nea/154473.htm>.

12. "Worst of the Worst 2012: The World's Most Repressive Societies", *Freedom House*, www.freedomhouse.org/report/special-reports/worst-worst-2012-worlds-most-repressive-societies.

13. Barry Rubin, *The Truth about Syria*, (Palgrave Macmillan, New York: 2007), p. 46-47.

14. Barry Rubin, *The Truth*, p. 52.

15. "Massacre of Hama (February 1982) Genocide and a Crime against Humanity, The Syrian Human Rights Committee (SHRC), www.shrc.org/data.aspx/d5/2535.aspx#1.

biggest massacre in the same year was committed in the Tadmor Prison, about 200 kilometers northeast of Damascus, on June 26, 1980. Following an assassination attempt against Hafez Al Assad in Damascus, Rifaat al Assad, Hafez al Assad's brother, conducted an operation in the Tadmor Prison where the Muslim Brotherhood members were kept in. About a thousand prisoners were killed in the operation. The Tadmor Prison was also counted among the prisons with the worst prison conditions. Bara Sarraj, who served nine years at Tadmor, described the conditions: "Tadmor has no trace of life. There are no books, no radios, nothing. They don't even have salt to spray over your food. Sometimes there are no needles to sew our clothes. It's indescribable, and the constant torture, that was unique to that place."¹⁶ Another prisoner says "Life in Tadmur is like walking in a minefield; death can come about at any moment either because of torture, jailers' brutality, sickness, or execution."¹⁷ Tadmur Prison was closed in 2001; however, re-opened on June 15, 2011 in order to lock up protestors who were arrested in the last uprising.

The biggest massacre of Hafez Assad's period took place in 1982. An armed conflict on February 3, 1982 transformed into an uprising in the city of Hama following a military operation against a militia leader fighting the Baath regime. Led again by Rifaat al Assad, the army units laid siege to the city and many Baath Party members were killed. In the next 27 days, the city was exposed to air and artillery bombardments without making any distinction between civilians or dissidents. The international community learned about the massacre committed by the State of Syria in Hama about 16 months later. The numbers of missing and dead were inconsistent because only a few media correspondents had managed to enter the city during the military assault and the official documents of the attack were kept secret. Robert Fisk, being one of those journalists entering the city right before the siege, estimated that the death toll increased in time, but was not higher than 20,000.¹⁸ Amnesty International, on the other hand, in a report released in November 1983, estimated the death count to be between 10,000 and 25,000. The report also included numerous torture cases taking place during the military quelled the riot.¹⁹ However, a dialogue between Rifaat Al Assad and

16. Cecily Hilleary, "Syria's Tadmor Prison Massacre: Reliving Horrors of 32 Years Past", *Middle East Voices*, June 27, 2012.

17. "Syria: Torture, despair and dehumanization in Tadmur Military Prison", *Amnesty International Report* (18 September, 2001).

18. "Robert Fisk remembers 'Hama massacre'", *Al Jazeera*, February 2, 2012.

19. "Syria: An Amnesty International Briefing", *Amnesty International Publications* (November 1983), www.amnesty.org/en/library/asset/MDE24/013/1983/en/137895f8-4444-4f77-b9ea-cb1c0a61b4be/mde240131983en.pdf.

a Lebanese businessman on the Hama massacre, as Thomas Friedman narrates, suggests a different number. When the Lebanese businessman said “I guess you killed 7,000 there,” Rifaat al Assad replied “What are you talking about, 7,000? No, no. We killed 38,000.”²⁰ Although the Hama massacre is one of the greatest crimes against humanity committed in the Middle East in the 20th century, those responsible have never been brought to justice. Rifaat al Assad, known as the *Butcher of Hama*, had to leave the country after a coup attempt against his brother Hafez in 1983 and has never faced an international trial for the crimes he committed in Syria. He presently lives in luxury in London.²¹

While the father Assad managed to hide what had happened in Hama from the international community for a long time, the news about the massacre the son Assad committed in the same city in June 2012 rapidly spread since he could not stop the information flow. Human rights were pale during the Hafez Assad period in Syria. The first months of Bashar al Assad presidency in 2000 featured the release of political prisoners, the return of exiled dissidents, and an open discussion of the country’s problems. However, this period, called the Damascus Spring, did not last long.²² In February 2001, 10 dissident leaders, including independent parliamentary representatives Riyad Seif and Ma’mun Humsi asking political reforms, were sent to prison on charges of “trying to change the constitution by illegal means”. Many Syrian intellectuals argued that the Damascus Spring was a trap set up by the new Assad regime to identify those who might not be fully loyal to the next generation of the Assad clan.²³ In July 2010, the Human Rights Watch (HRW) documented the arrest of at least 92 political and human rights activists since Bashar al Assad came to power; however, the actual number is likely much higher, given that it is hard to obtain information about the detention of less prominent political activists, especially Kurds and Islamists.²⁴ In March 2004, the government viciously suppressed a large scale of protest by Kurds comprising about 10 percent of the total population in Syria. In a 1962 census, Kurds were classified under three different categories, as citizens, foreigners (*ajanib*, in Arabic) and un-

20. Thomas Friedman, *From Beirut to Jerusalem*, (Farrar, Straus and Giroux, New York:1989), p. 90.

21. Gordon Rayner, “Syria’s ‘Butcher of Hama’ living in £10 million Mayfair townhouse”, *The Telegraph*, June 12, 2011.

22. “Freedom in the World 2012: Syria”, www.freedomhouse.org/report/freedom-world/2012/Syria-0.

23. Farid N. Ghadry, “Syrian Reform: What Lies Beneath”, *Middle East Quarterly*, c. 12, n. 1 (Winter 2005), p. 61-70.

24. “A Wasted Decade: Human Rights in Syria during Bashar al-Assad’s First Ten Years in Power”, *Human Rights Watch Report* (July 2010), p. 6.

registered (*maktoumeen*, in Arabic).²⁵ The citizen Kurds had been issued official identity cards, the foreigners had been given red identity cards. About 300,000 Syrian Kurds were counted “unregistered” and their properties were confiscated.²⁶

In Syria, the most critical dissident reaction against the Bashar Al Assad government before March 2011 took place in 2005. Over 250 opposition figures demanding democracy and reforms in the country issued a statement, called the Damascus Declaration, on November 1, 2005 and criticized the regime as “authoritarian, totalitarian and cliquish”. The signatories called for a democratic Constitution, based on a new social contract that adopts pluralism and the rule of law in a State all of whose citizens enjoy the same rights and have the same duties, regardless of race, religion, ethnicity, sect, or clan.²⁷ However, the opponents’ call was overlooked by the regime and some were arrested; at the end of a trial in 2008, some were sentenced to prison yet some others had no chance but to leave the country.²⁸

“In Syria, nobody asks who is who, but knows each other and chooses the house s/he lives or the school s/he attends accordingly. In short, this artificial balance has begun to break after the last uprising.”

It has been claimed that sectarian differences were not an issue in Syria before the Arab Spring, and that it was only after March 2011 that an artificial sectarian conflict was created. This claim, however, is mistaken when considered from a historical perspective. Dr. Seda Altuğ bringing into attention that the expression “We did not ask about our sects in the past” means an artificial state of balance in the past and says: “In Syria, nobody asks who is who, but knows each other and chooses the house s/he lives or the school s/he attends accordingly. In short,

25. Muhittin Ataman, “Suriye’de İktidar Mücadelesi: Baas Rejimi, Toplumsal Talepler ve Uluslararası Toplum”, *SETA Rapor*, no. 6 (April 2012), p.32.

26. In order to prevent the participation of the Kurdish population to the protests as of March 2011, The Ministry of Labor and Social Affairs in Syria announced that the Kurds who do not have identity cards will benefit from the right of working as the citizens of Syria according to a ministry decision dated March 7, 2011.

27. “The Damascus Declaration for Democratic National Change”, <http://www.peaceworkmagazine.org/damascus-declaration-democratic-national-change>.

28. “Leaders of Damascus Declaration Sentenced Two Years and a Half”, *Syrian Human Rights Committee*, October 31 2008, www.shrc.org/data.aspx/d3/3743.aspx.

this artificial balance has begun to break after the last uprising.” Altuğ argues that the official ideology of Syria is different from that of Turkey in some ways, but the mentality behind is based on a similar organic and corporatist envision, and makes the following observation on the Syrian society:

“A society amalgamated with members of different religions who live in harmony and fraternity. However, the social reality is of course quite different. This envisionment which ignores social conflict and plurality is simply a management strategy of the rulership. There is no problem unless you question the legitimacy of the regime and you are involved in the sphere of politics no matter what your religion is, how pious you are or if you open folkloric or charity associations. But when you begin to criticize the policy of religion and ethnic minorities of the current regime, then the state will punish you.”²⁹

29. Seda Altuğ, “Halk Radikalleşiyor Ama Yorgun”, *Bianet*, May 5, 2012.

HUMAN RIGHTS IN SYRIA AFTER THE ARAB SPRING

FROM PROTEST TO CIVIL WAR

The Syrian government did not make a bid for a transition to a democratic order and experienced a period of calm during the popular uprisings in Tunisia and Egypt. In March 2011, however, the government faced their first protest inside Syrian borders. After 15 children painted anti-government graffiti on the walls, they were detained and tortured under detention by the security forces in the city of Dara'a. Protests followed but the government came down hard on the protestors rather than launching a thorough investigation against the security forces and calming down the crowds. This reaction caused a stir of protests and an amplification of attacks. To stop the turmoil, Bashar al Assad issued a general amnesty for political prisoners, once on March 7 and then another, on May 31, 2011. Assad ended the State of Emergency Law, in effect since 1963, on April 19, 2011; annulled the State High Council of Security and approved a new law allowing peaceful demonstrations. However, these belated steps did not stop protests. The protests transformed into skirmishes and the skirmishes into a civil war in Syria.

Protests

In the first week of the protests that had started in March 2011, 55 individuals were shot to death by security forces. The protests were initially held only in the south of the country, but then branched out to the north to the Turkish border. The UN Commissioner for Human Rights, Navi Pillay, in a June 9, 2011 state-

ment,³⁰ said heavy weapons were used against peaceful protests countrywide. Pillay condemning the situation went on to say that the number of men, women and children killed since the protests began in March exceeded 1,100, with up to 10,000 or more detained.

Pillay in her statement stressed that the Syrian Government has disputed some of the reports of human rights violations, and refused to granting access to Syria to a Fact-Finding Mission.

Pillay said in another statement released on June 15, 2011 that the fact-finding mission investigative team, which was formed to investigate the human rights abuses in Syria, were denied entry to the country; therefore, deployed in neighboring countries such as Turkey in order to obtain reliable information. The High Commissioner further said that the Syrian Government complained about the attacks of “armed gangs” and claimed that mass graves were found in some designated areas, but rather than allowing the UN to conduct investigations in the country, barred journalists from investigating such claims, except for a number of journalists it had selected. However, the releases of the “confessions” of the “armed gangs” by the Syrian government or to invite journalists to see the so-called mass graves were insufficient.

Pillay expressed concerns with respect to the use of heavy weapons, tanks and air forces against the protesters in cities. She also mentioned violation of economic rights and the shortage of food and health materials in the cities and towns under siege.³¹

Meanwhile, the International Federation for Human Rights (FIDH), in a statement dated August 2, 2011, called upon the UN Security Council members and affirmed that the crimes in Syria may amount to crimes against humanity.³² The organization expressed that the international community should be weary of the fact that Syria restricts access of the UN Human Rights Council’s investigation

30. “Pillay urges Syria to halt its assault on its own people”, *The Office of the United Nations High Commissioner for Human Rights (OHCHR)*, June 9, 2011.

31. “Statement of Ms. Navi Pillay, United Nations High Commissioner for Human Rights to the Introduction of preliminary report on the situation of human rights in the Syrian Arab Republic”, *The Office of the United Nations High Commissioner for Human Rights (OHCHR)*, June 15, 2011.

32. Article 7, titled “Crimes against humanity”, of the Rome Statute of the International Criminal Court reads, any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. Some of these acts are: Murder, extermination; deportation or forcible transfer of population; imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; torture; rape; enforced disappearance of persons; attack directed against any civilian population; infliction of conditions of life; and deprivation of access to food and medicine. For the full text of the Statute, see: www.icc-cpi.int/NR/rdonlyres/ADD16852-AEE9-4757-ABE7-9CDC7CF02886/283503/RomeStatutEng1.pdf.

teams, foreign journalists and independent human rights organizations to the regions of incidents. That the regime was clearly trying to black out the violations, and as such, FIDH asked for an intervention from the international community.³³ FIDH also made the suggestions of referring the situation in Syria to the Prosecutor of the International Criminal Court, establishing an embargo on Syria and establishing a list of individuals and authorities responsible for these violations and their submission to a travel ban and the freezing of their financial assets and economic resources.

On the same day, The UN Commissioner for Human Rights Pillay renewed the claims that the Syrian Government continues to deny access to the UN investigative team, saying that at least 120 individuals are reported to have been killed in Hama through the use of tanks, shelling and heavy machine guns. Pillay stressed that there is a need for an international, transparent, independent and prompt investigation into the violations.³⁴

Upon these calls, the UN Security Council convened to discuss the developments in Syria on August 3, 2011. The European members of the Council asked to bring the violence into an end, the release of political prisoners, return to the environment of political dialogue and a thorough investigation of the incidents of violence.³⁵ The Council agreed on a non-binding statement of condemnation instead of a draft resolution envisaging sanctions and condemning the operations of the Syrian Government against civilians. In the Statement by the President of the Security Council released by the UN, the Council condemned excessive use of violence and human rights violations by the Syrian Government to repress the protests.³⁶ A group of UN human rights experts³⁷ in the UN Office of High Commissioner for Human Rights called for an immediate end to the violent strategies adopted by the government against civilians. The statement also stressed the indiscriminate use of heavy artillery against demonstrators, enforced disappearances, arbitrary arrests and detention of protestors; torture and repression of peaceful protests and refusing access to foreign journalists.

33. "Syria: Open letter to the members of the UN Security Council", *FIDH*, www.fidh.org/Syria-Open-letter-to-the-members, August 8, 2011.

34. "The world is watching the carnage in Syria despite attempts to sever access, says Pillay", *The Office of the United Nations High Commissioner for Human Rights (OHCHR)*, August 2, 2011.

35. "BM Güvenlik Konseyi'nde Şam çıkmazı", *Deutsche Welle Türkçe*, July 3, 2011.

36. "Statement by the President of the Security Council", http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PRST/2011/16, August 3, 2011.

37. "Syria must stop using violent strategies against civilians, now", *The Office of the United Nations High Commissioner for Human Rights (OHCHR)*, August 5, 2011.

Amnesty International criticized the UN Security Council for not taking any action and stressed that the Syrian government committed crimes against humanity. The organization further asserted that the Council has not taken any concrete step so far in the subject matter and all they do is to release a non-binding “Statement by the President”. Amnesty International’s Secretary General Salil Shetty said permanent Council members Russia and China, joined by temporary members South Africa, Brazil and India, prevented a resolution for sanction and a decision of condemnation. Shetty further said that if they suspect Western countries of ulterior motives, it is the responsibility of countries like South Africa, Brazil and India to present an alternative draft resolution which serves only to protect civilians in Syria. The Secretary called these countries to stand and demonstrate to the world that they can and will act as strong and independent voices in the Council by defend international rights which their own citizens enjoy and they, as nation states, consider universal.³⁸

While the international community was discussing the issue of intervention in the early months of the protests, violations from governmental forces intensified. In this period, various government units committed grave human rights violations, starting with extrajudicial killings and torture. The Syrian Security Forces, represented by several brigades ultimately under the control of the President of Syria Bashar al-Assad, Shabbiha militia, The Mukhabarat (Syria’s Intelligence) were responsible for these crimes.³⁹

Within this scope, security forces on numerous occasions fired directly at demonstrators without warning. In some cases, heavy artillery and tanks have also been used to besiege or bomb civic infrastructures. The use of lethal means has resulted in thousands of deaths. Many victims who died during protests were hit in the upper part of the body. According to testimonies collected, the use of live ammunition had in some instances the intention not only to disperse the crowds but also to terrorize, wound, or even kill demonstrators. Many civilians were in fact hit while they had been standing in areas away from the main attack. For instance, in Duma, near Damascus, 22 demonstrators died and around 120 others were injured during a demonstration which gathered 7000 people on April 1, 2011. Most victims were wounded in the head and chest. The same day, in Al-Tall, a demonstration was planned. Leaders of the protest movement in the

38. Salil Shetty, “UN Security Council must act to end repression in Syria”, *Livewire*, August 10, 2011.

39. “Bashar Al Assad: Criminal Against Humanity - Report of human rights violations committed in Syria”, *FIDH Report* (July 2011), www.fidh.org/IMG/pdf/reportSyria2807eng.pdf, p 7.

city received a warning from a representative of the Baath Party, informing them that “snipers would be deployed in the city if the demonstration was to occur” and the demonstration was called off.⁴⁰ Consequently, the head of Syria’s Military Intelligence General Abdel-Fatah Qudsiya was included in a list of Syrian officials subjected to the US and EU sanctions for their role in violence against protesters.

In the city of Dara’a, between March 18 and May 22, 2011, Syrian security forces used excessive violence in the anti-government protests, killing hundreds of protesters and arbitrarily arrested thousands, allegedly subjecting many of them to brutal torture in detention. The security forces routinely prevented the wounded from getting medical assistance, and imposed a siege on several towns, depriving the population of basic services. HRW indicated that the developments in Dara’a were not only systematic, but implemented as part of a state policy, as such, clear human rights abuses that qualify as crimes against humanity. In the meantime, security forces responded to the continuing protests with unprecedented brutality and opened fire without giving advance warning or making any effort to disperse the protesters by nonlethal means. Caught between the fires were unarmed people who posed no threat to the forces. These included rescuers who were trying to take the wounded and the dead away; medical personnel trying to reach the wounded; and people who dared to go out of their houses or to gain access to supplies.⁴¹ Many wounded protestors avoided the hospitals because they were afraid of being taken into custody by Syrian forces.

In the meantime, security forces responded to the continuing protests with unprecedented brutality and opened fire without giving advance warning or making any effort to disperse the protesters by nonlethal means.

Human Rights Violations Committed

With the start of the demonstrations, human rights organizations in Syria, the UN and international human rights organizations observed grave human rights violations and prepared reports on such abuses. In the early months of the protests, human rights organizations concentrated on individual cases; however, as the number

40. “Bashar Al Assad: Criminal Against Humanity”, *FIDH Report*, p. 8.

41. “Crimes against Humanity by Syrian Security Forces”, *Human Rights Watch*, p 1-2.

of cases increased extraordinarily, the organizations shared general observations and overall figures regarding the violations. For instance, the methods of systematic torture and ill-treatment committed by the regime, locations of detention centers, as well as striking stories of tortures were included in these reports. Some of the human rights violations committed by the Syrian security forces are as follows:

On the basis of its research, dated July 2011, Amnesty International considered that the Syrian army and security forces committed crimes and other violations during the security operation in Tell Kalakh. According to AI, when taken in the context of other crimes and human rights violations elsewhere in Syria, these security operations amount to crimes against humanity. The crimes committed in Tell Kalakh appear to be part of a widespread, as well as systematic state policy. These crimes include murder, torture, arbitrary detention and other severe deprivation of liberty, and other inhumane acts committed intentionally to cause great suffering or serious damage to mental or physical health.⁴²

Since the beginning of the uprising in Syria in March 2011, the Damascus Center for Human Rights Studies (DCHRS)⁴³ received a considerable amount of reliable information of grave human rights violations committed against civilians in Syria. FIDH decided to support DCHRS in collecting information and preparing an information paper which examines the trends behind the major and most pervasive crimes and human rights violations reported during the Syrian uprising between March 15 and July 15, 2011. The main trends observed behind these human rights violations are: Extra-judicial killings and increasingly systematic use of violence by governmental forces, most often within the context of anti-government demonstrations; mass arrests, abductions, enforced disappearances and detention of civilians; acts of torture, degrading or inhumane treatment; repression of free assembly and violations of the freedom of information (notably targeting media and human rights defenders); military operations and besieged cities: practices amounting to collective punishments committed against the civilian population; restriction and denial of access to hospitals.⁴⁴

On human rights violations, a UN report covering the period January 15 to May 15, 2013, revealed that war crimes, crimes against humanity and gross human rights violations continue apace.⁴⁵ Government forces and affiliated mi-

42. "Crackdown in Syria: Terror in Tell Kalakh", *Amnesty International Publications*, July 2011, p. 6.

43. The Damascus Center for Human Rights Studies (DCHRS)

44. "Bashar Al Assad: Criminal Against Humanity", *FIDH Report*, p. 5.

45. "Report of the independent international commission of inquiry on the Syrian Arab Republic", *UN Human Rights Council*, (A/HRC/23/58), June 4, 2013.

litia have committed murder, torture, rape, forcible displacement, enforced disappearance and other inhumane acts. Many of these crimes were perpetrated as part of widespread or systematic attacks against civilian populations and constitute crimes against humanity. War crimes and gross violations of international human rights law including summary execution, arbitrary arrest and detention, unlawful attack, attacking protected objects, and pillaging and destruction of property have also been committed. Anti-government armed groups have also committed war crimes, including murder, sentencing and execution without due process, torture, hostage taking and pillage. They continue to endanger the civilian population by positioning military objectives in civilian areas. The violations and abuses committed by anti-government armed groups did not, however, reach the intensity and scale of those committed by government forces and affiliated militia. It is also noted in the report that over the reporting period, 17 incidents potentially meeting the definition of massacre were recorded. The massacre in the town of Jdeidat Al-Fadel, near Damascus, took place between April 15 and 24, 2013. As a fighting intensified between the Syrian Army and the Free Syrian Army (FSA), civilians were trapped inside. Individuals fleeing were killed by the Government snipers. Tens, including dissidents, were subjected to extrajudicial executions by the government forces. The report also included that during a military operation near Homs, the soldiers executed civilians, including two young children, in their homes so that they would not give away the soldiers' locations to nearby FSA fighters.

The UN report on Syria covering the period between May 15 and July 15, 2013, informed that males over the age of 15 years were routinely arrested during raids. Arrests are increasingly made by entities with no or dubious arresting authority, such as the National Defense Forces and Hezbollah.⁴⁶

People who were set free after days of torture and ill-treatment felt fortunate since many individuals who abducted by government forces, including Air Force and Military Intelligence, and National Defense Forces in their homes, at checkpoints, in mosques and in hospitals are still missing. Authorities also refused to provide information or to acknowledge arrests. Families have justified fears that searching for their relatives may lead to reprisals. Some who reported a disappearance were themselves detained.⁴⁷

46. "Report of the independent international commission of inquiry on the Syrian Arab Republic", *UN Human Rights Council*, (A/HRC/24/46), August 16, 2013. p. 9.

47. "Report of the independent international commission of inquiry on the Syrian Arab Republic", *UN Human Rights Council*, (A/HRC/24/46), p. 11.

However, the most striking evidence about the disappearances under detention came in January 2014. Once a scene of crime investigator who had involved in the taking of photographs related to ordinary criminal matters for 13 years in Syria, a military police codenamed “Caesar” was assigned to take pictures of killed detainees transferred into military hospitals of the regime with the onset of the civil war. Caesar and his colleagues took some 55,000 photos in two years and regularly saved them in a flash drive. The military police could not take the policy of killing by systematic torture anymore, got in touch with the Syrian National Movement and handed over the photos to opponents. With the financial support of the Government of Qatar, a law office in London, Carter-Ruck and Co., mandated three veteran chief prosecutors of international crime tribunals to examine photos and prepare a report. The prosecutors were: Sir Desmond Da Silva (former Chief Prosecutor of the Special Court for Sierra Leone), Professor Geoffrey Nice (former lead prosecutor of ex-President Milosevic of Yugoslavia before the International Criminal Tribunal for the former Yugoslavia), and David Crane (the first Chief Prosecutor of the Special Court for Sierra Leone).⁴⁸

The committee examined 26,000 of 55,000 photographs, and decided that the persons in these photos were subjected to systematic torture, they were tortured while their hands and feet were tied, even were bound with rod-like objects; and that men depicted in the photos were the victims of ligature strangulation.

A London-based laboratory (Acume Forensics) examined the authenticity of photographic and other images and if they were falsified. It was found out that all of the materials were original and clean. The committee examined 26,000 of 55,000 photographs, and decided that the persons in these photos were subjected to systematic torture, they were tortured while their hands and feet were tied, even were bound with rod-like objects; and that men depicted in the photos were the victims of ligature strangulation. The committee also noted that the bodies showed the signs of starvation to death and it was often used as a method of systematic torture and

48. “A report into the credibility of certain evidence with regard to torture and execution of persons incarcerated by the current Syrian regime”, <http://static.guim.co.uk/ni/1390226674736/syria-report-execution-tort.pdf>.

execution. Ulceration signs were seen on some of the corpses cause by the electrification. Most were photographed on the floor naked or barely naked. The committee estimated that the 55,000 photos may consist of a total of 11,000 dead detainees.

According to the report, the procedure was that when detainees were killed at their places of detention their bodies would be taken to a military hospital to which the Military Police, codenamed “Caesar”, would be sent with a doctor and a member of the judiciary. “Caesar’s” function was to take four or five photographs of the corpses. The procedure for documentation was that each murdered detainee was given two numbers with only the intelligence service knowing the identities of the corpses. Sometimes the numbers were written on the body or forehead by hand. When the corpse was taken to the military hospital, it was given a further number so as to document, falsely, that death had occurred in the hospital and the cause of death was either “heart-attack” or “breathing problems”. This false document was being provided to the families of the bodies if asked. Once the bodies were photographed they were taken for burial in a rural area.

The possible reason for photographing executed persons and forging papers may be the complaints during the early months of the protests that were documented by human rights organizations in their reports. At the beginning, relatives of the dead detainees were being informed after the bodies were transferred to the hospital and families were made sign a document that the detainee was killed by “armed gangs.” However, families were sharing with media and human rights organizations their findings after seeing the signs of torture and bullet marks on the bodies.

The investigation team examining the photographs of the corpses and making three separate interviews on January 12, 13, 18 in 2014 with the defector “Caesar,” who told that he fled Syria, confirmed the reliability of the source. Before these evidences were brought to light, the UN and international human rights organizations in their reports were stressing about war crimes and crimes against humanity being committed by the regime in Syria. However, it was a first time that a defector came to the fore and revealed the war crimes the State of Syria committed. The committee resorting to the testimonies of other witnesses in this regard decided that all findings are “clear evidence” that could be used in an international criminal tribunal for Syria.

The Civil War

In the face of the demonstrations that began in March 2011 in Syria, the regime chose to use excessive violence in order to repress the protests, pushing the oppo-

sition to engage in an armed fight. With the start of this anti-government armed struggle, Syria became a scene of civil war. The first time a UN official, Under Secretary for Peacekeeping Operations Herve Ladsous, formally voiced the view and said that Syria is now in a state of civil war.⁴⁹ Ladsous, issuing a statement in June 2012, added that the government of Syria lost some large chunks of territory, several cities to the opposition, and is attempting regain control.

During the civil war in Syria, in addition to human rights violations and crimes against humanity, war crimes have also become widespread. While the number of deaths, as a result of enforced disappearances⁵⁰ and torture increased extraordinarily, most frequently seen cases during the civil war are abduction of the individuals considered to be supporting both sides for the purpose of ransom or exchange of captives, in addition to retaliation. In such cases, if the family of the abductee pays ransom or if an agreement about the exchange of captives is reached, the abductee is released. However, there are hundreds of cases in which abductees disappeared without trace or found dead.

The Government of Syria and some opposition forces were pointed out as the responsible of many bomb attacks killing hundreds of civilians in different cities, Damascus in particular. However, no one claimed responsibility for these attacks. As civilians were killed and wounded in the attacks, it means the perpetrators commit war crimes. For instance, 55 people were killed, 372 were injured in two big explosions on May 10, 2012. In another attack against the National Security building in Damascus on July 18, 2012, Deputy Defense Minister Asef Shawkat, Defense Minister Davoud Raja and Interior Minister Mohamed Ibrahim Shar died.

Human rights organizations included the claims about the violation of property rights by the security forces in Syria. In Amnesty International's report on Tell Kalakh, it is reported that the soldiers entered, plundering houses and shops of the civilians according to the statements of the witnesses. Thousands of people fled to Lebanon following the security operation. Amnesty International visited Lebanon and conducted interviews in person with Tell Kalakh residents who had fled across the border to a refugee camp. Individuals said that troops intercepted fleeing families, separated the men from the women, and then arrested the men.

49. "Syria in civil war, says UN official Herve Ladsous", *BBC News*, June 12, 2012.

50. According to The International Convention for the Protection of All Persons from Enforced Disappearance (ICCPED) which prohibits enforced disappearance and allows families to learn about the facts on the disappeared, "enforced disappearance" defined as the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.

The UN High Commissioner for Human Rights, Navi Pillay, said in her statement on January 2, 2013 that the death toll exceeded 60,000 between March 15 and November 30, 2012. Data specialists figured this number by comparing news from seven different sources and after a five-month research was conducted.⁵¹

Pillay claimed that the number of deaths is higher than expected and it is truly shocking and blamed the international community for inaction. She announced that 14 percent of these killings took place in 2011 and 86 percent in 2012. The UN and the Arab League Special Envoy to Syria, Lakhdar Ibrahim, warned that if the civil war continues in Syria, maybe over 100,000 people die in 2013.⁵² In fact, in February 2013, Pillay said the death toll in Syria is likely approaching 70,000.⁵³

To understand the dimension of violence in Syria, it would be illuminating to compare the situation with that of Iraq which weltered in violence after the occupation in the 2000s. In Iraq, with the population of approximately 31 million, violence made a peak in 2006. That year a total of 36,591 people had been killed. In Syria, however, with the population of about 22 million, the death toll according to the UN has surpassed 100,000 as of July 2013. As of January 2014, the UN Office of the High Commissioner for Human Rights announced that the UN has stopped updating the death toll from Syria's civil war.⁵⁴ This, however, is a debatable decision. Data on war crimes committed in Syria were constantly rejected as "distorted" and "wrong" by both sides of the war or their supporters. While some have argued that the missing death tolls in UN reports should bring us to stop collecting the data, it will be a great deal of deficiency to do so. Indeed, it is imperative to continue collecting the numbers even if this proves difficult and challenging. Although problems concerning the confirmation of sources increased, the UN has to maintain this statistical study. The reason is that every case of death in Syria makes it more and more difficult to bring the civil war into an end. Meanwhile, the data provided by the Syrian Observatory for Human Rights based in London claims that the death toll has exceeded 130,000 as of January 2014.

Sources from the opponents of the Syrian regime in Syria reflect smaller numbers when it comes to dead count. The Syrian Revolution Martyr Database (SRMD) website announced the total death toll as 93,466 as of January 11, 2014,

51. Joe Sterling and Salma Abdelaziz, "U.N.'s Syria death toll jumps dramatically to 60,000-plus", *CNN Web Edition*, January 3, 2013, <http://edition.cnn.com/2013/01/02/world/meast/syria-civil-war/index.html>.

52. Ben Brumfield ve Yousuf Basil "Syria's grim toll continues into 2013", *CNN Web Edition*, January 2, 2013, <http://edition.cnn.com/2013/01/01/world/meast/syria-civil-war/index.html>.

53. Michelle Nichols, "Syria death toll likely near 70,000, says U.N. rights chief", *Reuters*, February 12, 2013.

54. Kashmira Gander, "UN to stop updating death toll in Syria conflict", *The Independent*, January 7, 2014.

9,738 of whom were women, 9,653 of whom were children and 18,988 of whom were armed dissidents. It is seen, through data, that number of killing rises to an average of 90 per day. However, opponents do not add dead counts of the government forces into the list. The detailed statistics and maps examined in the SRMD website reveal that the civil war spread around the country.⁵⁵ The Center of Violations Documentation in Syria is another institution announcing statistical data on the dead. As of January 22, 2014, the dead count stands at 85,464.⁵⁶

Although opponents take over some big cities such as Al Raqqa and Aleppo, the government forces still control main lines of supply and strategic points. Once Syria's largest Palestinian camp, Yarmouk, a few kilometers outside Damascus, has been under siege for almost a year. The Syrian army cut off 18,000 refugees in the camp from supplies and medical aid, and has reduced them to subsisting on a diet of animal food, salted water and leaves. At least 50 have died from hunger-related causes.⁵⁷ The Syrian government forces make general attacks in residential areas to harm civilians rather than organizing attacks against opponent military bases. On the other hand, anti-Government armed groups have also conducted sporadic shelling of pro-government villages in Idlib and Damascus in particular.⁵⁸

During the civil war, there are also outsiders who entered Syria joined either to the government or anti-government forces. In the armed groups such as Al Qaeda affiliate Al Nusra and the Islamic State of Iraq and Al Sham (ISIS), there are plenty of warriors who approach the anti-government movement on the axis of a sectarian clash and declare that they are on a *jihad* and are mostly not of Syrian descent. These groups have some Turkish members as well. For instance, Adiyaman Security Directorate announced in October 13 that 11 people in Adiyaman joined Al Nusra and Al Qaeda in Syria.⁵⁹ Meanwhile, the leader of Hezbollah of Lebanon, Hassan Nasrallah, in a statement released on May 26, 2013, openly declared their support to the Syrian government and announced to the world that Hezbollah will fight for the Syrian regime. It is also noted in the UN reports that beside Hezbollah, Iraqi and Iranian Shiites also entered to fight with the regime forces. Other parties involved in the Syrian civil war had moved to the north of

55. "The Syrian Revolution Martyr Database", <http://Syrianshuhada.com/?lang=en>.

56. "The Centre of Violations Documentation in Syria", www.vdc-sy.org.

57. Fernande van Tets, "Innocent, starving, close to death: One victim of the siege that shames Syria", *The Independent*, January 16, 2014.

58. "Report of the independent international commission of inquiry on the Syrian Arab Republic", *UN Human Rights Council*, (A/HRC/23/58), p. 6.

59. İdris Emen, "Emniyet: 11 kişi Suriye'ye savaşmaya gitti", *Radikal*, October 2, 2013.

Syria from Turkey and Iraq in order to wage war next to the Kurdish groups. For instance, in a statement sent by the Marxist-Leninist Communist Party (MLKP) to the media on September 16, 2013, it was announced that MLKP member Serkan Tosun, codenamed “Mazlum”, was killed in a skirmish while fighting on behalf of Kurds in Rojowa.⁶⁰

There are also warnings that anti-government protests that began two years ago gradually transform into a sectarian conflict. The Assad Family misinformed the Nusayri society that if they lose the power, Al Qaeda-backed Sunnis will kill them. This brings the Nusayris to act out of concerns for their future and fear a possible regime change. Therefore, though perhaps unwillingly, they end up supporting the Assad rulership. Former US Ambassador Peter W. Galbraith who witnessed ethnic cleansing in Bosnia said that a few months ago, talk of possible massacres of Alawites, who dominate Bashar al Assad’s government in Syria, seemed like pro-regime propaganda. However, towards the end of 2012, it became a real possibility.⁶¹

Former US Ambassador Peter W. Galbraith who witnessed ethnic cleansing in Bosnia said that a few months ago, talk of possible massacres of Alawites, who dominate Bashar al Assad’s government in Syria, seemed like pro-regime propaganda. However, towards the end of 2012, it became a real possibility.

Indeed, the attacks against Nusayris near Latakia in August 2013 brought the Nusayri-Sunni conflict back to the agenda again. Sheikh Mohammed Reda Hatem, a Nusayri religious leader in Latakia, told the Telegraph correspondent Ruth Sherlock that about 150 Alawites from the villages were kidnapped. There were women and children among them, and that they had lost all contact with them. The Syrian Observatory for Human Rights announced the deaths of at least 20 people during an airborne attack by the Syrian forces in the town of Salma, north of Latakia, on August 10, 2013.

60. “MLKP militanı Rojava’da öldü”, *Radikal*, September 16, 2013.

61. Simon Adams, “The World’s Next Genocide”, *The New York Times*, November 15, 2012.

Dissenters boasted that they had killed “Assad’s men” during the offensive. However, pro-government residents in the area said many of those killed were not fighters, but civilians that the rebels had targeted because of their faith.⁶²

The Syrian government has described the opposition movement only in the religion/sect perspective since the beginning of the protests. The government tried to deepen a sectarian conflict during the civil war and organized military operations in the Sunni regions targeting all, without making any distinction of militant or civilians.

The Role of the Military

Although Syria is not a military regime per se, the army and security units are the guardians of the regime. The Head of the State is concurrently the Baath Party Secretary General and the Chief Commander of the Army. In the period of French Mandate, more minorities were accepted to the army. However, for 20 years after the independence, Sunnis and later on, Nusayris, began to have a say in the army.⁶³ As of 2011, the Syrian Army consists of 220,000 officers and troops. After the military defeat in front of Israel in 1976, the army was re-organized. In addition to conventional armored and mechanized divisions, Republic Guards and Special Forces were also formed.⁶⁴ Nusayris fill about 90 percent of the management positions in the army and security units.⁶⁵

Mass killings in Syria have begun with the involvement of the army in the protests. In April 2011, military units backed by tanks laid siege to the city of Dara’a for 10 days. Not only demonstrators but also civilians who were not part of the protests faced violations. As thousands had to leave their houses and live in dire conditions, hundreds died during military offensives.

Following the army troops, the Syrian government brought Air Force into the game against dissenters. For instance, on August 12 and August 14, 2013, a rocket attack by government aircraft on a hospital in a Damascus neighborhood controlled by the opposition forces, killed four civilians and wounded five, one of whom was a nurse, leaving the building heavily damaged.⁶⁶ The government

62. Ruth Sherlock, “Syrian rebels accused of sectarian murders”, *The Telegraph*, August 11, 2013.

63. Muhittin Ataman, “Suriye’de İktidar Mücadelesi”, p. 10-11.

64. Joseph Holliday, “The Assad Regime: From Counterinsurgency to Civil War”, *Institute for the study of War, Middle East Security Report 8* (Mart 2013), p. 42-43.

65. Eyal Zisser, *Commanding Syria: Bashar al-Assad and the First Years in Power*, (I.B. Tauris, New York:2007), p. 65.

66. “Syria: Fighter Planes Strike Aleppo Hospital”, *Human Rights Watch*, www.hrw.org/news/2012/08/15/syria-fighter-planes-strike-aleppo-hospital, (20.09.2012).

forces laid siege and bombarded Banyas after Dara'a. In June, the city of Idlib was also sieged by the soldiers. During the siege, at least 90 persons were killed while trying to reach the Turkish border.⁶⁷

On August 15, 2011, a Syrian fighter jet bombed a residential neighborhood, killing more than 40 civilians and wounding at least 100 others in the town of Azaz, near Turkey, including many women and children.. HRW's Anna Neistat investigated the site of bombing two hours later and said that two opposition facilities of the Free Syrian Army, in the vicinity of the attack, might have been the targets of the Syrian aircraft. However, houses on the surrounding streets were significantly damaged.⁶⁸ Attacks targeting health sector continued in the upcoming days of the civil war. In May 15, 2013, a military artillery attack against a field hospital in Homs left many health personnel killed and injured. On May 16, 2013, a children's hospital in Darl al Kabir turned into rubble after a bombing. In that period, security forces bombed yet another field hospital in Hula. On May 24, 2013, two rockets hit a field hospital in Idlib destroying it completely. Medical staff and patients died of systematic attacks targeting field hospitals in Dara'a.

On 20 June 2013, government forces bombarded the national hospital in Ar Raqqa. Three medical staff members were injured and the intensive care unit was destroyed. In addition to bombings, government forces misused health-care facilities for military purposes, compromising their neutral status. Snipers were positioned on the roof of hospitals, with tanks and artillery around their perimeters. Besides, medical staff in hospitals received instructions by security forces and intelligence officers to deny medical aid to members of the opposition. Staff who gave medical aid to opponents in hospitals were being detained, arrested, tortured or killed.⁶⁹

According to international humanitarian law, without the discrimination of being military or civilian, hospitals and civilian residential areas cannot be military targets. In case of suspicion that military targets may exist in civilian residential areas, these regions must be considered civilian and protected at all times. The Syrian state clearly violated humanitarian law with these kinds of attacks.

On the other hand, an attack against Aleppo University killed 52 people on January 15, 2013. The attack was reported by the Syrian Observatory for Human

67. "Bashar Al Assad: Criminal Against Humanity", *FIDH*, p. 23.

68. For detailed information, see. "Syria: Fighter Jet Bombing Kills Over 40 Civilians", *Human Rights Watch*, www.hrw.org/print/news/2012/08/16/Syria-fighter-jet-bombing-kills-over-40-civilians.

69. "Report of the independent international commission of inquiry on the Syrian Arab Republic", *UN Human Rights Council*, (A/HRC/24/46), p. 18.

Rights. The Aleppo Office of Governor corrected the figure to 82. The Syrian government claimed “terrorists” caused a bomb explosion at the university. In the upcoming days, video of the attack proved that it was caused by a missile.⁷⁰ On January 2, 2013, an explosion at a gas station in the neighborhood of Milayha, outside Damascus, killed tens of people waiting for fuel. Although the government claimed that it was a “terrorist” attack, two eyewitnesses said fighter jets bombed the region.⁷¹ On February 17, 2013, the Syrian government launched four ballistic missiles that struck populated areas in a town in Aleppo from a military base near Damascus. The attacks killed more than 141 people, including 71 children. HRW found no signs of any military targets in the vicinity of any of the four sites.

While the world’s attention is on ensuring that Syria’s government can no longer use chemical weapons against its population, we shouldn’t forget that Syrian government forces have used conventional means to slaughter civilians.

During the civil war, Syrian government forces used ballistic missiles for the first time in December 2012. Since then, more than 30 attacks were counted with such missiles.⁷² Another report reveals that Syrian government forces have carried out air strikes from fighter jets and helicopters against cities, towns, and neighborhoods under the control of opposition forces. These attacks have killed more than 4,300 civilians.⁷³ In May 2013, hundreds of civilians were killed in Baniyas town and Bayda village of Tartus near the coastal line. The Syrian Local Coordination Committee (LCC) announced the Assad forces attacked as part of an ethnical cleansing strategy against Sunnis living in the coastal area.⁷⁴ In an HRW report, “No One’s Left: Summary Executions by Syrian Forces in al-Bayda and Baniyas”, a list of names of 167 people who were killed in Baniyas and of 81 in Bayda on that day was published.

70. “Video Suggests Missile Hit Syrian University”, <http://thelede.blogs.nytimes.com/2013/01/23/video-suggests-missile-hit-syrian-university/>

71. Anne Barnard “Syrians Killed in Gas Line; U.N. Raises War’s Casualty Figures”, *The New York Times*, January 2, 2013.

72. “Syria: Unlawful Missile Attacks Kill More Than 140”, *Human Rights Watch*, February 26, 2013.

73. “Death from the Skies: Deliberate and Indiscriminate Air Strikes on Civilians”, *Human Rights Watch Report* (April 2013).

74. “Banyas’ta katliam: 126 ölü”, *Anadolu Ajansı*, May 4, 2013.

HRW claimed that the overwhelming majority of these individuals were summarily executed after the end of the military confrontations as opposition forces withdrew from the town and village.⁷⁵ HRW Deputy Director in the Middle East and North Africa Division, Joe Stork, said: “While the world’s attention is on ensuring that Syria’s government can no longer use chemical weapons against its population, we shouldn’t forget that Syrian government forces have used conventional means to slaughter civilians. Survivors told us devastating stories of how their unarmed relatives were mowed down in front of them by government and pro-government forces.” Elsewhere, Mihraç Ural, said to be the comrades at Turkey’s People’s Liberation Party/Front (THKP-C) faction, “Acilciler”, who lives in Syria for decades but of Turkish origin from Antakya, in a video recording right before this attack said “Baniyas is the only way out for terrorists to the sea. The siege of Baniyas is extremely urgent... To lay siege Baniyas and then to start cleansing... We, as the Resistance (Muqavamah) Syria should be involved in and support the war.”⁷⁶

A UN report confirmed that the evidence gathered indicates the perpetrators behind this massacre are government forces and militia.⁷⁷ A Turkish Ministry of Foreign Affairs statement issued on May 5, 2013 revealed that the assaults show the beginning of an ethnic cleansing operation of the regime and stressed that crimes against humanity are committed in Syria.⁷⁸

Interviews with the Syrian refugees in Turkey once again lay bare the fact that the Syrian army harms civilians by using heavy weapons and fighter jets. Abdu Mustafa al Jabali (Abu Haled) who fled Syria and sheltered in the Turkish town of Reyhanli in the Hatay Province during an interview on September 15, 2012 shared his story. He claimed that barrel bombs were thrown from a plane targeting crowds while civilians were lined up for bread and one of these barrels hitting 150 meters away from him killed scores of people, and left many wounded who died eventually since there was no medical center to treat them.⁷⁹ Mustafa Ziyad al Nasiri fled from Aleppo said that their neighborhood was constantly bombed, so

75. “No One’s Left - Summary Executions by Syrian Forces in al-Bayda and Baniya”, *Human Rights Watch Report* (September 2013).

76. Alexander Christie-Miller, “Assad massacres are an ethnic cleansing strategy, says Turkey”, *The Times*, May 10, 2013.

77. “Report of the independent international commission of inquiry on the Syrian Arab Republic”, *UN Human Rights Council*, (A/HRC/23/58), p. 6.

78. “Suriye’deki Son Gelişmeler Hk.”, www.mfa.gov.tr/no_-126_-5-mayis-2013_-suriye_deki-son-gelismeler-hk_tr.mfa, (05.05.2013)

79. “Abdo Mustafa El Cebeli Abu Halid ile söyleşi”, <http://orsam.org.tr/tr/yazigoster.aspx?ID=3915>, (20.12.2012).

they lived in shelters. However, barrel bombs cause material damage in a 50-meter area. Government forces were recruiting young men for the army and killing them if they resist. Men without experience of fight were armed and forced to fight. He left Syria to save himself and his family.⁸⁰ On the same day, another Syrian said that he was selling spice and winter food in his shop in Aleppo which was located in the government-controlled side of the city, yet his house was in the region controlled by opponents. So, he stuck in between. After a while, Assad's men forced him to become a spy and upon being rejected, they looted his shop, kidnapped his son without letting know his whereabouts. There were no electricity and no water after the clashes. When they ran out of food, they first fled to Idlib and then to Turkey.⁸¹

What these interviews hold in common are the forcible recruits by the army. A Presidential Decree issued in March 2013 made the military service mandatory for young men at 18. Those who do not turn in would face detention. Young men under 18 but who seemed older were also kept at checkpoints. With the prolongation of the civil war, the army began to forcibly recruit not only the grown-up men, but also children.⁸²

Another point in common is that fighter jets hit gathering places such as mosques, schools, hospitals, bakeries and gas stations. The Geneva Convention relative to the Protection of Civilian Persons in Time of War requires of each High Contracting Parties in all cases of armed conflict to take all measures to minimize the harm caused to civilians by each party and avoid any kind of assaults that would cause disproportionate harm to civilians and civil targets or to harm civilians and civil targets without any distinction. However, warning civilians, as the Syrian authorities did in Damascus and some other regions in July 2012, is not a sufficient measure to protect them, and they cannot then proceed with an attack on the assumption that there are no civilians present. Warnings issued by the Syrian government prior to attacks, as it was the case in Damascus in some other regions in July 2012, are not sufficient measures. After such warnings, organizing attacks with the presumption that no civilians are found in the targeted regions is unacceptable. Because of the Syrian government forces' warning to civilians to leave certain areas of Damascus and other towns

80. "Mustafa Ziyad El Nasiri ile söyleşi", <http://orsam.org.tr/tr/yazigoster.aspx?ID=3923>, (20.12.2012).

81. "Mahmud Nayf İgadi Abu Rağb ile söyleşi", <http://orsam.org.tr/tr/yazigoster.aspx?ID=3919>, (20.12.2012).

82. "Report of the independent international commission of inquiry on the Syrian Arab Republic", *UN Human Rights Council*, (A/HRC/24/46), p. 9 and 14.

and cities, some 18,000 are reported to have fled to Lebanon alone in two days, on July 23 and 24, 2012.⁸³

In addition to this, an HRW statement dated October 14, 2012 reads that new evidence has emerged that the Syrian air force has used cluster munitions⁸⁴, the use of which is a “war crime” and prohibited.⁸⁵ HRW again issuing a statement on March 16, 2013 said that there were at least 119 locations across Syria where at least 156 cluster munitions have been used.⁸⁶ Due to the ejection of smaller submunitions inside an air-dropped explosive weapon over a wide area, cluster munitions are used to destroy an entire region, not for a pinpoint attack against a certain target.

Due to indiscrimination of civilians from the armed groups during an air-borne attack in regions of civil war such as Syria, the use of cluster munitions pose a grave harm to civilians. As such, munitions prone to indiscriminate effects, especially in populated areas. Similarly, the use of unguided missiles is another problem. On January 10, 2013, a NATO official said in a statement that in the first week of January, a short-range ballistic missile was fired by the Syrian army.⁸⁷ A UN report, later one, dated June 2013 confirmed the use of thermobaric bomb by the Syrian army against opponents.⁸⁸

Bombings of Syrian land and air forces against opponents during counter-operations or attacks against the military bases of the opposition forces (such as artillery fires, air-to-ground or ground-to-air missile attacks) pose a great deal of harm to civilians.

The Syrian army has showed no noteworthy effort to discriminate civilians from soldiers or to reduce civilian losses, to date. As the civil war enters its third year, the killing of women and children by snipers is a simply an indication of such reluctance.

The Syrian government punished soldiers for disobedience when they did not open fire to civilians during the interventions in the demonstrations. Army

83. “Report of the independent international commission of inquiry on the Syrian Arab Republic”, *UN Human Rights Council*, (A/HRC/24/46), p. 9 and 14.

84. The Convention on Cluster Munitions, opened to signature in Oslo in December 2008, prohibits all use, production, transfer and stockpiling of cluster munitions. Each party is expected to complete the destruction of munitions in eight years and clearance of them in 10 years, and provide assistance to the harmed groups and individuals. For detailed information, see. www.clusterconvention.org.

85. “Syria: New Evidence Military Dropped Cluster Bombs”, *Human Rights Watch*, October 14, 2012.

86. “Syria: Mounting Casualties from Cluster Munitions”, *Human Rights Watch*, March 16, 2013.

87. “Syria firing ballistic missiles, Nato says”, *Gulf News*, <http://gulfnews.com/news/region/Syria/syria-firing-ballistic-missiles-nato-says-1.1130495>, January 10, 2013.

88. “Report of the independent international commission of inquiry on the Syrian Arab Republic”, *UN Human Rights Council*, (A/HRC/23/58), p. 6.

members who refused abetting a crime deserted and joined the opposition forces or took shelter in neighboring countries, including Turkey. As of September 3, 2012, the number of refugees in Turkey who were formerly police, soldier or military officials in Syria was about 300.⁸⁹

In fact, the head of Syria's military police, General Abdel Aziz Jassem al-Shallal, in a video recording⁹⁰ announced that he defected from President Bashar al Assad's government. The general accused the army of having turned into "murderous gangs" and joined the opponents of the regime.⁹¹

Detention Centers and Prisons

Although Syrian authorities technically lifted the emergency law on April 21, 2011, on the same day they enacted a legislative decree, limiting the time that a person can be lawfully held in detention without judicial review to 60 days for certain crimes, including terrorism offenses. This new limit does not meet the requirement in international law. In fact, most detainees were held even longer than 60 days.⁹²

The Security Forces and Shabbiha also set up checkpoints to arrest individuals participating in demonstrations in cities. No information is given by the authorities about these individuals' whereabouts.⁹³ Families of detainees are not provided with any information about location of detainees as relatives fear arrest and keep clear of asking their whereabouts.

Detainees are denied access to their lawyers, families, and even medical care. The sharp increase in the number of arrest has contributed to the deterioration of detention conditions. In some areas, detention centers are installed in stadiums and schools.⁹⁴ In addition to complaints about torture and ill-treatment in

89. In August 2012, the main opposition Republican People's Party (CHP) in Turkey claimed about the refugee camps where Syrian security forces and armed opponents are sheltered. The CHP claimed refugees are provided armed training and subject to ill-treatment as there are cases of law-and-order issues and iniquitude. Foreign Minister Ahmet Davutoğlu refuting the claim said, foreign soldiers and military officers must be hosted in a separate camp according to the regulation, dated November 1995, as part of the Refugee Combatant Law, dated 1941. A Parliamentary Human Rights Investigation Committee delegation examined the said refugee camp in early September. Ayhan Sefer Üstün, chairman of the committee, said this particular camp is similar to all other camps with no difference. See. "Apaydın Kampı İncelemesi", *CNN Türk*, September 4, 2012.

90. "Syria military police chief defects to rebels", *Al Jazeera*, December 28, 2012.

91. Along with General Abdel Aziz Jassem al-Shallal, some other top level government representatives, including Syrian Prime Minister Riyad Hijab and Foreign Ministry Spokesperson Jihad Maqdissi, left the country and joined the opposition forces.

92. "Syria: Free Peaceful Activists, Journalists, Aid Workers in Amnesty", *Human Rights Watch*, October 25, 2012.

93. "Bashar Al Assad: Criminal Against Humanity", *FIDH Report*, p. 13.

94. "Bashar Al Assad: Criminal Against Humanity", *FIDH Report*, p. 14.

detention centers, claims of unnatural deaths are at issue. In May 2011, at least nine men died in custody after being apprehended during the security operation in Tell Kalakh. Around two weeks later, the bodies were given to their families. After examining the corpses, families said that there were bullet wounds and signs of torture on them.⁹⁵ Families also said that they were verbally abused when they went to identify the bodies and were put under pressure to say that their relative had been killed by “armed gangs” in order to receive the body of their loved ones.⁹⁶

Extremely cramped and harsh prison conditions were reported by virtually all the former detainees. Human rights organizations say that common complaints were dirty and insanitary conditions, insufficient room to move or lie down to sleep, lack of bedding, severely restricted access to toilets, inadequate light, and meager food of extremely poor quality. Harsh prison conditions are also a method of torture, the organizations further said.⁹⁷

“I was kept in a tiny cell with seven other people. Only one person at a time was able to sleep, while everyone else had to stand,” an 18-year-old Syrian male, Karim, who had been kept in several detention centers for 3 months, describes his detention in Dara’a in October 2011.

“I was kept in a tiny cell with seven other people. Only one person at a time was able to sleep, while everyone else had to stand,” an 18-year-old Syrian male, Karim, who had been kept in several detention centers for 3 months, describes his detention in Dara’a in October 2011. Another Syrian male, Tareq, who was held for two months from July 2011, describing conditions in a Military Intelligence Facility in Damascus, said that when he was in the cell, his wrists were chained and they untied one hand when they brought him food. During all this time [eight weeks], he was allowed to go to the toilet only once a day. Held in custody in December 2011 for 45 days in a detention center in Damascus, Zakariya said: “Food in this department wasn’t enough and the officer said that this food was given to us to keep us alive, not to let us feel full.” Other detainees, who do not have toilets

95. “Crackdown in Syria: Terror in Tell Kalakh”, *Amnesty International Publications*, p. 16.

96. “Crackdown in Syria: Terror in Tell Kalakh”, *Amnesty International Publications*, p. 17-18.

97. “‘I wanted to die’ - Syria’s torture survivors speak out”, *Amnesty International Publications*, Mart 2012, p. 29.

in their cells, explained that they are only given 10-30 seconds for toilet needs and would get beaten along the way to the toilet by the guards.⁹⁸

Torture

Human rights organizations frequently issue statements and release reports since March 2011 on torture and ill-treatment of people who are in custody or arrested in Syria. Testimonies gathered from these detainees confirm regular recourse to different forms of ill-treatment. These include psychological trauma, solitary confinement, death threat, beating, slapping, burning and tearing apart the skin, pulling the nails, and torture using electric devices.⁹⁹

Born in Idlib, M.A. was taken in custody on April 31, 2011 in Aleppo. The torture and ill-treatment M.A. was subjected to are only one of the thousands of similar cases. M.A. told that when under custody, he was beaten up and then taken into a car while his eyes were kept blindfolded. After a while, the car stopped and he was put in a small room, from which he could hear the voices of people being tortured. He was questioned in the meantime, then forced to bow down before a portrait of Bashar al Assad repeating: “Bashar is my God” and was electrocuted later. M.A. was then asked questions such as “Did you participate in demonstration at the university?”; “Did you participate in the organization of such demonstrations?”; “Who else organizes the demonstrations?”; “Did you upload photos and videos of the demonstrations? Did you send them to the media?” He said that he was electrocuted, for one hour, three times a day. He was given water after first three days. M.A. was requested to provide the names of other organizers. When he refused, he was told that soldiers would rape his mother and kill his family if he did not cooperate. Terrorized, he gave them names of students who had died during demonstrations. He, then, was forced to sign a confession that he belongs to a Salafist organization which works in Lebanon and Saudi Arabia. He earns money from organizing demonstrations designed to push people to plot a military coup in the country and transfer false information abroad.” Afterwards, he appeared before a military court. When the judge asked him about the confession, he said he had been forced to sign the document and tried to show the judge signs of torture on his body. The judge answered that filing a complaint against the Security Forces would not be useful. Finally, the judge released him but ordered him not to participate in demonstrations again.

98. “‘I wanted to die’ - Syria’s torture survivors speak out”, *Amnesty International Publications*, p. 29-31.

99. “Bashar Al Assad: Criminal Against Humanity”, *FIDH Report*, p. 15.

Despite torture, M.A. was fortunate for being safe and alive because although it is impossible to give an exact number, hundreds died in custody as a result of torture. FIDH reported that 148 detainees allegedly died as a result of torture in the first three months of the demonstrations.¹⁰⁰ On the other hand, there are statements revealing that armed groups are responsible for the deaths while the bodies of those who died were given to their families.

A Syrian man accused of filming demonstrations on his phone in Tell Kalakh was seized from his home on 16 May 2011, along with over 50 other people. They were taken to al Boloneh Prison in Homs. They were placed all in a big room. Then, along with 26 other detainees, he was taken to detention facility in Haj Atef Square in Homs. There, they were beaten and insulted. During the interrogation, he was placed in the shabah¹⁰¹ position, applied electric shocks to his body. Afterwards, his hands were tied then he was folded in a way that his feet and head and neck were inside a tyre. He was turned on his back while feet were pointing upwards, and then was hit hard on the soles of his feet with a baton. Later, the detainee was transferred with a group of detainees to a prison in Damascus. Torture and insults continued there, too. As soon as the security forces identified a man in the group who was giving testimonies to Al Jazeera as an eyewitness, they took him to a solitary confinement cell and tortured him for eight days.¹⁰²

In its Tell Kalakh Report, Amnesty International considers that soldiers started torture and ill-treatment since the beginning of house raids. Amnesty also informs that after arrest, the men were generally dragged outside, had their hands tied with plastic wires and were blindfolded, kicked and hit with batons, stabbed lit cigarettes on their backs. In addition to physical torture, soldiers insulted the detainees, their families and their religious beliefs.

HRW, in a report dated July 3, 2012, announced that former detainees, defectors from the Syrian military and intelligence agencies revealed the exact location of total of 27 detention centers of the Syrian intelligent units. They were able to identify the agencies responsible for operating them, document the type of ill-treatment and torture used, and name, to the extent possible, the individuals running them.¹⁰³ The facilities included in the report are those for which multiple

100. "Bashar Al Assad: Criminal Against Humanity", *FIDH Report*, p. 17 and 18.

101. In this position, the detainee is tied by the wrists to a bar high enough off the ground to force the detainee to stand on the tip of the toes.

102. "Crackdown in Syria: Terror in Tell Kalakh", *Amnesty International Publications*, p. 11.

103. "Torture Archipelago - Arbitrary Arrests, Torture, and Enforced Disappearances in Syria's Underground Prisons since March 2011", *Human Rights Watch*, July 2012.

witnesses have indicated the same location and provided detailed descriptions about the use of torture. The actual number of such facilities used by the intelligence units is likely much higher. Almost all the former detainees interviewed by HRW also said they had been subjected to torture or witnessed the torture of others during their detention. Interrogators, guards, and officers used a broad range of torture methods, including prolonged beatings, often with objects (such as batons and wires), holding the detainees in painful stress positions for prolonged periods of time, often with the use of specially devised equipment, the use of electricity, burning with car battery acid, sexual assault and humiliation, the pulling of fingernails, and mock execution.¹⁰⁴ In addition to all these, “extreme overcrowding, inadequate food, and routine denial of necessary medical assistance” are considered as torture methods. The gravest tortures were committed by secret forces commonly referred to as Mukhabarat. They consist of: The Department of Military Intelligence (Shu’bat al-Mukhabarat al-Askariyya); The Air Force Intelligence Directorate (Idarat al-Mukhabarat al-Jawiyya); The Political Security Directorate (Idarat al-Amn al-Siyasi); and The General Intelligence Directorate (Idarat al-Mukhabarat al-Amma).

Methods of torture and other ill-treatment appear not only intended to punish, to intimidate, to coerce “confessions” but perhaps also to send a warning to the society as to what they may expect should they also be arrested.

In the report released by Amnesty International in March 2012, it is stressed that methods of torture and other ill-treatment appear not only intended to punish, to intimidate, to coerce “confessions” but perhaps also to send a warning to the society as to what they may expect should they also be arrested.¹⁰⁵ The Amnesty report revealed systematic and widespread torture and ill-treatment in Syria, including 31 torture and ill-treatment methods applied by the security forces, pro-army and pro-government groups, and Shab-biha militia. Most of the victims said that the beaten began during arrest and

104. Victim is deliberately but falsely made to feel that his execution or that of another person is imminent or is taking place. For instance, making them recount last wishes, making them dig their own grave, holding an unloaded gun to their head and pulling the trigger, shooting near (but not at) the victim, or firing blanks.

105. “I wanted to die” - Syria’s torture survivors speak out”, *Amnesty International Publications*, p. 6.

transfer to the detention center. Many also referred to severe beatings with sticks, rifle butts, whips and fists, braided cables on arrival, often referred to as the “haflet al-istiqlal” (“reception”).¹⁰⁶

Among the torture methods applied in detention centers were: forced to swallow salt when thirsty; exposure to excessive cold, bisat al rih (flying carpet),¹⁰⁷ dulab (tyre)¹⁰⁸, (beatings on the sole of the feet), shabah, crucifixion, standing on tiptoes for prolonged period, force to hear torture of others, cutting with blades, extinguishing cigarettes on the flesh, and denial of medical treatment.

In some cases, being held with dead or dying prisoners is used as a torture method. A 15 years old child, Moussa, held in prison for 22 days, told that he was beaten up every day, electrocuted, kept with dead bodies in his cell for a long time, so they were composing, stunk and there were maggots on them.¹⁰⁹

A UN report on human right violations committed between January 15 and May 15, 2013 in Syria also gives examples of torture and ill-treatment under custody and in prison. According to the report, at the Military Police headquarters in Latakia, government security officers beat, slapped repeatedly and kicked a female opposition activist. She was humiliated and verbally abused. Other detainees in the same facility were tortured regularly and held in cramped cells containing vermin and insects. Detainees were stripped naked, subjected to electrical shocks and suspended for prolonged periods from the ceiling by the arms with their toes barely touching the ground (‘Shabh’). One survivor stated, “death is better.” The report also emphasizes that beside the Dulab, Bisat Al Rih is also a method that the government forces use for torture. Pouring hot boiling water on detainees, forcing detainees to sleep standing in over-crowded cells are another methods given in the same report. In the UN Report, it is stressed that systematic torture exists in all detention centers and prisons in Syria, but that government authorities, are responsible for these crimes.¹¹⁰

On April 26, 2013, a statement by Local Coordination Committees in Syria revealed that since March 2011, 2029 torture murder cases committed by regime forces against detainees. Most of those cases were in Damascus and its suburbs

106. “I wanted to die’ - Syria’s torture survivors speak out”, *Amnesty International Publications*, p. 14.

107. Victim being strapped face-up onto a foldable wooden board, the two ends of which are elevated bringing the head towards the feet causing severe pain to the lower back. During the process, the victim is usually beaten.

108. Dulab means tyre in Arabic. The dulab involves the victim being forced into a vehicle tyre which is often then hoisted up. The victim is then beaten in this position.

109. “Untold Atrocities - The Stories Of Syria’s Children”, *Save The Children*, September 2012, p. 28.

110. “Report of the independent international commission of inquiry on the Syrian Arab Republic”, *UN Human Rights Council*, (A/HRC/23/58), p. 15-16.

(678), Homs (406), Dara'a (273), Idlib (207), Aleppo (152), and the other regions and provinces of Syria (313). It was stated that there are also women and children among the victims and these systematic murders, as a result of torture, were committed in the official and secret detentions centers of the regime.¹¹¹

As long as the civil war in Syria continues, new methods of torture will emerge every day. The statements made by victims demonstrate how the military intelligence units, Air Force Intelligence (AFI) in particular, perform some of the worst torturing. In addition to the methods used in the previous years, in 2013, victims in detention centers were allegedly exposed to water torture, such as simulated drowning or keeping detainees in cells in which it is impossible to stand upright or lie down, so detainees have to stand in squatting position.¹¹²

Another case of torture and ill-treatment is allegedly observed in hospitals, by the medical personnel. A Syrian named Wassim told that on May 17, 2011, a soldier stabbed him in the al-Hayy al-Sharqi neighborhood while he was being taken into custody. He was taken to a hospital. However, health officers wearing green or white uniforms swore at him and hit him. A woman wearing a white uniform took off her shoe and hit him so hard with it on his head that he started bleeding. Someone removed his clothes and asked Wassim to lay on his stomach and was blindfolded, then sat over his head, and hit him on the legs with a stick. Wassim said that he was taken to a military hospital afterwards. A soldier told those taking him out of the ambulance that they had found him shooting at soldiers, a female nurse punched him repeatedly with all her strength on his chest. Someone stitched his wounds without giving him any anesthesia, and later on, he was dragged across the floor and then taken to a detention facility.¹¹³

Rapes

Raping women and girls during the civil war in Syria is among the mass violations practised. Due to the danger of rape, thousands of women and girl fled to neighboring countries. There are claims that armed groups raided houses in residential areas and raped women and girls before the very eyes of their families. It has been frequently told that these women and girls are sometimes killed after being raped. Other kinds of rape are those taking place in prisons.

111. "2029 freedom-sacrifice victims of brutal torture in regime prisons cellars", *Local Coordinating Committees of Syria*, April 26, 2013.

112. "Report of the independent international commission of inquiry on the Syrian Arab Republic", *UN Human Rights Council*, (A/HRC/24/46), p. 12.

113. "Crackdown in Syria: Terror in Tell Kalakh", *Amnesty International Publications*, p. 12-13.

A male activist, who is working with a church-based human rights group, was detained in November 2011. He said that while in prison, he both witnessed rapes and was raped. Giving an interview to BBC's Fergal Keane in September 2012, the activist said his captors demanded that he confess to smuggling weapons and sending footage of demonstrations to foreign news organizations. The witness also said that the first thing he saw was a woman being raped, there was blood coming out of her body and she just stayed in the corner. He added that a security official began to touch him sexually. Then, he was raped by a group of three officers who mocked him. "You want Assad to quit? This is for saying that you don't like Bashar al-Assad." The activist also said that a teenage boy, who was raped, was brought into his cell.

Among the rape victims, there was another woman who was arrested at a checkpoint in Homs and held for two months in the Palestine Branch of Military Intelligence in Damascus. As part of the torture, she alleges, rats and mice were used by interrogators to violate women. She described an assault on another prisoner, which she says she witnessed. The woman said the officer inserted a rat in the other woman's vagina and the interrogators were mocking her.¹¹⁴ Amnesty International confirms that in detention centers or prisons a victim's being forced to watch the rape of another detainee is among the used torture methods.¹¹⁵

Tareq described what happened after he was taken and held two months in the Military Intelligence branch in Kafr Sousseh of Damascus in July 2011. During the interrogation the officer said 'bring Khalid'... and forced him to watch someone being raped. They pulled down his [Khalid's] trousers. He had an injury on his upper left leg. Then the official raped him up against the wall. Khalid just cried during it, beating his head on the wall.¹¹⁶

In late January 2013, FSA fighters captured a detention center in Dayr az Zawr and found a family among the prisoners. Under threat that her children would be killed, the mother was raped and forced to clean and cook for her captors. Another woman who was detained near Damascus in December 2012 described the rape of cellmates after her release.¹¹⁷

The rape victims in Syria are most of the time reluctant to report sexual violence or seek treatment because of stigma and strong social norms that treat rape as a dishonor to the family.¹¹⁸

114. "Syria ex-detainees allege ordeals of rape and sex abuse", *BBC News*, September 25, 2012.

115. "I wanted to die" - Syria's torture survivors speak out", *Amnesty International Publications*, p. 24.

116. "I wanted to die" - Syria's torture survivors speak out", *Amnesty International Publications*, p. 29.

117. "Report of the independent international commission of inquiry on the Syrian Arab Republic", *UN Human Rights Council*, A/HRC/24/46), p. 14.

118. "Syrian Women & Girls: No Safe Refuge", *Refugees International Field Report*, November 16, 2012.

In addition, absence of independent observers, starting with the UN human rights rapporteurs, prevent confirmation of rape allegations and make difficult to estimations about the number of rape cases. No sign has been seen regarding any examination or study on the investigation, prevention and punishment of sexual abuse claims. However, rape is a war crime and a crime against humanity.

Torture Victim Children

Children, too, are subject to torture and ill treatment during the civil war in Syria. *Save the Children*, a global action fund for children around the world, confirmed, during the interviews with children and their parents living in refugee camps, that a relative of almost all children was killed and almost all witnessed torture.¹¹⁹

According to the report of Save the Children, the 15-year-old Khalid, after being detained in his village, was taken to an interrogation center which was his old school. For two days Khalid was kept without food and water in a room with over 100 others. He was beaten and hung up from the ceiling by his wrists. When he passed out from pain, Khalid was taken down and thrown cold water on his face. Cigarettes were stubbed out on his body.

Wael (16) was arrested along with 13 other children. They were forced to stay in a small cell all together. There was nowhere to go – there wasn't even a toilet, just a whole in the floor. Wael and other were beaten up with sticks in the cell. Six years old Ala'a was tortured perpetually, only to die after food and water deprivation. Ala'a dead body was treated as though he was a dog, said Wael.

While Razan was walking home in Dara'a, she came behind two armed men and overheard those taking bets on something. They were planning to use something for target practice. When they agreed on the bets, she realised they were talking about a boy who was playing alone on the road. One of them had taken the bet and shot him in the head. 17-year-old Farah said that in jail she was handcuffed, taken outside and tied to a wooden post, and savagely beaten for two days with the butt of a rifle, with a horse-whip and with sticks. On the third day, she was moved somewhere else. They thought she would commit suicide because so many people had. Meanwhile, Nabil told that he saw children used as human shields. When two tanks came into the village of Saydeh, he saw children attached to them, tied up by their hands and feet, and even by their torsos.¹²⁰

119. "Untold Atrocities - The Stories Of Syria's Children", *Save The Children*.

120. International humanitarian law definitely prohibits the use of civilians as "human shields" or in any other similar form in order to prevent attacks on military targets.

In fact, 17-year-old Mohammed said that there was a demonstration in the village and some children were cut amongst the crowd. As a punishment, armed men went to the school. They selected 50 children at random in the classrooms, from grades 1 to 7. They took them out of the school and tore out their fingernails.

In June 2013, 10 boys aged 14 to 17 years, who were with a group of around 50 civilians displaced from Homs, were taken from a bus, forced to strip naked and were beaten. They were later released.¹²¹

Nabil told that he saw children used as human shields. When two tanks came into the village of Saydeh, he saw children attached to them, tied up by their hands and feet, and even by their torsos.

SHABBIHA MILITIA

Syrian security forces were not the only ones who attacked civilians during protests. Gangs depicted as “supporters of Assad” by the Syrian official media channels also attacked the protesters. Although Syrian government portrayed these attacks merely as clashes between “pro and anti-government groups,” reliable sources confirm that these gangs called as Shabbiha militia inflicted violence against protesters using guns, knives, truncheons and stones and supported security forces through causing chaos.¹²² Shabbiha militias, which were first mentioned in 1975 and used against rebels during 1982 Hama Massacre, are directly controlled by the Assad family.¹²³

Shabbiha militia reemerged after March 2011 and began to carry out attacks to suppress and frighten opposition groups by acting in parallel with the army and police forces. One of the biggest and striking attacks of the Shabbia militia took place in Al-Houla, Homs on May 25, 2012. Following the bombardments of the Syrian security forces by artillery guns and rockets, the troops and Shabbiha militia killed 108 persons including 34 women and 49 children in the district. The

121. “Report of the independent international commission of inquiry on the Syrian Arab Republic”, UN Human Rights Council, (A/HRC/24/46), p. 14.

122. “Bashar Al Assad: Criminal Against Humanity”, FIDH Report, p. 9.

123. Selin M. Bölme ve Ufuk Ulutaş (ed.), “Suriye’de Aktörler”, p. 45.

Syrian government, on the grounds of two witnesses' testimony, claimed that the families who were attacked were pro-government and the attack was carried out by opposition groups. The UN, however, stated that the government failed to provide any other evidence apart from the two witnesses, and judged their accounts as unreliable in its report of inquiry on the incident. Relying on 47 interviews with survivors of the attack by the UN Commission and other evidence, the Commission found that government forces and Shabbiha militia were responsible for the attack in Al-Houla. The same report also underlined that families who were killed during the attack were not pro-government and the survivors of the attack went to the hospitals controlled by opposition groups.¹²⁴

The Shabbiha militia was also held responsible for the massacre in the village of Haswiya, on the edge of Homs, Syria in January 2013. The BBC team, escorted by Syrian soldiers, visited the village where at least 100 people were killed and burned alive in their homes. Soldiers who accompanied the team in this village close to the military base stated that the militias from al-Nusra Front committed the killings because these people supported the government, though they are Sunni. Villagers also accepted these claims in front of the soldiers. However, out of earshot of soldiers, one villager told the BBC: "The army was present and some soldiers even apologized for the murders, saying others had acted without orders." This claim confirms opposition groups who argued that the Shabbiha militia is responsible for the massacre.¹²⁵

The Independent International Commission of Inquiry on Syria stated in its report¹²⁶ published on August 15, 2012 that violence spread to new areas, and armed violence between government forces, Shabbiha militia and anti-Government armed groups increased in force. The Commission found the government forces and Shabbiha militia responsible for crimes against humanity of murder and of torture, war crimes, extrajudicial killings, arbitrary arrest and detention, sexual violence, pillaging and destruction of property. Arguing that large-scale operations conducted in different regions, their similar modus operandi, their complexity and integrated military-security apparatus prove that these violations present a state policy, the Commission stated that they obtained credible information which shows Shabbiha militia whose organizational structure remains un-

124. "Report of the independent international commission of inquiry on the Syrian Arab Republic", *UN Human Rights Council*, (A/HRC/24/46).

125. "Suriye köyünde katliam kanıtları", *BBC Türkçe*, January, 21 2013.

126. "Report of the independent international commission of inquiry on the Syrian Arab Republic", *UN Human Rights Council*, (A/HRC/21/50), August 16, 2012.

clear acted in league with the government. The Commission also claimed that its access to government officials and security forces was almost impossible and that the Commission could not interview victims and witnesses in person.

There are other cases where the Shabbiha militia destructed or looted personal property. During house searches, militia members confiscated goods they consider precious and vehicles and money coming from the opposition at checkpoints.

Apart from crimes committed by the Shabbiha militia, other cases of torture carried out by Bashar al Assad supporters also drew public outcry. In May 2011, individuals detained in Tell Kalakh were taken on buses to unknown excluded places. Many of these buses stopped in villages known to be loyal to Bashar al Assad such as al-Hajar al-Abyad, al-Makhtabiyeh and Tell Sarin. Detainees were taken out of the buses and forced to kneel, and then the villagers were apparently allowed to beat them, spit on them and insult them.¹²⁷

TRIALS

It is necessary that the judiciary, which is capable of protecting and maintaining the rule of law, the sine qua non of the protection of human rights, be and remains independent and impartial. Concretely speaking, it is required that courts be independent; judges do not take orders from anybody or any other institution. Indeed, judges are not and should not be under the influence and pressure of the legislative and the executive, and are qualified to carry out a fair trial.¹²⁸ A retrospective view of the Syrian state will show that the judicial system in Syria fails to honor these criteria.

Syria is facing numerous obstacles that disable proper functioning of its judicial mechanism. The first obstacle is the excessive number of bodies exercising justice. In addition to Magistrates' courts, Courts of First Instance, Courts of Appeal and the Court of Cassation, which exercise judicial power in accordance with the Syrian Constitution, there are the State Judicial Council, which directly reports to the Prime Minister's Office, and the High Constitutional Court. Furthermore, there is another exceptional judiciary, which was not stipulated in the Constitution and does not provide the safeguards stipulated in the ordinary judiciary. These include military field tribunals promulgated by a legislative decree, Supreme State Security Courts that were established in 1968 but repealed on April

127. "Crackdown in Syria: Terror in Tell Kalakh", *Amnesty International Publications*, p. 10.

128. Hüsnü Öndül, "Hukukun Üstünlüğü: İnsan Haklarının Hukuk Yoluyla Korunmasında Temel İlke", *İnsan Hakları için Diyalog*, No. 1 (Mayıs-Haziran 2009), p.73.

21, 2011, and committees such as the Committee for the Specification of Wages for Agricultural Work and the Committee for the division of common property.¹²⁹

Intervention of the executive in the affairs of the judiciary is another obstacle. The Minister of Justice, who chairs the Supreme Judicial Council on behalf of the President, has a great influence over the judiciary. The Supreme Judicial Council is authorized to make decisions including appointment, promotion, disciplining of judges among others. There have been cases of lifting judicial immunity in the Syrian Arab Republic in the last four decades. At times, during these procedures, judges were collectively dismissed.¹³⁰ Another obstacle is the poor judicial infrastructure. As the small number of judges is not sufficient enough for the increasing number of cases, thousands of cases pile up at the courts of first instance and cassation, which prolongs the litigation.

Military courts have continued to hear cases on the grounds of “threat against the security of the state” and trialed civilians since Hafez al Assad ruling even though there was no real state of war in Syria.

The Military Field Tribunals, considered to be the most significant parts of the exceptional judiciary, were established in 1967 under the “Legislative Decree 109.” These tribunals are authorized to trial military members and deal with crimes committed in wartime or wartime military operations. These courts have continued to hear cases on the grounds of “threat against the security of the state” and trialed civilians since Hafez al Assad ruling even though there was no real state of war in Syria.¹³¹ These Military Field Tribunals, which only consist of military personnel, have tried protesters and military personnel who opposed the intervention in the last two years. According to the Article 5 of the Decree, military tribunals are not bound by the principles and procedures stipulated in the Syrian Code of Criminal Procedure. Accordingly, these tribunals are not constrained by

129. Michal Shammās, “Restructuring Judicial System in Future Syria”, *Strategic Research & Communication Centre*, Transitional Period Policy Research 2012, p. 7-9.

130. Michal Shammās, “Restructuring Judicial System in Future Syria”, p. 12.

131. “Alternative Report to the Syrian Government’s Initial Report on Measures taken to Fulfil its Commitments under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”, *Damascus Center for Human Rights Studies*, 2012.

the imperative for public trial, the right to an attorney, the right to see a forensic physician, the ban on incommunicado detention, or a suspect's right to be questioned within 24 hours after his arrest. The Military Tribunals conduct its session in total secrecy while defendants are not allowed to contact with a lawyer or their families. Whether defendants survive or not is unknown until the Tribunal announces its verdict. Recently, it has been released to the public that these courts impose death penalty, life imprisonment or long sentences for civilians and military personnel who took part in anti-government protests and that the detainees are not allowed to get legal aid or call witnesses during their trials.¹³²

THE OPPOSITION

Opposition Groups

Opposition groups, notably the Muslim Brotherhood, who were engaged in active politics, lapsed into silence in the aftermath of 1982 Hama Massacre. The government quickly suppressed some of the opposition groups that began to get organized and act together in 2000s. In March 2011, opposition groups in Syria were acting disconnectedly in the country and abroad. Due to split of opinion on political, ethnic and religious issues, opposition groups failed to coordinate and act together with mutual trust for a while. Fragmented opposition groups began to come under the umbrella of the Syrian National Council (SNC) in August 2011 during the first days of protests. The Council included the Syrian Muslim Brotherhood, the Damascus Declaration for National Democratic Change, Nestorians, Kurdish, secular and independent opposition groups and local committees. Following the SNC, opposition groups gathered in Qatar on November 11, 2012 and decided to establish a new and more comprehensive leadership council consisting of 60 persons. On July 6, 2013, Ahmad Al Assi Jarba was appointed as the president of the National Coalition of Syrian Revolution and Opposition Forces (NCSROF) consisting of members from Syria and abroad.¹³³

In addition to NCSROF, the Local Coordinating Committees of Syria (LCC Syria) established after protests broke out, is among the most effective opposition groups. Local groups in different provinces came together to be more effective.¹³⁴ Furthermore, there are other active groups in Syria such as the Damascus Decla-

132. "Military Field Courts crime Threaten the Lives of Our Prisoners", *Local Coordinating Committees of Syria*, May 30, 2012.

133. For more information on NCSROF see www.etalaf.org/en/.

134. For more information on committees see *Local Coordinating Committees of Syria*, <http://www.lccSyria.org/en>.

ration for National Democratic Change, the Assyrian Democratic Organization, the National Coordination Committee for Democratic Change, the Justice and Development Movement.

The Syrian opposition includes those who want to overthrow the regime, those who demand reform, those who support or those who oppose armed struggle. Furthermore, opposition groups also differ in opinion on whether to use foreign intervention in their struggle against the regime. The leading armed opposition group is the Free Syrian Army (FSA). Established in July 2011, the FSA consists of Sunni officers who deserted from the Syrian army. There are other groups, which clashed with the regime as well. However, the FSA is the biggest armed opposition group and at times announces that it has seized the control of certain regions in the country. There are also other groups established by the army deserters such as the Syrian National Army and the Syrian Military Joint Command.

In addition to the aforementioned groups, there are other Islamist armed groups consisting of Syrian citizens or foreigners who are engaged in armed struggle against the Syrian regime. Al-Nusra Front, a Salafi group, is one of these groups. Having begun its struggle in Syria in 2011, this group was blacklisted by the US Administration on December 2012 on the grounds that it is an alias for al-Qaeda.¹³⁵ In an interview to the BBC in January 2013, one of the commanders of the Al-Nusra Front rejected any connection with al-Qaeda claiming that they only attack military targets and the regime plants bombs among civilians and accuses them of doing it.¹³⁶ Three months after this statement, the leader of the al-Nusra Front, Abu Mohammed al-Jawlani, pledged allegiance to the leader of al-Qaeda, Ayman al-Zawahiri.¹³⁷ The al-Nusra Front today is known as the al-Qaeda affiliate in Syria. The Islamic State of Iraq and the Levant (ISIS) is another Islamist group that has been trying to make its voice heard since the end of 2013. Established in April 2013, this al-Qaeda affiliated group is headquartered in Iraq. After the leader of the al-Qaeda al-Zawahiri announced that they recognize only the Al-Nusra Front and disbanded the ISIS, the leader of the group Abu Bakr al-Baghdadi declared their independence.

The Al-Tawhid Brigade, consisting mostly of Syrian Sunni Muslims, did fight against the regime as a unit of the FSA. The military group called the Salah al-Din al-Ayyubi Brigade consists of Syrian Kurdish people. There are also other Isla-

135. Ewen MacAskill, "US blacklists Syria's al-Nusra Front as terrorist group", *The Guardian*, December 11, 2012.

136. "Halep'te İslamcılara destek artıyor", *BBC Türkçe*, January 18, 2013.

137. "Suriye: Nusra Cephesi el Kaide'ye bağlılığını bildirdi", *BBC Türkçe*, April 10, 2013.

mist and ethnic groups engaged in armed struggle in Syria. Kurdish people, who have been suppressed and deprived of even their fundamental rights and who have never enjoyed autonomy since the establishment of the Syrian Arab Republic, constitute another wing in the civil war. Kurdish people initially considered the conflicts as a struggle between Arab nationalists and Islamists; therefore they avoided openly supporting both sides. After a while, however, the Syrian army withdrew most of its troops from the regions close to Turkish and Iraq border in order to transfer them to other regions where attacks by the opposition intensified, and Kurdish people seized the control of these regions. There are also other groups such as Sunni Arabs, Assyrians, Armenians, Turkmens and Yazidis in these regions mostly populated by Kurdish people.

One of the most influential of these Kurdish groups in Syria is the Democratic Union Party (the *Partiya Yekîtiya Demokrat/PYD*). In addition to the PYD, which is considered a Syrian offshoot of the PKK (the Kurdistan Workers' Party), there are other Kurdish groups that coalesced under the umbrella of the Kurdistan National Council (KNC) in October 2011 under the patronage of Masoud Barzani, the head of the Kurdistan Democratic Party (KDP). There is a clear tension between these two groups and the PYD. These two factions, nonetheless, compete not only with each other but also with other groups in regions mostly populated by Kurdish people.¹³⁸ Clashes between the PYD forces and groups under the umbrella of the FSA began in November 2012 and this opened up a new front in the civil war in Syria.¹³⁹ Fierce clashes broke out between the PYD and the FSA in Rasul Ayn in particular. On February 2013, both groups signed an 11-article accord declaring ceasefire and their decision to unite against the Assad regime in regions mostly populated by Kurdish people.¹⁴⁰

A large-scale conflict did not break out between armed Kurdish groups and other opposition groups for a while. However, news reported that at least 50 civilians were killed in an attack by al-Qaeda related groups targeting villages close to Aleppo, Tal Aran and Tal Hasil, mostly populated by Kurdish people in August 2013 re-intensified clashes. Independent sources could not verify the claims of massacre due to the restricted access to the region. Kurdish sources, on the other hand, stated that the fighters of the Kurdish Front consisting of different ethnic

138. For more information on Syrian Kurds see: "Syria's Kurds: A Struggle Within a Struggle", *International Crisis Group*, Middle East Report No: 136 (January 22, 2013).

139. "Rebels and Kurds clash in Aleppo", *Financial Times*, October 30, 2012.

140. "Beşar Esad'a karşı 11 maddelik ittifak", *Milliyet*, February 19, 2013.

groups including Kurdish, Arab, Turkmen, Nestorian, Armenian and Assyrian groups defended the villages against Islamist groups. It was argued that civilians were targeted in the region due to the security gaps resulting from the geographical location of Kurdish villages which are scattered a little far from the Kurdish regions in the North.¹⁴¹ Other reports read the clashes between Islamist militants and armed Kurdish groups as a power struggle. The UNHCR, on the other hand, stated in mid-August that thousands of Syrian refugees sought refuge in Kurdistan Regional Government but the UNHCR could not clarify the reason behind the influx.

Human Rights Violations and War Crimes Committed by the Opposition

Even though human rights violations were committed only by security forces of the Syrian government at the beginning of the protests, some of the opposition groups, as stated by international human rights organizations, committed at times violations such as extrajudicial killing and torture against civilians and security forces who surrendered. As armed groups are not a party to human rights conventions, they may seem not to be responsible for violations of the law of human rights. However, armed opposition groups must respect humanitarian law also called “law of war” or “law of armed conflicts.”¹⁴² Any organization, party or community, no matter how they call themselves, who systematically violate the 3rd article of the Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War dated 1949,¹⁴³ shall not be considered as “warring faction” but they shall be trialed as war criminals or considered terrorist according to the Geneva Conventions.¹⁴⁴ As a result, groups who are engaged in armed struggle against the Syrian regime are obliged to obey humanitarian law. Furthermore, opposition groups, just as the Syrian army, are responsible for the protection of civilians from the attacks of the other side in the regions they control. This in-

141. Çağıl Kasapoğlu, “Rojava saldırılarının arkasında ne var?”, *BBC Türkçe*, August 2, 2013.

142. See: “Rule 149: Responsibility of armed opposition groups”, *Customary international humanitarian law*, www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter42_rule149.

143. The 3rd article of the Convention stipulates that persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed ‘hors de combat’ by any cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. The article also prohibits torture and cruel treatment, the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court. See: “Geneva Conventions and Protocols, August 12, 1949, <http://www.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?action=openDocument&documentId=AE2D398352C-5B028C12563CD002D6B5C>

144. Hüsnü Öndül, “İnsancıl Hukuka Giriş”, <http://www.ihd.org.tr/index.php/makaleler-mainmenu-125/940-insancil-hukuka-g.html>.

cludes the responsibility to shield civilians from harm when they carry out attacks against military targets.

The UN stated in its report¹⁴⁵ on August 15, 2012 that war crimes, including murder, extrajudicial execution and torture, had been perpetrated by organized anti-government armed groups. Underlining that the violations committed by these groups did not reach the gravity of those committed by government forces and the Shabbiha, the report stated that although not a party to the Geneva Conventions, these groups must abide by the principles of international humanitarian law.

Human Rights Watch (HRW) stated on September 17, 2012 that armed opposition groups subjected detainees to ill-treatment and torture and committed extrajudicial executions in Aleppo, Latakia and Idlib.¹⁴⁶ Although opposition leaders claimed that they would respect human rights and curb the abuses, three opposition leaders interviewed by the HRW said that those who were killed deserved to be killed and that they executed only the worst criminals. This indicated that some opposition groups adopt different discourses and practices. The deputy Middle East Director at HRW, Nadim Houry declared that the international society assisting the Syrian opposition should take the responsibility to condemn abuses.

Although opposition leaders claimed that they would respect human rights and curb the abuses, three opposition leaders interviewed by the HRW said that those who were killed deserved to be killed and that they executed only the worst criminals.

Two FSA fighters interviewed by HRW claimed that two people who were detained after the battalion for having stormed a police station in Haffa in June 2012 were immediately executed while two other individuals were executed after a trial. Moreover, six of the 12 detainees interviewed by HRW in two opposition-run detention facilities admitted that FSA fighters and officials in charge of detention facilities had tortured and mistreated them, by beating them on the soles of their

145. "Report of the independent international commission of inquiry on the Syrian Arab Republic" (A/HRC/21/50).

146. "Syria: End Opposition Use of Torture, Executions", *Human Rights Watch*, September 17, 2012.

feet in particular. The FSA was also accused of arbitrary detentions. It is claimed that detention of everyone who is suspected of supporting the regime in Aleppo weakens the support for the FSA.¹⁴⁷

A video broadcasted in May 2013 shows the images of two men who are whipped by opposition groups under the claim that they had violated marriage traditions in Saraqeb, Aleppo.¹⁴⁸ In a report, the UN stated¹⁴⁹ that opposition groups resorted to public show trials and executions of detainees who were accused of being affiliated with the government in order to show their authority and instill fear among civilians. The report provided several telling examples. One tells the story of two persons who were hanged in Damascus on the grounds that they collaborated with the government on March 3, 2013. There was also another story about three Alawi men executed in a public square in Al-Raqqah city by fighters claiming to be from the Islamic State of Iraq and the Levant (ISIS) on May 14, 2013. The report underlined that a series of trials by opposition groups on April 2013 highlight an important sectarian dimensions and that captured Alawites were consistently found guilty and executed while non-Alawites were imprisoned or released.

In addition, the UN report on Syria covering the period from May 15 to July 15 2013 states that opposition groups established different judicial mechanisms in the regions they control. For example, people who “confessed” faced immediate execution without giving any right to appeal against the decision in some regions while in others people faced imprisonment. The report also argued that in some regions groups apply only Islamic law while in others they applied a hybrid of Islamic and Syrian civil law. Furthermore, the report indicated that some opposition groups used the judicial mechanisms they established while others resorted to the local courts.

In 2013, opposition groups were claimed to torture prisoners that they detained in prisons established and functioning in the regions under their control. It was documented that an organization called Liwa Asifat Al-Shamal, which operated a 300-person capacity prison, put detainees in a 1.5 m deep hole in the ground and covered with sheet metal for 48 hours; that the military police affiliated with Liwa Al-Tawheed tortured detainees by the *dulab* method which is commonly used by government forces, and that members of the Kurdish group

147. “Halep’te İslamcılara destek artıyor”, *BBC Türkçe*, January 18, 2013.

148. “Evlilik geleneklerine uymadı diye kamçıldılar”, *Radikal*, May 21, 2013.

149. “Report of the independent international commission of inquiry on the Syrian Arab Republic”, *UN Human Rights Council*, (A/HRC/23/58)

called YPG beat anti-government protesters and detainees affiliated with the FSA in prison in Afrin in February 2013.¹⁵⁰

On June 8, 2013, a boy named Mohammad Kattaa (15) who was detained by the members of ISIS on the grounds of blasphemy, was tortured and shot dead in front of his parents.¹⁵¹ The UN report dated August 16, 2013 stated that some armed groups refused to recruit children while some other armed groups, such as Al-Nusra and Al-Tawheed and armed Kurdish groups such as YPG, gave a training programme for children on how to use guns and forced them to participate hostilities as soldiers.¹⁵²

Some videos broadcasted for viewers of international media through websites such as “YouTube” and “Facebook” show executions, torture and ill-treatment by armed opposition groups.¹⁵³ On August 10, 2012, opposition groups seizing the control of a post office in Al-Bab in Aleppo killed six civilian officers and security guards by throwing them off the roof, all this, while recorded themselves in action. Claims were made that the opposition groups executed the guards, who refused to leave, on the grounds that they support the regime.¹⁵⁴ Another video footage, which was sent to the news agencies on November 2, 2012, shows the execution of 28 Syrian soldiers who surrendered in Saraqeb, Iblib. In the footage, unarmed Syrian soldiers lay on the ground and the opposition members fire round after round into their bodies after they beat and berate them. The British-based Syrian Observatory for Human Rights held Al-Nusra Front responsible for the executions.¹⁵⁵ It was argued that the group is also responsible for the execution of 10 unarmed persons in Rasul Ayn close to the Turkish border in the late November 2013.¹⁵⁶ In a report by the UN, Al-Nusra Front was also held responsible for the execution of 11 persons in Dayr Al-Zawr, in the eastern part of Syria.¹⁵⁷ The report also dwelled on the execution of two soldiers abducted by the Tawhid Brigade; attacks by snip-

150. “Report of the independent international commission of inquiry on the Syrian Arab Republic”, *UN Human Rights Council*, (A/HRC/24/46), p. 8, 9 and 13.

151. “Syrian rebels ‘execute teenager’ in Aleppo”, *Al Jazeera*, June 9, 2013.

152. “Report of the independent international commission of inquiry on the Syrian Arab Republic”, *UN Human Rights Council*, (A/HRC/24/46), p 15.

153. Tens of videos showing the violations of human rights in Syria are uploaded each and every day. At times whether these videos were really recorded in that place in Syria and at that time is a matter of discussion. Human rights organizations conduct comparative studies in order to confirm the content of the videos; however, this is impossible in some cases.

154. “Suriyeli muhaliflerin kan donduran katliami”, *Hürriyet*, August 13, 2012.

155. Matthew Weaver, “Syria conflict: rebel ‘war crime’ caught on video”, *The Guardian*, November 2, 2012.

156. “Sınırda kan donduran infaz!”, *Vatan*, December 1, 2012.

157. “Report of the independent international commission of inquiry on the Syrian Arab Republic”, *UN Human Rights Council*, (A/HRC/23/58), p. 9 and 15.

ers of anti-government forces against civilians in Damascus in April 2013; victims who were subjected to torture and ill-treatment because they were suspected of being Shabbiha; civilians who were subjected to beatings and ill-treatment on the grounds that they support the government at FSA checkpoints, and a person who was exposed to torture by Al-Nusra members on the suspicion that he was Shi'a.

As war raged on, armed groups began to kidnap Syrians for ransom or political reasons.

In another video which was filmed on March 26, 2013 but posted on May 12, 2013, a man named Al-Hamad, also known as Abu Sakkar, who was later found out to be the leader of Omar al-Farouk Brigade, was recorded cutting open the chest of a dead Syrian soldier, removing his heart and putting it in his mouth. This video provoked tremendous reaction.¹⁵⁸ In an interview via Skype, Al-Hamad confirmed to TIME that the video is real and justified his act with the following words: "They murdered our children and women. We did not start this up. They are the ones who started it. Our slogan is: eye for an eye."¹⁵⁹ Other interviews conducted with Syrians staying in camps in Turkey indicate that those who are found out to be informer among the opposition groups faced immediate execution.¹⁶⁰ Similarly, the video footage of the execution of Syrian soldiers who surrendered or were captured in Khan al-Assal, close to Aleppo on 22-26 July, 2013 caused public unrest. Commenting on the massacre committed by the Al-Nusra Front, the UN High Commissioner for Human Rights, Navi Pillay claimed that they received information that the majority of the executed men appear to be soldiers and the opposition groups are still holding hostage other soldiers including wounded ones.¹⁶¹

As war raged on, armed groups began to kidnap Syrians for ransom or political reasons. On April 23, 2013, for example, two Christian bishops were abducted by armed militants in the region under the control of opposition groups and

158. Peter Bouckaert, "Is This the Most Disgusting Atrocity Filmed in the Syrian Civil War?," *Foreign Policy*, May 13, 2013.

159. "Esad askerinin kalbini yiyen El Hamad konuştu," *T24*, May 15, 2013.

160. Feyyat Özyazar, "Hatay'ın Reyhanlı İlçesine Yerleşen Vahid Lütfi El Habbaz-Abu Mustafa İle Söyleşi," *Ortadoğu Stratejik Araştırmalar Merkezi*, December 19, 2012.

161. "Pillay urges investigation into alleged executions by anti-government armed groups in Syria's Khan Al-Assal," *The Office of the United Nations High Commissioner for Human Rights (OHCHR)*, August 2, 2013.

faced torture and ill-treatment. In addition, Bassam Wahbh was abducted by the FSA in Damascus. The FSA wanted 1.5 million dollars as ransom from his family, then cut off his little finger and sent it to his family along with a video showing how they had done it when his family did not give the ransom they asked for. The family borrowed 80 thousand dollars and saved Bassam Wahbh. In an interview with the BBC journalist Jeremy Bowen, Wahbh explained that the FSA abducted him not just because of money but also because he was a Shia: “This was clearly a sectarian issue. They insulted my sect and me. They consider me an traitor.”¹⁶²

In February 2013, a Sunni male was abducted in Damascus by anti-government armed group members who mistook him for an Alawite officer. He was tortured and insulted before he eventually persuaded his captors that he was the “wrong man.” His family, however, had to pay a ransom.¹⁶³ On April 21, 2013 Syriac Orthodox Archbishop Yohanna İbrahim (54) and Greek Orthodox Archbishop Paul Yazigi (60) were seized by an armed group in Aleppo while they were returning from a religious ceremony in Alexandria. The group killed the driver and abducted two Archbishops. The whereabouts of the archbishops is still unknown. Some news agencies reported that it was in fact Chechen groups who abducted and executed the Archbishops. However, there is no official confirmation. Furthermore, in June 2013, opposition group members killed Catholic Bishop Francois Murad in an attack of the monastery in the northern part of Syria. The Vatican confirmed the death of the bishop underlining that he was shot while he was trying to defend his sister nuns and to prevent attackers from ransacking the monastery.¹⁶⁴ Prior to the statement of the Vatican, it was claimed that three Bishops, including Bishop Francois Murad, were executed by an Islamist group and a video footage showing the execution was posted on the internet. It was later discovered that those in the footage were not the Bishops mentioned prior. Two Chechens, Mohammad A. and Ahmed R., who were considered to have committed the execution, were reportedly captured by police during a security check after they entered Turkey. The court decided to arrest the two Chechens after explosives and guns were found in their home as there was no material evidence other than the footage showing the executions inside of Syria.¹⁶⁵

162. “Suriye’de kaçırılma kabusu”, *BBC Türkçe*, April 24, 2013.

163. “Report of the independent international commission of inquiry on the Syrian Arab Republic”, *UN Human Rights Council*, (A/HRC/23/58), p. 13.

164. “Vatican: Francois Murad shot, not beheaded”, *Catholic Online*, March 7, 2013, www.catholic.org/international/international_story.php?id=51571.

165. “Konya emniyeti yakaladı!”, *Vatan*, July 25, 2013.

In a UN report, it was stated that some armed opposition groups looted property of Shi'a and Alawite communities, destroyed houses and places of worships including Christian churches and stole belongings of Shi'a and Alawite communities at checkpoints.¹⁶⁶

Trials in regions under the control of the government in Syria, the country undergoing a civil war, received heavy criticisms. People are suspicious about whether the immediate judgments by the FSA without giving any right to appeal are fair. It is an immediate necessity to stop the executions by opposition groups to avoid irreparable consequences. It was also underlined that judicial mechanisms established in the regions seized by the opposition groups were insufficient. Usually, it is necessary to give time to defendants to prepare for defending themselves against the evidence and witness statements. However, currently in Syria, immediate judgments are preferred on the grounds of "state of emergency." Opposition groups are obliged to establish judicial mechanisms in conformity with international law which are capable of independent and fair trial in the regions under their control.

The establishment of the Syrian National Coalition (SNC) and the Supreme Military Council¹⁶⁷ may provide an opportunity to end human rights violations by opposition groups and to investigate crimes committed by them. Accordingly, armed and civilian opposition groups which are scattered in the country and abroad are responsible for not only maintaining order in the regions they control but also acting according to human rights and humanitarian law while struggling against an undemocratic regime.

MEDIA MEMBERS

Media members were also exposed to attacks while trying to reports events happening in Syria to the international community. Reporters without Borders (RWB) stated that at least 84 journalists including 24 foreign journalists were

166. "Report of the independent international commission of inquiry on the Syrian Arab Republic", *UN Human Rights Council*, (A/HRC/23/58), p. 20.

167. The Syrian National Coalition and the Supreme Military Council, which was established by the opposition groups gathering in Doha, Qatar on November 11, 2012, was recognized as the "legitimate representative of Syrian people" by more than 130 countries including US and Turkey in December 2012. On March 19, 2013 Hasan Hitto was elected president receiving 35 votes from 48 members of the Coalition and charged with establishing a government that will bring services to regions under the control of the opposition. Armed groups in the Syrian opposition established an umbrella organization in Antalya on December 7, 2012 and elected the "Supreme Military Council" consisting of 30 members in a meeting where 263 commanders participated. See: "ABD Suriyeli muhalifleri resmen tanıdı", *NTVMSNBC*, December 12, 2012 and "Silahlı muhalifler Türkiye'de birleşti", *Milliyet*, December 09, 2012.

killed by government forces or opposition groups from the beginning of the conflict until July 25, 2013, and that Syria ranked 176th out of 179 countries in the list of the world's most dangerous countries for media personnel.¹⁶⁸ RWB stated that the Syrian government attacked journalists because they were unwanted witnesses of the savagery in the country while armed opposition groups, which were also intolerant to receive criticism of their activities, also attacked journalists. In a nutshell, journalists who want to gather or disseminate news in Syria encounter serious difficulties due to the polarization of information sources, news manipulation, propaganda, technical constraints and the extreme violence to which they are exposed.¹⁶⁹ It was also argued that the Western media or media of some Arab countries, notably Qatar, exaggerated human rights violations in Syria¹⁷⁰ while Syrian government ruins all chances to confirm these claims as it prevents international media from following up developments in the country and censures it. Furthermore, RWB also announced in July 2013 that an activist group "Telecomix" revealed that 34 Blue Coat servers are operating in Syria to analyze the activities of Syrian internet users.¹⁷¹

HUMAN RIGHTS ACTIVISTS AND RELIEF WORKERS

Human rights activists have been exposed to numerous attacks and repressive situations during the conflict in Syria. FIDH stated ¹⁷² on August 9, 2011 that Walid Al Bunni, the member of the Syrian Organization for Human Rights / SWASIAH, was arrested by the Mukhabarat (Syria's Intelligence Agency) on August 8; that Mohamed Najati Tayara, Vice-President of the Syrian Association for Human Rights, was exposed to physical assault in central prison of Homs on August 2 and that Ahmad Tomeh, elected member of the General Secretariat of the National Council of the Damascus Declaration for Democratic National Change (NCDD), was arrested by the security forces.

On August 12, 2011, the Observatory for the Protection of Human Rights Defenders condemned the arrest and incommunicado detention of the President of the Syrian League for Human Rights, Abdel Karim Rihaoui while he was meet-

168. "Polish Photojournalist Kidnapped In Idlib Province", *Reporters Without Borders*, July 25, 2013

169. "News Providers Decimated In 2012", *Reporters Without Borders*, March 19, 2013.

170. Harout Akdedian, "Unheard Voices from Syria and the Middle East", *Peace & Conflict Monitor*, December 13 2011, p. 4.

171. "Syria Using 34 Blue Coat Servers To Spy On Internet Users", *Reporters Without Borders*, May 24, 2013.

172. "Detention and harassment of human rights defenders amid harsh repression of protests in the country", *FIDH*, August 9, 2011.

ing with a journalist.¹⁷³ On October 2, 2012, the executive director of the Syrian Centre for Legal Studies and Research, lawyer Khalil Matouk was arrested at a checkpoint on Syria-Jordan international highway. His whereabouts remains unknown and he is not allowed to see his lawyer or family.¹⁷⁴ Information technology expert Bassel Khartabil, who was detained in Damascus on March 15, 2012, was able to have direct contact with his family only when he was temporally transferred to Adraa prison in October 2012.¹⁷⁵ Dr. Zaidoun Al-Zoabi (38) and his brother Souhaib (22) were arrested by the police in Damascus on December 15, 2012 and transferred to the “Building #215,” a facility known for torture. Before he was arrested, Al-Zoabi was talking to the CNN about the conflict in Syria.¹⁷⁶

On February 6, 2013, the Gulf Centre for Human Rights stated that human rights activist Ayham Moustafa Ghazoul, who was arrested by Air Force Intelligence on February 16, 2012 together with 15 other persons during a raid on the Damascus Office of the Syrian Center for Media and Freedom of Expression (SCM) and released after he spent 87 days in detention, was arrested once again at the entrance of the Damascus University on November 5, 2012 and died from internal bleeding after being tortured.¹⁷⁷

In addition to human rights defenders, local and foreign journalists are also subjected to attacks in Syria. In some cases, journalists and human rights defenders are accused on charges of “false information” and “weakening national sentiments.” Other methods of pressure include detention, abduction, threats, restricted access to the protests, confiscation of cameras, forcing foreign media out of the country or denying their entry, closing down or confiscating newspapers among others.¹⁷⁸

Humanitarian relief workers have been oppressed and exposed to attacks as well. The UN stated that government forces detained and arrested the medical staff in addition to Red Crescent volunteers, who provided medicine and medical aid to opposition fighters, on the pretext that “they are supporting terrorists.”¹⁷⁹

173. “SYRIA: Arrest and incommunicado detention of the President of the Syrian League for Human Rights”, *The Observatory for the Protection of Human Rights Defenders*, August 12, 2011.

174. “Syria- Arrest and incommunicado detention of Human rights lawyer Khalil Matouk”, *Gulf Centre for Human Rights*, October 3, 2012.

175. “Syria: Free Bassel Khartabil held in arbitrary detention since 15 March 2012” *Gulf Centre for Human Rights*, December 22, 2012.

176. “SEO Demands the Release of Dr. Zaidoun Al-Zoabi & Sohaib Al-Zoabi From Illegal Detention”, *The Syrian Expatriates Organization*, December 25, 2012.

177. “Human Rights Defender Ayham Mustafa Ghazzoul tortured to death while in custody at the Air Force Intelligence”, *Gulf Centre for Human Rights*, February 6, 2013.

178. “Bashar Al Assad: Criminal Against Humanity”, *FIDH Report*, p. 14.

179. Report of the independent international commission of inquiry on the Syrian Arab Republic”, (A/HRC/24/46), p. 10.

THE USE OF CHEMICAL WEAPONS IN SYRIA

Syria faced grave human rights violations during the first year of the conflict; however, in the beginning, chemical weapons were not used. Nonetheless, the Syrian government stated for the first time on July 23, 2012 that it possesses “chemical and biological weapons but it will never use these weapons during internal conflicts unless Syria faces external intervention.”¹⁸⁰ Syria had to honor the non-use of these weapons as it is a party to the Protocol for the Prohibition of the Use in War Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (Geneva Protocol) approved in 1928. Syria also approved the “Convention on the Prohibition of the Development, Production, Stockpiling and use of chemical Weapons and on their Destruction”¹⁸¹ (Chemical Weapons Convention dated 1992)” on September 14, 2013.

The UN stated that government forces detained and arrested the medical staff in addition to Red Crescent volunteers, who provided medicine and medical aid to opposition fighters, on the pretext that “they are supporting terrorists.”

Western states, the US in particular, stated that Syria would face foreign intervention if it uses weapons of mass destruction¹⁸² while other countries supporting Syria, such as Russia, stated that chemical weapons in Syria are under control and the government has transferred chemical weapons to safer areas.¹⁸³

The Syrian government, on the other hand, stated on March 19, 2013 that armed opposition groups carried out a chemical attack for the first time in the northern Syria killing 15 persons. Opposition groups denied the allegations and argued that government forces used chemical weapons. Neither of the allegations was confirmed. The UN announced, at the request of Syrian government, that

180. Erika Solomon ve Mariam Karouny, “Syria says could use chemical arms against foreigners”, *Reuters*, July 2, 2012.

181. There are seven countries that are not party to the Convention. Most of these countries are located in the Middle East and Africa. Non-signatory countries are Egypt, Somalia, South Sudan, Angola and North Korea while Israel and Myanmar signed but not ratified the Convention. For more information: “Organization for the Prohibition of Chemical Weapons”, <http://www.opcw.org>

182. Mark Landler, “Obama Threatens Force against Syria”, *The New York Times*, August 20, 2012.

183. “Suriyede kimyasal silah tartismasi”, *BBC Türkçe*, December 22, 2012.

allegations of the Syrian regime that opposition groups used chemical weapons will be analyzed.¹⁸⁴

Furthermore, the Israeli intelligence analyst, Brigade General Itali Brun, stated on April 22, 2013 that Syria probably “used chemical weapons in some cases.”¹⁸⁵ Syrian government refuted the allegations but it did not allow a UN team of experts to investigate the use of chemical weapons, either.¹⁸⁶ The chair of the UN Independent International Commission of inquiry on Syria, Carla del Ponte stated on May 6, 2013 that there are “strong concrete suspicions” that the opposition groups used sarin gas; however there is not incontrovertible evidence for now.¹⁸⁷

The BBC team who visited the northern town of Saraqeb in the middle of May stated found evidence supporting the news of “chemical attack” in April 2013. Witnesses told the BBC correspondent that government helicopters dropped at least two devices containing poisonous gas while doctors told that the hospital had admitted eight patients who had difficulty in breathing. They added that some patients were vomiting while others had constricted pupils and a woman named Maryam Khatib later died. Also injured during the attack, Khatib’s son Mohammed told the BBC: “There was a horrible, suffocating smell. You couldn’t breathe at all. You’d feel like you were dead. You couldn’t even see. I couldn’t see anything for three or four days.” The doctor who treated Khatib said that he had symptoms indicating “organophosphate poisoning” and they sent the samples for testing. In a video, which was sent to the BBC, a rebel fighter is holding a canister which is said to be hidden inside the devices. Witnesses argue that each container had two canisters. In another video, parts of a canister surrounded by white powder are seen on the ground. Hamish de Bretton-Gordon, commanding officer at the UK’s Joint Chemical Biological Radiological Nuclear Regiment, claimed that the evidence and testimony of witnesses in Saraqeb is “strong but incomplete.”¹⁸⁸

On the other hand, in May 2013, 12 persons were detained by the Intelligence and anti-terror unit in Turkey in an operation carried out on the suspicion that Al-Nusra Front was preparing for an attack, and the unit confiscated 2 kilograms chemical substance.¹⁸⁹ Of all the detainees, 11 persons were released while Syrian Haysam Khasab (35), the leader of the group, was arrested. The

184. “BM Suriye’deki kimyasal silah saldırılarını soruşturacak”, *Star Gazetesi*, March 21, 2013.

185. “Israel Says It Has Proof That Syria Has Used Chemical Weapons”, *The New York Times*, March 23, 2013.

186. İlhan Tanır, “Beyaz Saray ve Suriye’de kimyasal silah iddiaları”, *BBC Türkçe*, April 26, 2013.

187. “Syria crisis: UN’s del Ponte says evidence rebels ‘used sarin’”, *BBC News*, May 6, 2013.

188. Syria conflict: BBC shown ‘signs of chemical attack’, *BBC News*, May 16, 2013.

189. “Adana’da El Nusra operasyonu: 2 kilo sarin gazı bulundu”, *Radikal*, May 30, 2013.

prosecution office stated that suspects possess chemicals used in the production of “sarin.”¹⁹⁰

In a report published in June 2013 by the UN on the need to avoid human rights violation in Syria, it was stated that the use of chemical weapons by both the Syrian government and the opposition groups was possible, and that there were reasonable grounds to believe that chemical weapons have been used in four cases that took place in Aleppo, Damascus and Idlib in March and April 2013. The report called on the Syrian government to allow chemical weapons experts to inquire in Syria.¹⁹¹ Similarly, in June 2013, the French Minister of Foreign Affairs, Laurent Fabius claimed that lab tests in Paris confirmed “numerous uses of sarin on local level” in the conflict in Syria; however, he did not specify where or by whom it was used. Ben Rhodes, the Assistant to the US President and the Deputy National Security Advisor, said in a statement that Assad forces used chemical weapons “on a small scale” against the opposition while the US has “no reliable” reporting to indicate that the opposition has used chemical weapons.

Given the reaction of the international community, Syria allowed UN inspectors to visit the regions where chemical weapons were allegedly used at the end of July 2013. On August 18, 2013, the UN team arrived in Damascus to assess whether chemical weapons were used in two towns including the northern town of Khan al-Assal where 26 people were allegedly killed in the attack. The investigation team led by Swedish arms expert Ake Sellstrom has the authority to report on whether chemical weapons were used and which ones; however, it will not determine who carries the responsibility for any attacks.¹⁹² While the UN team was in Syria, the opposition groups announced on August 21, 2013 that hundreds of people were killed in a chemical attack carried out in East Ghouta district of Damascus by Assad forces. Khaed Khoja, the National Coalition for Syrian Revolutionary and Opposition Forces’ Representative to Turkey, stated that army forces targeted civil property with two MIG type aircrafts and at least 30 rockets, underlining that the UN commission will see the remains of chemical rockets if they immediately go to East Ghouta. The video footage showed that there were no signs of firearm on the bodies of the dead or injured people and doctors were trying to treat patients in temporary health centers. Khaled Mahmud, one of the

190. “Bu ne sarin, bu ne tahliye”, *Taraf*, September 13, 2013.

191. “Report of the independent international commission of inquiry on the Syrian Arab Republic”, *UN Human Rights Council*, (A/HRC/23/58).

192. “UN chemical weapons inspectors arrive in Syria”, *BBC news*, August 18, 2013.

doctors in field hospitals, told that injured people suffered from respiratory distress, vomiting, constricted pupils and loss of consciousness which indicate the use of sarin.¹⁹³ The organization Médecins Sans Frontières (MSF) stated that 3,600 patients, who were displaying neurotoxic symptoms in three hours, were brought to the three hospitals in Damascus on August 21, 2013, and that 355 of these patients died. Underlining that it is impossible to “scientifically” confirm the use of chemical weapons, the MSF reported that medical staff working in these hospitals informed that patients displayed symptoms such as convulsions, pinpoint pupils and respiratory distress. MSF director of operations, Dr. Bart Janssens, claimed that these symptoms that a large number of patients suffered from in a short period of time strongly indicate mass exposure to a neurotoxic agent.¹⁹⁴

Underlining that it is impossible to “scientifically” confirm the use of chemical weapons, the MSF reported that medical staff working in these hospitals informed that patients displayed symptoms such as convulsions, pinpoint pupils and respiratory distress.

Meanwhile, the Damascus administration denied responsibility for the attack, arguing that the opposition groups tried to distract the UN team in the country. Emphasizing that an investigation on the alleged use of chemical weapons should be carried out without delay, the UN Secretary-General Ban Ki-moon stated on August 24 2013 that any use of chemical weapons under any circumstances is a violation of international law and a crime against humanity, and that the High Representative for Disarmament Angela Kane is expected to be in Damascus to investigate the issue.¹⁹⁵ On August 25, 2013, both the Syrian government and the opposition groups agreed to a ceasefire to enable the UN inspectors to carry out healthy investigation on alleged use of chemical weapons in Damascus. UN inspectors visited a district in west Damascus and two hospitals. They listened to the witnesses and took blood samples on August 26, 2013. According to the UN state-

193. Şam'da yine kimyasal iddiası”, *Radikal*, August 22, 2013.

194. “Syria: Thousands suffering neurotoxic symptoms treated in hospitals supported by MSF”, *Médecins Sans Frontières*, August 24, 2013.

195. “Opening remarks of Ban Ki-moon to the press in Seoul”, www.un.org/apps/news/infocus/speeches/statements_full.asp?statID=1943#.Uhy11dI71u4, August 26, 2013.

ment, children who survived the attack explained that the bombardment which allegedly contained toxic gas was done by planes and tanks. Meanwhile, snipers opened fire on a convoy of the UN inspectors. The UN Secretary General's spokesman, Farhan Haq stated that the convoy was deliberately targeted and someone tried to intimidate the team.¹⁹⁶ Despite all these obstacles, the UN completed its investigation and concluded in its report submitted to the UN Security Council on September 16, 2013 that chemical weapons were used. The report stated that chemical weapons were used on a large scale and resulted in numerous casualties particularly among civilians and including many children; however, the report did not state who carried out the attack.¹⁹⁷ Experts stated that there is no evidence indicating that the opposition groups possess rockets mentioned in the report. The UN Secretary-General, Ban Ki-moon, stated that 85 percent of the samples contained sarin, and that the use of the gas is a war crime. The final report published in December 2013 explained that chemical weapons were used in Ghouta, Khan al Asal, Jobar, Saraqueb while no traces of chemical weapons were found in Bahhariyeh and Sheik Maqsood.¹⁹⁸

The US and the UK ambassadors to the UN argued that technical details in the report indicate that only the government is able to carry out the attack underlining that 122 mm rockets mentioned in the report were previously used by the government forces and that the quality of the sarin gas is better than the one used by Saddam Hussein in Iraq. Human Rights Watch also drafted a report on the attack. Prepared according to weapon systems used during the attack, the medical symptoms exhibited by the victims of the attack as documented by medical staff, witness accounts and information on the likely source of the attacks, the report stated that the attacks were carried out by chemical surface-to-surface rocket system in the possession of Syrian government. The report also underlined that only the Syrian army possesses these weapon systems.¹⁹⁹

Given the reaction of the international society and a possible military intervention, the Syrian regime agreed to announce its stock of chemical weapons and

196. "Suriye krizi: BM denetçileri incelemeyi sürdürüyor", *BBC Türkçe*, August 26, 2013.

197. "United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic", www.un.org/disarmament/content/slideshow/Secretary_General_Report_of_CW_Investigation.pdf, September 17, 2013.

198. For the full report: "United Nations Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic – Final Report", <https://unoda-web.s3.amazonaws.com/wp-content/uploads/2013/12/report.pdf>, December 20, 2013.

199. For the full report: "Attacks on Ghouta - Analysis of Alleged Use of Chemical Weapons in Syria", *Human Rights Watch*, September 10, 2013.

eliminate them with the help of the UN by mid-2014. The Director of the Organization for the Prohibition of Chemical Weapons (OPCW), Ahmet Üzümcü, said that it is almost impossible for Syria to fulfill its responsibilities under its OPCW membership, give necessary notices, start inspections and then dispose the weapons in a war environment.²⁰⁰ The Syrian state began to send the details of its stock of weapons to the OPCW on September 19, 2013. Talking to the China Central TV (CCTV), Syrian President Bashar al Assad said that Syria has been producing chemical weapons for decades and they possess a high number of weapons but opposition groups could throw a spanner in the works and block the visit of inspectors to the areas where weapons are stored.

At the beginning of October 2013, OPCW experts began to destroy Syria's stock of chemical weapons. The Director of the OPCW, Ahmet Üzümcü, announced that inspectors will visit 20 facilities. In December 2013, the OPCW announced that it had completed the destruction of unloaded chemical weapons in the country. Chemical weapon production facilities, which had previously closed down, were demolished with the agreement of the Syrian government. On January 7, 2014 the first batch of the chemical weapons in the country was delivered to the marine port of Latakia. The chemical weapons will first be sent to Italy then transferred to a US navy ship and destroyed in a special titanium tank in international waters.

HUMANITARIAN AID AND REFUGEES

The UN argues that the civil war in Syria resulted in the worst refugee crisis in the world in the last two decades. The UN High Commissioner for Refugees stated that the refugees influx has not grown “in such a tremendous number” since the Rwanda genocide in 1994. People suffer from serious problems, including security problems, accessing to health services, food and clean water among others in the regions where conflicts occur. Since the very beginning, some of the Syrians had the opportunity to take refuge in other regions where there was no conflict or neighboring countries while thousands of poor people or those who were unable to leave their houses became helpless. Families do not know the whereabouts of their relatives who enrolled in the army. Domestic migration and emigration has increased as people have no access to electricity and water and they suffer from food shortage. Syrian refugees in the camps in Turkey explained

200. “Suriye'deki kimyasallar ona emanet”, *Hürriyet*, 16 Eylül 2013.

in an interview that after the civil war broke out, trade came to a standstill; there was no new agricultural products arriving in the country; they had difficulty in finding fuel for heating and food; they had no access to electricity or limited access to water, and limited food and oil was sold at outrageous prices.²⁰¹ Furthermore, people also complained about the damage by robbery gangs during the civil war. Muammer Sabri Al Jafari Abu Nihad, who left Martmasrin district of Idlib and settled in Reyhanli district of Hatay, told that robbery gangs plundered warehouses, places where food were stored, and that they stocked these goods and sold them at outrageous prices. He underlined that these gangs gave them more damage than the Syrian army.²⁰²

Given that doctors left the country due to ongoing conflict in the country, health system came to a breaking point. A group consisting of 50 doctors, including Nobel winners, published an open letter in the *Lancet*, a prestige medicine journal. Defining the conflict in Syria as “arguably one of the world’s worst humanitarian crises since the end of the Cold War,” they stated that 37 percent of the hospitals were destroyed, 20 percent of the hospitals were severely damaged, 469 health workers were imprisoned and about 15 thousand doctors left the country. In the letter, doctors also underlined that seriously wounded persons cannot receive adequate treatment; women are giving birth with no medical assistance, seriously wounded persons including women and children are undergoing life-saving surgery without anesthetic; sexual violence victims do not have anywhere to turn to and people are vulnerable to outbreaks of typhoid, hepatitis, dysentery and cholera. The group called on the Syrian government and all armed groups not to attack hospitals, ambulances, medical facilities and supplies, health professionals and patients.²⁰³

Syrian Refugees in Numbers

The UN High Commissioner for Refugees stated that the number of Syrian refugees registered in neighboring countries Turkey, Lebanon, Jordan, Iraq and North Africa has reached to 2.5 million as of January 23, 2014.²⁰⁴ 16 months

201. For the interviews conducted with the refugees in Reyhanlı, Hatay in November 2013: “Reyhanlı’da Suriyeliler ile Söyleşiler – VI”, *Ortadoğu Stratejik Araştırmalar Merkezi*, Rapor No: 179 (November 2013).

202. Feyyat Özyazar, “Hatay’ın Reyhanlı ilçesine yerleşen Muammer Sabri El-Caferi-Abu Nihad ile söyleşi”, *Ortadoğu Stratejik Araştırmalar Merkezi*, December 19, 2012.

203. “Open letter: let us treat patients in Syria”, *The Lancet*, c.382, s. 9897, (September 2013), p.1019-1020.

204. As of January 23, 2014 the number of Syrian refugees: 890,136 in Lebanon; 590,749 in Jordan; 577,937 in Turkey, 216,271 in Iraq; 132,740 in Egypt. For more information: *Syria Regional Refugee Response*, <http://data.unhcr.org/Syrianrefugees/regional.php>.

before, the number of Syrians who left their country due to the civil war stood at 230, 671. The number of Syrian refugees has increased by 800 percent in the last year. As of 2013, an average of almost 5000 Syrians flee into neighboring countries every day.²⁰⁵ When non-registered Syrians are included, this number increases even more. For instance, as of January 24, 2014, the number of Syrians living in the refugee camps in Turkey is 214,540 while 363,397 registered Syrian refugees live within their means close to Syrian border. The total number of the registered Syrian refugees living in the camps and cities is 577,937; however, the UNHCR estimates that there are around 700 thousand Syrians in Turkey.²⁰⁶ In Turkey there are 15 tent cities, one temporary reception center and 6 container sites while there are three camps and four temporary reception centers in Iraq and four camps in Jordan for Syrians. There is no refugee camp for Syrians in Lebanon and North Africa. Between March 2011 and September 2012, 21,000 Syrians claimed asylum in the European Union (EU). The EU countries provided some of these Syrians with asylum while it has been claimed that Syrian refugees have faced detention, significant obstacles and have been forced to return to Syria in some countries, notably Greece.²⁰⁷ Among the EU countries, Sweden took the largest step for Syrian refugees in September 2013. Sweden announced that it will give asylum seekers permanent resident status and that those granted permanent status will also be allowed to bring their families because violence in Syria does not seem to end in the near future. Sweden has taken in 14,700 asylum seekers from Syria since 2012.²⁰⁸ In addition to Sweden, Germany announced in September 2013 that it will provide 5,000 “highly vulnerable” Syrian refugees with asylum within the scope of Humanitarian Assistance Program.²⁰⁹ Nevertheless, in November 2012, Germany stated that it will first allow Christian Syrian refugees to seek asylum in the country.²¹⁰ Given that not only Christians but also minority groups such as Druze and Kurdish people and Sunnis are the victims of the civil war in Syria, it is positive that Germany gave up this discriminative policy at least on paper as of 2013.

205. “UNHCR: Two million Syrians are refugees”, *UNHCR*, September 3, 2013.

206. “UNHCR Turkey Syrian Refugee Daily Sitrep”, *UNHCR*, January 24, 2014.

207. “EU: Provide Protection for Syrian Refugees”, *Thomson Reuters Foundation*, December 23, 2012.

208. “Sweden grants blanket asylum to Syrian refugees”, *The Express Tribune*, September 3, 2013.

209. Alexandra Ma, “Germany Welcomes Syrian Refugees, But Check Out How It Treats Immigrants”, *PolicyMic*, September 17, 2013.

210. “Germany to offer Syrian Christians asylum”, *The Local*, November 10, 2013, www.thelocal.de/national/20121110-46093.html.

HRW, on the other hand, stated that Iraq and Turkey have not allowed thousands of Syrians to enter their countries since the second half of August 2012 and they only allowed a limited number of people to cross the border.²¹¹ On July 1, 2013, HRW stated that Iraq, Jordan and Turkey prevented tens of thousands of refugees from crossing the border. The statement underlined that only Lebanon adopted an open border policy for refugees. It was also claimed in the statement that Syrians were exposed to airstrikes in Bab al-Salam camp on June 25, 2013 because “Turkey did not allow them to enter in the country” and that seven persons were injured in the attack.²¹²

That Turkey allowed a limited number of people to cross the border resulted in clashes. On May 2, 2013 security forces did not allow around a thousand Syrians coming from Tal Abyad district of Syria, which shares borders with Akcakale town of Sanliurfa to enter in the country. Then, some of the Syrians burned down the barracks in the buffer zone and opened fire with long barreled weapons against Turkish security forces and civilians killing one police officer and injuring 11 persons including 2 police officers and five soldiers.²¹³

The UN High Commissioner for Refugees stated that the refugees influx has not grown “in such a tremendous number” since the Rwanda genocide in 1994.

Conditions

UNHCR stated that Syrians, who fled to other countries because their life is in danger, are forced to live in adverse conditions in the countries they seek refuge. The UNHCR gave as an example the refugees, who fled to Jordan in two nights in the first week of December, 2012. The UNHCR stated that about a thousand Syrians crossed the border under heavy rain and their clothes were wet from the rain and their feet were muddy, and added that 60 percent of the refugees who arrived in Jordan were below the age of 18. On August 23, 2013, UNICEF and UNHCR stated that children make up half of the refugees escaping from the civil war in

211. “Iraq/Turkey: Open Borders to All Syrian Refugees”, *Human Rights Watch*, October 14, 2012.

212. “Iraq/Jordan/Turkey: Syrians Blocked from Fleeing War”, *Human Rights Watch*, July 1, 2013.

213. “O silahlar bu kez Türkiye’ye yöneldi”, *Radikal*, March 3, 2013.

Syria. More than 2 million children have been internally displaced and according to latest figures, there are more than 740 thousand Syrian refugees under the age of 11. Both UNICEF and UNHCR draw attention to the threats of child labor, early marriage, potential for sexual exploitation and human trafficking.²¹⁴ UNICEF also states that one fifth of the schools in Syria are used for military purposes or as shelters. Only 15 percent of Syrian refugee children, who left their homes, fled to other regions in the country or abroad, receive formal or non-formal education.²¹⁵

In addition to the aforementioned problems, it is claimed that refugees who have sought refuge in Turkey and live in cities face human trafficking. The media covered that Syrian Kurdish refugees who have rented rooms in the back streets of Manifaturacılar Bazaar in Unkapanı, İstanbul are forced to prostitution and begging. A 45-year-old woman named Xezal, who lost her three children, husband, mother and father to war in Homs, stated that her 4 children survived; she locks the door behind her 13 year-old daughter, Suheyla because young girls are forced to prostitution while her other children sell water and beg on the streets to pay their rent.²¹⁶

Another controversial issue is the status of Syrian citizens in Turkey. National and international circles appreciated Turkey's opening borders to Syrian refugees and providing them shelter in camps in Hatay; however, this *de facto* protection provoked criticisms that the status of the refugees is open to interpretation and cancelations.²¹⁷ Underlining in January 2013 that Turkey's not recognizing "refugee status" of Syrians and not allowing the UN to assume the refugee-related activities like in Lebanon or Jordan provoke problems, the EU called on Turkey to open its borders and let international organizations to carry out their works to send aid to Syria.²¹⁸ Jordan was also claimed to discriminate against Syrian refugees of Palestinian origin and refuse them even though they have Syrian identity. It is unacceptable to discriminate against a particular group among people who are forced to flee Syria due to the civil war. Camps in Jordan are also criticized for falling short of international humanitarian standards for women. For instance shower cabins in the camps do not have any doors and they are hypethral. Furthermore, camps in Iraq are not secure enough for women because the camps began to receive more and

214. "A million children are now refugees from Syria crisis", *UNHCR*, August 23, 2013.

215. "Return to learning vital for children amid Syria crisis", *UNICEF*, September 6, 2013.

216. Tuğçe Tatari, "Suriye'den kaçan Kürtler için İstanbul'da 'sömürü' kampı kurulmuş!", *T24*, August 15, 2013.

217. "Belirsizlik: Türkiye'deki Suriyeli Mültecilerin Durumunu En İyi Anlatan Kelime *Avrupa-Akdeniz İnsan Hakları Ağı* (EMHRN), October 2011.

218. "AB'den Türkiye'ye Suriye Çağrısı", *Amerika'nın Sesi*, January 30, 2013.

more refugees overwhelming its capacity. Sexual abuse has been reported in the camps in Iraq. UNHCR stated on August 20, 2013 that some 30 thousand Syrians fled to Iraq's Kurdistan region in one week.²¹⁹ It is possible to say that this refugee influx in Iraq will aggravate the current problems in the camps.

While conditions in the camps in Turkey are appreciated by international refugee organizations, it is also stated that there is a need for a specialized services for the treatment and rehabilitation of women in the camps who were exposed to violence and rape in Syria, and that Turkey's Ministry of Family and Social policies can launch these services in both camps and districts and provinces close to Syria.²²⁰ Though conditions in the camps in Turkey are good when compared to those in other countries, Syrian refugees at times carry out protests. On March 27, 2013 clashes broke out between security forces and refugees during the protests of refugees after an incident in Akcakale Suleyman Sah refugee camp which killed a child and wounded three persons. Two days after the clashes, it was claimed that 600 refugees, who were seen by the security cameras while attacking the security force, were deported.²²¹ The Ministry of Foreign Affairs refuted the claims and stated that a group of 130 perpetrators, fearing from the reaction of other Syrians and facing legal action, wanted to use their right to "voluntary repatriation" and returned to Syria after official procedures were completed.²²² Underlining that UNHCR was not invited by authorities to monitor the procedures during the return process, the UNHCR spokesperson Melissa Fleming stated: "Persons under international protection who have violated the law of the host country are subject to the relevant national laws and judicial procedures. Return to the country of origin, even voluntarily is subject to procedures where individuals may be placed at risk on return."²²³

Growing crisis in Syria, the increasing number of refugees in Turkey and refugees' extended length of stay provoke tensions between local people in Turkey and Syrian refugees. On May 6, 2013, one Syrian and one Turkish, two persons argued over a restaurant bill in Reyhanlı, Hatay and the following allegation that "Turkish flag was burned" provoked tension between two groups.²²⁴ The Police

219. "Some 30,000 Syrians flee to Iraq's Kurdistan region, more expected", *UNHCR*, August 20, 2013.

220. "Syrian Women & Girls: No Safe Refuge", *Refugees International Field Report*.

221. "600 Suriyeli sınır dışı edildi", *Yeni Şafak*, March 28, 2013.

222. For full text see: http://www.mfa.gov.tr/sc-7_-28-mart-2013_-akcakale-cadirkentinde-meydana-gelen-olaylar-neticesinde_-cok-sayida-suriyelinin-zorla-ulkelerine.tr.mfa, March 28, 2013.

223. "BMMYK'dan Türkiye'ye Akçakale eleştirisi", *Radikal*, March 30, 2013.

224. "Reyhanlı'da gergin gece", *Sabah*, May 8, 2013.

intervened. However, local people attacked the cars of Syrians after two car bombs exploded in Reyhanli, Hatay on May 11, 2013 and killed 51 people and wounded 146. Claiming that their “life is under danger” as attack attempts against refugees have increased, a number of Syrians returned back to Syria under police escort on May 13, 2013.²²⁵ Having conducted field studies in the region in the aftermath of the attack in Reyhanli, the MAZLUMDER (the Association of Human Rights and Solidarity for Oppressed People) published a Preliminary Report on May 13, 2013. MAZLUMDER stated in its report that ultra-nationalist party members began to attack, batter and lynch every Syrian they come across and to attack cars with Syrian and foreign license plate in the aftermath of the attack. The report also underlined that some Syrians, who fear to go to a hospital although they are injured, are secretly treated by volunteers at nights, and that some Syrian families cannot meet their fundamental needs because they cannot go out for security reasons; therefore their relatives in Reyhanli or their neighbors help them.²²⁶

The UN estimates that the number of refugees in the neighboring countries will exceed four million by the end of 2014. If this comes true, nearly 20 percent of Syrian population will be forced to flee their country.

Growing Influx of Refugees

As civil war rages on, the influx of refugees continues into neighboring countries. The UN Secretary-General Ban Ki-moon stated on December 28, 2012 that in Syria more than 5 million people urgently need help; more than 2 million people have been displaced in the country due to the civil war; more than 540,000 people have fled to neighboring countries and this number could double to 1.1 million by June 2013²²⁷ (The number of refugees, unfortunately, doubled to 1.1 million in April 2013). In 2012, Syria Regional Response Plan²²⁸ was prepared to fund humanitarian agencies that will provide protection and aid to Syrian refugees.

225. “Mültecilerde dönüş gerginliği”, *Milliyet*, May 14, 2013.

226. “Hatay/Reyhanlı Ön İnceleme Raporu”, MAZLUMDER, May 13, 2013.

227. “Extremely Concerned’ About Syria’s Deteriorating Humanitarian Situation”, www.un.org/News/Press/docs/2012/sgsm14745.doc.htm, December 28, 2013.

228. For full text see: “Syria Regional Response Plan - January to June 2013”, www.unhcr.org/50d192fd9.html.

Launched in March 2012, the Plan was updated four times by the end of 2012. The UN estimates that the number of refugees in the neighboring countries will exceed four million by the end of 2014. If this comes true, nearly 20 percent of Syrian population will be forced to flee their country.

On December 19, 2012, the UNHCR called on international donors for 1 billion dollars to support refugees who have fled to Jordan, Iraq, Lebanon, Turkey and Egypt. The UN Humanitarian Coordinator for Syria, Radhouane Noucier wanted a 519.6 million dollar appeal for people living in Syria. He counted cold, insecurity and mass violence as the three main dangers that Syrians face in addition to the lack of basic services. The UNHCR's regional coordinator for Syrian refugees, Panos Moutzizis stated, "Unless these funds come quickly, we will not be able to fully respond to the life-saving needs of civilians who flee Syria every hour of the day, many in a truly desperate condition."²²⁹ Countries who took part in the International Humanitarian Pledging Conference for Syria held in Kuwait by the UN pledged 1.1 billion dollars for Syria.²³⁰

On 18 April, 2013 the UN Security Council called on all parties to facilitate humanitarian aid to Syria through effective means including cross-border options and to ensure full and unimpeded humanitarian access of relief organizations to all regions in Syria. At the end of 2013, the UN reiterated its appeals and announced that about three-quarters of Syria's 22.4 million populations will be in need of humanitarian aid. The UN announced its appeal seeking 6.5 billion dollars for Syrian refugees explaining that 2.3 billion dollars are destined for civilians inside Syria while 4.2 billion dollars are for Syrian refugees in neighboring countries. Underlining that one easily ignores figures about Syrian refugees represent real number of people who are affected by the civil war in the country, the UN humanitarian chief Valerie Amos explained that 9.3 million people are in need of humanitarian assistance, and that their number is so high that one ignores the fact that each of these figures represents children, women, men.²³¹

The EU has been the largest aid donor. EU member states donated € 437.8 million of humanitarian aid while € 840 million from the EU budget has been mobilized to the Syrian crisis.²³² The EU's funding to two million people in Syria and about 500 thousand people who have fled to neighboring countries is channeled through

229. "UNHCR and partners seek US\$1 billion as Syrian refugee exodus grows", *UNHCR*, December 19, 2012.

230. "Suriye'ye Yardım Konferansı'ndan 1,1 milyar dolar", *BBC Türkçe*, January 30, 2013.

231. "Suriye krizi: BM'den 6,5 milyar dolarlık yardım çağrısı", *BBC Türkçe*, December 16, 2013.

232. "Violence raging in Syria", http://ec.europa.eu/commission_2010-2014/georgieva/hot_topics/violence_raging_Syria_en.htm, January 8, 2014.

humanitarian agencies, the Red Cross / Red Crescent movement and international non-governmental organizations.²³³ On October 15, 2012 the EU Minister Egemen Bağış called on the EU to assume more responsibility in Syrian crisis in an interview with *Die Welt*. Emphasizing that the number of Syrians who have fled their country has dramatically increased, Bağış stated that Europe should help and accept these people who seek for a safe refuge, and that it is time for Europe to take action.²³⁴

In December 2013, the Council of Europe's Commissioner for Human Rights, Nils Muiznieks stated that Turkey shouldered the largest responsibility towards Syrian refugees, and criticized European countries for indifference.²³⁵ As of January 2014, in Syria more than nine million people are in need of humanitarian aid; more than four million people have been displaced in the country and more than two million people have been forced to flee to other countries. Only four neighboring countries of Syria cannot overcome the refugee crisis provoked by the civil war in Syria. International society must effectively respond to the UN's calls and speed up its activities to efficiently meet the increasing demands of refugees in time. The increasing number of Syrian refugees in neighboring countries may disturb the regional stability. Governments of Lebanon and Jordan have already stated that huge influx of refugees in proportion to their own population in their countries may pose a threat.

THE REACTION OF THE INTERNATIONAL COMMUNITY

Since the very beginning of the civil war in Syria, humanitarian agencies called on the international community to act together to end the violence. Nevertheless, international society and the UN have failed to take effective measures as they could not act together. One of the first calls was the UN Security Council's move to halt the use of heavy weapons against protesters. Russia and China has vetoed the resolutions on Syria three times thus rejecting the calls for putting an arms embargo on Syria. The last resolution vetoed on July 19, 2012 would have imposed non-military sanctions on the Syrian government if Assad refused to withdraw the troops and heavy weapons in ten days and to abide by the Chapter 7 of the United Nations Charter.²³⁶

233. For more detail see: "Syria crisis", *European Community Humanitarian Office*, http://ec.europa.eu/echo/aid/north_africa_mid_east/syria_en.htm.

234. "Haydi AB göreve", *Deutsche Welle Türkçe*, October 15, 2012.

235. "Syrian refugees: a neglected human rights crisis in Europe", <http://humanrightscomment.org/2013/12/20/syrian-refugees-a-neglected-human-rights-crisis-in-europe/>, December 20, 2013.

236. Rick Gladstone, "Friction at the U.N. as Russia and China Veto Another Resolution on Syria Sanctions", *The New York Times*, July 19, 2012.

The UN Security Council failed to bring countries together against Syria. On February 23, 2012, the UN former Secretary-General Kofi Annan was appointed as the joint Special Envoy for Syria. Syria accepted the Peace Plan for Syria²³⁷ consisting of six principles that Kofi Annan submitted to the Syrian government on March 10, 2012. Under the Peace Plan, which included the ceasefire under the surveillance of the UN, the release of arbitrarily detained prisoners, ensuring the freedom of movement for journalists throughout the country and showing respect to the freedom of association and the right to demonstrate peacefully among others, the ceasefire came into effect on April 12, 2012. Notwithstanding, Kofi Annan stated on April 24, 2012 that Damascus administration did not keep its promise to withdraw heavy weapons from the cities and people who talked with UN experts were exposed to attacks. On August 2, 2012, Annan resigned on the grounds that the UN Security Council has failed to rally forcefully behind his efforts. Underlining that the violence in Syria continues due to Syrian government's obstinacy to abide by six-principled Peace Plan and the growing military campaign of the opposition, Annan argued that international society's divisions provoke these and the UN Security Council does not officially support the Plan, which disappointed him and blocked his efforts. Stating that it is impossible for him or anyone to compel the Syrian government and then the opposition, to take the steps necessary to begin a political process without united international pressure including from the powers of the region, he told that Syrian President Bashar Assad must leave office for the good of his country.²³⁸ Algerian diplomat Lakhdar Brahimi replaced Annan on August 17, 2012.

The UN remained ineffective in sanctions while the EU, the Arab League and countries such as the US and Turkey began to impose arms embargo on Syria. After the Syrian government resorted to violence against opposition groups, the EU imposed an asset freeze and travel ban for individuals and imposed asset freeze on companies. In May 2011, the EU followed this by imposing arms embargo.²³⁹ In November 2012, Britain announced that it will start talks with Syrian armed opposition and called for lifting the arms embargo to give arms aid to the opposition.²⁴⁰ Britain and France's calls for lifting the embargo to "force Assad administration to negotiate" and for sending arms to moderate armed groups against

237. "Annan's Peace Plan for Syria", www.cfr.org/Syria/annans-peace-plan-syria/p28380, December 24, 2012.

238. Rick Gladstone, "Resigning as Envoy to Syria, Annan Casts Wide Blame", *The New York Times*, August 2, 2012.

239. For more information see: http://eeas.europa.eu/delegations/Syria/press_corner/all_news/index_en.htm.

240. "EU to consider all options to help Syrian rebels", *Reuters*, December 14, 2012.

Assad yielded results. Accordingly, the EU lifted the embargo to ensure arms aid to Syrian opposition on June 1, 2013. Since then, EU countries have enjoyed the opportunity to sell weapons or give arms aid. Nevertheless, EU member countries agreed to renew arms embargo on Syria until August 2013 in order to give a chance to the conference held in June 2013 in Geneva. Though the EU lifted arms embargo, it maintained other sanctions against Assad regime.

Having suspended the Syrian's membership due to violence against civilians on November 16, 2011, the Arab League approved sanctions against Syria on November 25, 2011 when Syria refused to accept the Arab League's peace plan offer. On February 12, 2012 the Arab League severed diplomatic relations with Syria while it recognized the legitimacy of Syrian National Coalition on November 12, 2012. As of August 2011, Saudi Arabia, Kuwait and Bahrain and then many other countries including Turkey closed their embassies in Damascus and withdrew their personnel while on September 21, 2011 Turkey suspended its relations with Syria and began to impose sanctions and on September 23, 2011, Turkey imposed arms embargo on Syria. On October 14, 2012 Turkey banned Syrian planes from its air space. Nevertheless, Syria purchases weapons from many other countries such as Russia, China and Iran. As a matter of fact, a Russian military source told the Russian Interfax news agency on December 1, 2011 that Russia delivered the Yakhont supersonic anti-ship cruise missiles to Syria under the framework of a weapons contract worth 300 million dollars.²⁴¹

Debates about how to intervene in order to end the civil war and avoid human rights violations in Syria are still taking place. The former US Secretary of State, Henry Kissinger argues that the diplomacy generated by the Arab Spring is replacing the principles of equilibrium of the Westphalia system, which confines international politics to their interaction across established boundaries, with a generalized doctrine of humanitarian intervention. He, however, underlines that the understanding which justifies humanitarian intervention by removing conditions deemed a violation of universal principles of governance is problematic. Emphasizing that calls for humanitarian and strategic intervention merge, Kissinger argues that a consensus on governance after the status quo is overthrown is a must, and that the political objective must be explicit and achievable in a domestically sustainable time period. He, therefore, rejects military intervention as a solution.²⁴² It has been almost three years since the civil war broke out in Syria. Given the cur-

241. "Report: Russia delivers supersonic cruise missiles to Syria", *Haaretz*, December 1, 2011.

242. Henry A. Kissinger, "Syrian intervention risks upsetting global order", *Washington Post*, June 1, 2012.

rent situation, it is clear that there is a balance between the regime and opposition groups and under current circumstances neither of them will gain an advantage over another if a new actor does not intervene in the conflict in Syria.

The number of those who quit the Syrian army has increased; however, the army is not expected to dissolve in the near term. Given the hesitation of Western countries in carrying out a military intervention in addition to the opposition of Russia and China, Syrian opposition has been provided only with logistical support for a while. As the civil war raged on, human rights defenders called on not only the most developed countries in the world, also called as G-7, but also developing countries, BRICS, to do more than feeling “deep concern” about the conflict in Syria.²⁴³

Given the current situation, it is clear that there is a balance between the regime and opposition groups and under current circumstances neither of them will gain an advantage over another if a new actor does not intervene in the conflict in Syria.

Following the UN report showing that violence and atrocities in Syria unprecedentedly increased, diplomats from the UN, the US and Russia came together to pave the way for peace talks in Syria and to bring different groups in Syria together in a constructive meeting in Geneva on June 5, 2013. Countries decided in the meeting to hold a conference in Geneva to find a political solution to the Syrian conflict by means of a comprehensive agreement between the Syrian government and opposition groups; however, the conference which was expected to be held in June was postponed to July and held on January 22, 2014. At the outset of the meeting, the UN Secretary-General Ban Ki-moon called on both parties to agree on 2012 Geneva Communiqué which stipulates the transfer of powers from Assad. On January 25, 2014 representatives of Assad regime and the Syrian opposition began face-to-face meetings for the first time.

Military intervention in Syria was brought back to the agenda in the aftermath of a chemical attack in a district close to Damascus, on August 21, 2013. The

243. Jan Egeland, “Time for Brics to stop sitting on the fence over Syria atrocities”, *Human Rights Watch*, March 22, 2013.

US and France opened the military intervention option up for discussion in order to prevent Assad from using chemical weapons, once again claiming that the Syrian government was behind the attack. Meanwhile, Russia argued that it was the opposition groups who carried out the attacks. The US Senate, on the other hand, agreed on a draft authorization for the use of military force in Syria on September 3, 2013. The UN Secretary-General Ban Ki-moon stated that according to the UN Convention, the use of military force is lawful only when in exercise of self-defense or when the UN Security Council approves such action, and warned that a military intervention in Syria may drift the region into a quagmire. He stated that if chemical weapons have been used in Syria, then the Security Council should come together and act against this “war crime.”²⁴⁴

The option of military intervention was opposed by Russia. In addition, UN gradually removed the option from the agenda in September 2013. On September 14, 2013 the US and Russia agreed on the destruction or elimination of chemical weapons in Syria by mid-2014, while Syria agreed to sign “the Convention on the Prohibition of the Development, Production, Stockpiling and use of Chemical Weapons and on their Destruction” (1992), to declare in detail the chemical weapons it possesses in one week and to destruct these weapons by mid-2014. The UN, on the other hand, confirmed the use of chemical weapons in Syria in its report announced on September 16, 2013. On the same day, France, the UK and the US Ministers of Foreign Affairs met in Paris and agreed on drafting a new UN resolution and holding a new peace conference on Syria.

In a nutshell, efforts by the international community to end the violence in Syria continue although they have proved to be late and insufficient. Some believe that bringing the Assad regime and the Syrian opposition together in January 2014 was a success itself; however, peace prospects in Syria in the short round are diminishing because the opposition wants to talk about when Assad will leave while the regime considers even the discussion of it as a “red line.” As of today, let alone a permanent peace, a ceasefire to comprehensively carry out humanitarian aid actions in 2014 will be a positive step.

244. Adam Serwer, “UN suggests American attack on Syria would be illegal”, *MSNBC*, September 25, 2013.

CONCLUSION

National, regional and international initiatives to stop violence in Syria have failed. The opposition found general amnesties granted by the Syrian government in October 2012 and April 2013 and the Syrian National Dialogue Forum held by the Syrian government was insincere. Meanwhile, the disorganized Syrian opposition failed to end internal conflicts among opposition groups. The Syrian regime failed to meet the basic need of Syrian people, let alone their safety in the regions under its control. This is occurring simultaneously with ongoing threats despite the efforts by local committees established in the regions, where government forces have withdrawn, due to the fragmented and disorganized structure of the authorities in these regions. The ongoing negative atmosphere regarding a peaceful resolution strengthens the hands of those who consider violence as the single solution, both among the regime supporters and the opposition groups. As a result, a great responsibility falls on the shoulders of Syrian government, opposition groups, international society and Turkey to arrive at a permanent peace in Syria:

Syrian Government

The UN and international human rights organizations have stated in their reports that human rights violations and crimes, which were systematically and commonly committed in Syria as a state policy against civilians since the very beginning of the conflict, fall under the category of crimes against humanity. These crimes include murder, torture, arbitrary detention and arrest and cruel attitudes to harm

people's emotional and physical health. First of all, the intelligence, security forces and Shabbiha militia are responsible for the crimes. Use of excessive force, arbitrary detention and arrest and torture against anti-government protesters has become systematic. Syrian government not only commits crimes against humanity and war crimes, but also violates human rights conventions, which it is a party to, international law of human rights and the 3rd article of "Geneva Convention relative to the Protection of Civilian Persons in Time of War." The Syrian Government, moreover, must adhere to "the Optional Protocol on the Involvement of Children in Armed Conflict (2000)."

Syrian government should, therefore,

- end violence against civilians;
- release those detained and arrested notably children during protests;
- return the bodies of those who were killed during protests or in detention centers and prisoners to their families without a delay, and respect their physical integrity;
- stop using health centers as military bases and military targets and ensure that those in need of medical aid receive medical treatment and that health professionals give required medical treatment to wounded persons from the opposition;
- ensure that government forces and militia forces end military operations which provoke sectarian conflict, and pave the way for the effective investigation of these crimes and violations;
- ensure that detainees are permitted visits from their family and lawyers and brought to trial in proceedings which fully comply with international fair trial standards;
- give up the use of heavy weapons during operations (ongoing military operations threaten civilians and worsen circumstances);
- stop recruiting children into the army;
- respect the right of property during raids in civilian houses and compensate for damages;
- ensure the access of humanitarian aid organizations to the regions of conflict, and lift the travel restrictions imposed on human right organizations, the UNHCR in particular and journalists;
- investigate executions and extrajudicial killings within the scope of "the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions" (Syrian government members have not taken concrete steps regarding executions committed in the country);

- and carry out investigations on torture and ill-treatment according to “ the UN Principles on the Effective Investigation and Documentation of torture and Other Cruel Inhuman or Degrading Treatment or Punishment.”

Opposition Groups

Armed and civilian opposition groups, which are struggling to put an end to the autocratic regime in Syria, must also respect human rights while struggling against this undemocratic and anti-human rights regime. Opposition groups in Syria must protect human rights in the regions under their control and abide by humanitarian law when engaging in an armed struggle against the Syrian government. Nevertheless, some of the opposition groups have committed war crimes during the civil war in the country. Just like the Syrian government, opposition groups are also obliged to abide by the “Geneva Convention relative to the Protection of Civilian Persons in Time of War” and “the Optional Protocol on the Involvement of Children in Armed Conflict (contrary to other international human rights conventions that Syrian government is a party to).

Accordingly, armed opposition groups should take the following steps:

- Both military and civilian wings of the Syrian opposition should take all necessary measures to avoid torture and executions.
- Opposition groups should begin investigation on violations committed so far in the regions under their control in line with the international law of human rights and allow international experts to visit the detention centers under their control.
- Opposition groups should set up military bases such as military quarters, camps, sites far from residential areas which are highly populated with civilians.
- Opposition groups should end providing children with military training or letting them enroll as warriors even though children volunteer.
- Opposition groups should ensure the access of human rights organizations to the regions under their control and they should not hinder the works of these organizations.
- Opposition groups should help humanitarian aid organizations for the distribution of medical and humanitarian stuff and show a maximum effort to ensure the safety of personnel of humanitarian and medical aid organizations.
- Opposition groups are responsible for the protection of properties in addition to lives of civilians in the regions under their control. They should show utmost effort to protect the properties of Syrians who were forced to leave their home due to the civil war, and prevent armed groups from looting and pillaging these places.

- Groups such as the Syrian National Council, which try to gather opposition groups under one single umbrella, should condemn human rights violations committed by anti-government groups in Syria and call on opposition groups to end these violations.

International Community

The International community should also assume an effective role in ending the violations. In addition to the UN, all countries that support the Syrian government or opposition or other countries and international organizations that preferred to remain “impartial” regarding the conflict in Syria should assume a more effective role during this period as violence is dramatically increasing.

- The International community should agree on a resolution plan in order to end the civil war in Syria and put this plan into effect without a delay.
- International society is responsible for the effective investigation and prosecution of crimes against humanity and other crimes stipulated in the international law. Warnings of countries supporting both parties that “offenders of a possible massacre will face trial before International Criminal Court”, and the transfer of the parties to the International Criminal Court for the violations and war crimes they have committed, will build up a pressure.
- The UN Security Council should impose arms embargo on Syria and assets of the authorities, those of President Bashar al Assad in particular, who is responsible for the crimes, should be frozen.
- Countries that support the Syrian opposition should give loud and clear messages to opposition groups so that these groups abide by international law of human rights and humanitarian law.
- Countries that support the Syrian government such as Russia, China and Iran seize to define the opposition only as “radical Sunnis” in order not to turn the civil war in the country into a sectarian one. In addition, countries that support the opposition such as Turkey, Saudi Arabia and Qatar should continue inculcating the opposition to prevent massacre in the post-civil war period. The opposition should work to satisfy all minority groups, notably Alawite groups.
- The EU and other international organizations and developed countries should increase fiscal aid and public relief to help neighboring countries, such as Turkey, in establishing camps to provide refuge to Syrians who have fled their country.
- As the civil war rages on, the number of Syrians who go through trauma rapidly increases. International society should increase support for human rights

and humanitarian aid organizations that help victims of violations such as torture and sexual assault and their relatives.

Turkey

The civil war in Syria has resulted in a partial division within Turkish public opinion. The AK Party denied the legitimacy of the Assad regime, while some opposition groups in Turkey considered developments in Syria only from the perspective of “anti-imperialism” due to Assad’s anti-US/ Israel attitude. This position was based on the grounds that Turkey is acting as a “proxy” of the Western countries and some others were concerned about the establishment of an Islamist regime in Syria and refused taking sides in the civil war due to the Sunni groups within the Syrian opposition. Indeed, a narrow viewpoint results in such kind of approaches. It is not negligible that the Assad regime, which proved not to be even remotely close to democracy and human rights during its four decade-long rule, perpetrates massacres and tries to win over minorities in the country, notably the Alewite groups. It does so by intimidating them on the pretext that numerous countries notably the US are trying to change regime in Syria and there are “radical Islamist” groups among the opposition groups in Syria. Avoiding intervention in regions of massacres on the grounds of the principle of non-intervention in “internal affairs” or other reasons brought about greater massacres in the 20th century. The international community later found out concentration camps established by Nazis during the World War II or the murder of millions of people only in Gulags by Stalin Era. Given the bipolarity during the Cold War Era, the international community could not intervene in massacres such as the murder of hundreds of thousands of communists in Indonesia by the government supported by the US in 1960s, the slaughter of millions of people in Cambodia by the Khmer Rouge in 1970s or the murder of thousands of people in Halabja in a chemical attack by Iraq in 1988. In the wake of the Cold War, “impartial attitude” of European states during Bosnian War, which broke out following the breakup of Yugoslavia, provoked a greater massacre and ten thousands of people were killed while millions of people were displaced. The Rwandan Genocide in 1994 proved to human rights activists that no matter where a massacre is taking place, people should without a delay take action in order to end it. Therefore, Turkish society cannot remain silent to the conflict in Syria. While a country which claims to be democratic should react to a civil war killing thousands of people even if it is not a neighbor to the country of conflict, the party in power, the opposition and all society notably the NGOs in Turkey, which provides refuge to hundreds of thousands of refugees, should act together to end the massacre in Syria:

- The Turkish government should continue to provide Syrian refugees with opportunities, which has already received praise the international public opinion, and remove all restrictions on the UN and other international humanitarian aid organizations' access to the camps.
- It is necessary to put an end to tension and conflict between Syrian refugees and local people (notably in border cities highly populated with refugees). The government, local authorities, media and NGOs should work together and keep this humanitarian crisis away from domestic political struggle in Turkey.
- NGOs and human rights organizations in particular can assume a crucial role in revealing crimes against humanity and war crimes committed in Syria.
- From the Turkish perceptive, it becomes more and more difficult to separate crimes against humanity and war crimes from daily political struggle. Both Assad supporters and those who support the opposition only focus on the perpetrator of a crime and compare who suffers the most by totally ignoring the crime itself, which in turn prevents proper assessment and investigation of the crimes committed in Syria.
- All groups, notably the government and opposition parties represented in the Turkish Grand National Assembly, should carry out comprehensive works to stop sectarian conflict in Syria.

YAVUZ GÜÇTÜRK

Yavuz Güçtürk is a research assistant in Law & Human Rights at SETA Foundation. He received his bachelor's and master's degrees in history from Middle East Technical University (METU) in Ankara. He is pursuing his doctoral studies in Political Science at Ankara University. Before joining SETA, he worked as a reporter and expert on human rights at several NGOs in Turkey.

THE LOSS OF HUMANITY

THE HUMAN RIGHTS DIMENSION OF THE CIVIL WAR IN SYRIA

YAVUZ GÜÇTÜRK

We have been ashamed to witness the greatest human tragedy of the history right before our eyes in Syria, since March 2011. In fact, the Baath regime, with a terrible longstanding record of human rights violations in Syria has caused peaceful protests for freedom and democracy to erupt into a revolt first, and then into an armed struggle by using excessive violence and exercising severe violation of human rights.

Since the onset of the civil war in Syria, not only human rights are violated but also crimes of humanity are committed right before our eyes. Despite this carnage, humanity has already given up watching this heart-rending scene where chemical weapons and draconian methods of torture are used with impunity.

This study assesses the developments in Syria from March 2011 to date only and fully through a human rights perspective. If said properly, "The Loss of Humanity: The Human Rights Dimension of the Civil War in Syria" tries to take a picture of Syria accompanied by cross-sections reflecting sufferings of Syrian people who are turned into nothing but statistics. Their story has now become an entry in the chronicles of history that are gathered through individual cases from different documents. That being said, we also acknowledge and are aware of the fact that this report cannot cover the anguish felt in Syria to the fullest extent...