



I. EXECUTIVE SUMMARY

1. The following report is submitted on behalf of the Assyrian Universal Alliance - Americas Chapter¹ in consultation with the Assyrian Human Rights Network (AHRN) and the Assyrian Democratic Organization (ADO) for consideration in the Syrian Arab Republic's second Universal Periodic Review (UPR) to take place during the 26th session of the UPR Working Group.

2. Chronic human rights abuses persist throughout Syria since the state underwent its inaugural UPR in October 2011. This report examines those abuses pertaining to Syria's indigenous Assyrian Christian minority. These abuses stem largely from Syria's emergency law, but others persist even after the law was lifted in April 2011. Furthermore, the ongoing civil war has prevented the government from addressing human rights issues affecting Assyrian Christians at a rate needed to counter their rampant emigration.

3. Three thematic human rights issues form the outline of this report; namely: (A) freedom from arbitrary arrest and detention; (B) freedom from torture or degrading punishment; and (C) the right to security of person. In order to help cure the human rights violations alleged here, AUA Americas offers the following recommendations to the Government of Syria:

- **Abolish the 2012 Counterterrorism law and implement new legislation and protections to end the arbitrary arrest and detention of political dissidents**
- **Immediately release all detainees who have yet to be charged or receive a judicial review by a competent judicial body**
- **Implement its due process and fair trial obligations under Article 9(3) of the ICCPR by ensuring each instance or case of preventative detention is reviewed by an impartial judicial body**
- **Launch an independent investigation into all allegations of torture and degrading punishment and prosecute all officer personnel found responsible**
- **Amend the penal code to include penalties against government officials' use of torture or degrading punishment against individuals in detention centers**
- **Take all necessary measures to ensure the protection of civilians from all armed groups, including non-state actors such as the so-called Islamic State**

II. INTRODUCTION

4. Assyrians² in Syria identify as a distinct ethno-religious community with a heritage linked to the civilizations of Mesopotamia. They are predominantly Aramaic-speaking, politically non-dominant, profess to a Syriac tradition of Christianity and were historically the first to settle in many of the territories they currently reside.³ As such, Assyrian Christians fall within the criteria of indigenous peoples adopted by the UN's Permanent Forum on Indigenous Issues and should be entitled to those rights afforded to members of indigenous



communities.⁴

5. The situation of Assyrian Christians and other vulnerable groups in Syria remains precarious. In 2015, Syria was ranked as the single most dangerous country for minorities by Minority Rights Group International (MRG),⁵ labeled a “Country of Particular Concern” by the US Commission on International Religious Freedom (USCIRF)⁶ and was categorized as an “authoritarian regime” by the Economist Intelligence Unit’s Democracy Index.⁷ The rampant rate of emigration from Syria as a whole is also indicative of the reality that many Assyrian Christians are deciding to leave the country in the face of protracted human rights challenges.

6. The most recent version of the Syrian constitution is relatively progressive in comparison to those of neighboring countries, recognizing among other rights, the rule of law, freedom of assembly, and various economic, social and cultural liberties. However, these provisions require implementing legislation or other necessary steps that have yet to be realized. Between the 48-year state of emergency and the civil war that has created the worst humanitarian crisis in recent history;⁸ the ongoing conflict threatens all Syrians, yet will have a disproportionately harmful effect on Syria’s Assyrian population, a population that has been in a constant state of decline since the start of the war.

7. Without increased protection by all levels of the Syrian Government, Assyrian Christians face the reality of no longer remaining a viable component in Syria’s social fabric.

III. ACHIEVEMENTS, BEST PRACTICES AND CHALLENGES

A. Freedom from arbitrary arrest and detention

8. Legal and structural barriers continue to prevent the Syrian government from fulfilling its obligation to protect the freedom from arbitrary arrest and detention.

9. Article 9 of the International Covenant on Civil and Political Rights, a treaty to which Syria has been party since 1969, states that “No one shall be subjected to arbitrary arrest or detention.”⁹ This very same freedom is enshrined in Syria’s Constitution, and although Article 53(1) states that “No one may be investigated or arrested, except under an order or decision issued by the competent judicial authority [...]”¹⁰, this right is rendered null by the emergency law. Syria’s state of emergency was first instated during the Ba’ath Party’s coup in 1963, and gave the government free reign to arrest its citizens without cause and to detain them for extended periods of time without charge, among other practices. Even after the emergency law was lifted, harsh government crackdown on NGOs, protestors, and political dissenters persisted. For example, in 2011, the state lifted the emergency law and abolished the state security court which was responsible for trying political prisoners, yet simultaneously passed a law requiring citizens to obtain permissions to demonstrate, and imposed a total ban on political gatherings.¹¹ In short, the emergency laws continued to exist in everything but name. These restrictions have negatively affected the range of rights of all



Syrians, particularly the Assyrians, leaving this minority population increasingly underrepresented and insecure.

10. On 20 May 2011, just one month after the supposed lifting of the state of emergency, several *mukhabarat* officers stormed the headquarters of the Assyrian Democratic Organization (ADO) in al-Qamishli and arrested 13 people without presenting a warrant or court order.¹² Those arrested and detained include activists, lawyers, engineers, teachers and university students who were esteemed members of Assyrian civil society. The arrests took place pursuant to the participation of some ADO members in a peaceful demonstration in al-Qamishli before noon that very same day. These 13 individuals were detained by Syrian regime officers for ten days without charge or access to legal counsel.

11. Perhaps the most egregious case of arbitrary arrest and detention in the Assyrian Syrian community is the case of Gabriel Moushe, chairman of the Assyrian Democratic Organization's political bureau, who was arrested on 19 December 2013.¹³ Like many members of the opposition, Moushe was charged with terrorism and has had his case transferred to Syria's Counter-Terrorism Court (CTC), which was established under the Counterterrorism Law in July 2012.¹⁴ According to Human Rights Watch, this court is notorious for convicting Syrian activists on charges of aiding terrorists in trials that violate basic due process rights.¹⁵ The charges are brought under the guise of countering terrorism, but the allegations against the defendants are usually made on the grounds of such acts as participating in protests and documenting human rights abuses.¹⁶ During the first two months of his detention, Moushe sought the counsel of his brother, Abjar Moushe, who was also arrested upon his retention and detained for two months in a separate prison from his brother, Gabriel. Upon his release, Abjar fled Syria out of fear of further government pursuit and now lives in Europe.¹⁷ Since his Abjar's release, Gabriel has yet to be tried by the CTC but remains imprisoned on the allegations of terrorism due to his involvement with an Assyrian political party. Such practices violate the rights of Syria's Assyrian minority and exacerbate the emigration crisis which has also severely affected the Assyrian population of northern Syria who choose to participate in political life.

12. These examples of arrests are inconsistent with Article 53(3) of Syria's constitution, which states that the individual under arrest must be informed of the reasons,¹⁸ as well as similar safeguards under Article 9 and 11 of the Universal Declaration of Human Rights (UDHR)¹⁹ and Article 9, provisions 1, 2, and 3 of the International Covenant on Civil and Political Rights (ICCPR).²⁰ Legal barriers such as the the Counter-Terrorism Law of 2012 preventing citizens from enjoying legal due process contravene Syria's non-derogable commitment to guarantee the freedom from arbitrary arrest and detention. Lastly, the CTC continues to violate Legislative Decree 55, which limits the time that a person may be lawfully held in detention without judicial review to 60 days for certain crimes, including terrorism offenses.²¹ Gabriel Moushe has been held for much longer than 60 days without judicial review.²²



RECOMMENDATION:

- **Abolish the 2012 Counterterrorism law and implement new legislation to end the arbitrary arrest and detention of political dissidents**
- **Immediately release all detainees who have yet to be charged or receive a judicial review by a competent judicial body**
- **Implement its due process and fair trial obligations under Article 9(3) of the ICCPR by ensuring each instance or case of preventative detention is reviewed by an impartial judicial body**

B. *Freedom from torture or degrading punishment*

13. Despite Article 53(2) of Syria’s constitution guaranteeing that “No one may be tortured or treated in a humiliating manner,”²³ violations of the freedom from torture persist.

14. Testimonies of released Assyrian detainees indicate that police officers and security personnel used torture and cruel treatment inside government detention centers to coerce detainees into making confessions. The means of torture and cruel treatment used include physical torture and violence and psychological torture.

15. Physical violence: Police interrogators have used a wide variety of physical violence and torture to extract illegal confessions from prisoners while in detention. As indicated in detainee testimonies, officers will drag prisoners on the ground, slap, punch, kick, lash prisoners with cables, and electrocute them during routine interrogations. Even elderly and sick detainees were subjected to these practices.

16. One anonymous source, named J.T. for the purposes of this report, described a common practice used by the secret police as the “flying carpet,” which is: “... it is made of two jointed pieces of wood. Lying flat on my chest, my upper body was tied to one piece and my legs to the other. They bent both pieces upward and tied them together, so my body took a concaved shape, and I felt like my lower back was going to break from the intense pain... the security personnel beat me with a cable on my feet, back and entire body until I passed out and no longer felt what was going on around me.”

17. Another source, D.A., describes how he was tortured using a large tire: “... Then, one security officer put me inside a rubber tire. My back was bent with my head pointing downward and feet upward. They tied my feet together, with one personnel whipping my feet and exposed body parts with a thick yard and a hose, shouting: ‘you traitors, dogs, agents.’ Another shocking practice by interrogators is electrocution. S.E. shares his testimony: “They took off my shoes and socks, and I felt a piece of metal grabbing onto my toes, I shortly learned that they were two small pliers clasping my toes. It was only seconds before my body convulsed and my limbs shrunk. They electrocuted me 4 times. I could not



move, and I was completely unconscious and semi-paralyzed. Two personnel dragged me on the floor and threw me in another room, shackled and blindfolded.”

18. Psychological torture: Many released detainees have shared stories of interrogations that took place in the early morning, during which time they were subject to various psychological pressures with the goal of extracting information about their involvement with opposition groups. These practices included threats to arrest their wives or daughters, and forcing detainees to watch the torture of other detainees, as cited by E.D. who said: “I witnessed some cases of torture and heard detainees being tortured, since the cells were close to interrogation rooms. We saw torture marks and blood running on their bodies, some were sent to the National Hospital as a result of severe beating. One detainee died because of sickness and torture. He was about 35 years-old and very skinny. They denied him treatment. When he died, someone came to us and ordered us to carry him, saying ‘remove this corpse and dump it outside in the snow.’”

19. Torture and cruel and degrading treatment used to extract confessions and information from detainees constitute glaring violations of Article 5 of the Universal Declaration of Human Rights, and Article 7 of the International Covenant on Civil and Political Rights, which prohibit the use of torture for any reason. These practices also violate the provisions of the 1984 Convention against Torture, especially Articles 2 and 16, which outlaw torture and other cruel, inhuman and degrading treatment, as well as Article 15, which states that confessions or statements made as result of torture cannot be used as evidence in any legal proceedings against the tortured individual. Moreover, these practices are in direct violation of Article 53(2) of the Syrian Constitution, which prohibits torture and all sorts of degrading treatment of detainees.

RECOMMENDATION:

- Launch an independent investigation into all allegations of torture and degrading punishment and prosecute all officer personnel found responsible
- Amend the penal code to include penalties against government officials’ use of torture or degrading punishment against individuals in detention centers

C. Right to security of person

20. On the early morning of February 23, 2015, the so-called Islamic State of Iraq and Syria (ISIS) invaded the Hassakeh region of northern Syria, home to Syria’s largest population of Assyrians. Militants seized control of the Assyrian villages of Tal Shamiram, Tal Jazeera, Tal Hormiz, Tal Goran, Tal Feida, and Qabr Shamiya.²⁴ As the so-called Islamic State rode into each individual village, it took as hostages Assyrian men, women, and children, totaling nearly 212 hostages. The Assyrian Human Rights Network was able to compile a partial



breakdown of Assyrians missing from each village, categorized below:

Tal Shamiram	Tal Jazeera	Tal Hormiz	Tal Feida	Qabr Shamiya
35 women	43 women	3 women	5 women	–
30 children	9 children	–	–	–
44 men	32 men	6 men	3 men	2 men
			Total:	212

Om Fady, an Assyrian woman who fled her home before IS militants came to her village in Tal Massas, shared a harrowing recollection of how she and her family heard of the attacks:

It was four o'clock at the morning 23rd of February when we started to hear bombs shelling on Tal Massas. We thought that it may stop after a while as usual, but the sounds increased more, and after almost an hour I saw many people from neighbouring village of Tal Goran, which is located on the opposite bank of Khabour river, they told us that they have crossed the river using little boats. They warned us and told us to immediately leave our home and flee, because Daeish, [IS], has invaded the Khabur villages and they are killing and kidnapping civilians. At almost ten at the morning we left the village using a taxi which was in the village at that time.²⁵

21. In exchange for the release of these prisoners, the so-called Islamic State has demanded varying sums per person be paid as ransom. Since their initial kidnapping in February 2015, Assyrians have been incrementally released in small groups ranging from 15-40 people at a time. These ransoms have been paid by family members of the hostages, and the local Assyrian church, who has worked tirelessly to free its parishioners from ISIS' captivity.

22. In August 2015, the so-called Islamic State released a video wherein three masked militants execute three male hostages, Dr. Abdulmasih Enwiya and Ashur Abraham from the village of Tel Jazeera, and Basam Michael from the village of Tel Shamiram.²⁶ The militants then brought in three more hostages into the frame and ordered that they warn the viewers that the three men would meet the same fate as the departed.²⁷

23. The Syrian government, per Article 9(1) of the ICCPR, has a responsibility to protect its citizens, as stipulated in General Comment 35 to Article 9 of the ICCPR: "States parties must protect individuals against abduction or detention by individual criminals or irregular groups, including armed or terrorist groups, operating within their territory."²⁸ The Syrian government is ultimately responsible for any situations of insecurity that occur within its territory, and in this instance, it has failed to protect the 212 Assyrians who were taken hostage in February 2015. The Syrian government must take the necessary steps to eliminate the threat posed to all Syrian citizens by the so-called Islamic State. Since August 2015, local Assyrian churches and humanitarian organizations have been collaborating to pay the



ransom set forth by the so-called Islamic State to release the Assyrian hostages, and to date, 6 hostages have yet to be released and remain in captivity.²⁹

RECOMMENDATION:

- Take all necessary measures to ensure the protection of civilians from all armed groups, including non-state actors such as the so-called Islamic State

IV. CONCLUSION

24. Bearing in mind that the current conflict and human rights situation in Syria threatens all citizens, including Assyrians, both the government and non-state actors such as the so-called Islamic State are responsible for the human rights abuses detailed in this report. While most of the Assyrians arbitrarily arrested and detained by Syrian military personnel were eventually released, the government blatantly disregarded protections enumerated in its own constitution and international law in its authoritarian practices. Even in times of war, the Syrian government still has a legal obligation to uphold protections within its constitution and international human rights treaties to which it is party. The government is ultimately responsible for ensuring the protection, security, and freedoms of all Syrian people, and must implement any recommendations that work toward achieving these objectives pursuant to its Second-Cycle Universal Periodic Review.



¹ An organization in Consultative Status with the Economic and Social Council since 2013.

² Referred to at times as Chaldeans, Syriaacs, Chaldo-Assyrians or other variant names, Assyrians maintain they are a single community and should be treated as such.

³ *Assyria*, Unrepresented Nations and Peoples Organization, March 28, 2008, <http://www.unpo.org/members/7859> (accessed March 14, 2014).

⁴ "Who are indigenous peoples?" *Factsheet*, United Nations Permanent Forum on Indigenous Issues, http://www.un.org/esa/socdev/unpfi/documents/5session_factsheet1.pdf (accessed March 14, 2014).

⁵ *People Under Threat 2015*, Minority Rights Group International,

<http://peoplesunderthreat.org/countries/syrian-arab-republic/> (accessed March 20, 2016).

⁶ "Countries of Particular Concern 2015," US Commission on International Religious Freedom, <http://www.uscirf.gov/all-countries/countries-of-particular-concern-tier-1> (accessed March 20, 2016)

⁷ *Democracy Index 2015*, The Economist Intelligence Unit, <http://www.eiu.com/Handlers/WhitepaperHandler.ashx?fi=EIU-Democracy-Index-2015.pdf&mode=wp&campaignid=DemocracyIndex2015> (accessed March 20, 2016).

⁸ "Quick Facts: What You Need to Know about the Syria Crisis." *Mercy Corps*. 05 Feb. 2016. Web. 20 Mar. 2016. <https://www.mercycorps.org/articles/iraq-jordan-lebanon-syria-turkey/quick-facts-what-you-need-know-about-syria-crisis>

(accessed 20 March 2016)

⁹ International Covenant on Civil and Political Rights, Article 9(1).

¹⁰ Syrian Constitution, Article 53(1).

¹¹ "Syria to Lift Decades-old Emergency Law." *Al Jazeera English*. 19 Apr. 2011. Web. <http://www.aljazeera.com/news/middleeast/2011/04/2011419135036463804.html> (accessed March 20, 2016)

¹² *A report on the Assyrian detainees in Syria*. Assyrian Human Rights Network, 2014, <https://assyrianrights.org/2014/09/18/assyrians-for-existence-and-freedom/> (accessed March 20, 2016).

¹³ Assyrian Human Rights Network, 2014.

¹⁴ "Syria: Counterterrorism Court Used to Stifle Dissent." *Human Rights Watch*. 25 June 2013. <https://www.hrw.org/news/2013/06/25/syria-counterterrorism-court-used-stifle-dissent> (accessed March 20, 2016)

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Assyrian Human Rights Network, 2014.

¹⁸ Syrian Constitution, Article 53(3).

¹⁹ Universal Declaration of Human Rights, Articles 9 and 11.

²⁰ International Covenant on Civil and Political Rights,

Article 9 (1) (2) (3)

²¹ "Syria: Counterterrorism Court Used to Stifle Dissent." *Human Rights Watch*. 25 June 2013.

<https://www.hrw.org/news/2013/06/25/syria-counterterrorism-court-used-stifle-dissent> (accessed March 20, 2016)

²² Assyrian Human Rights Network, 2014.

²³ Syrian Constitution, Article 53(2).

²⁴ *A Song Unheard: A report on kidnapping Christians in Syria*. Assyrian Human Rights Network, 2015.

<https://assyrianrights.org/2015/04/11/a-song-unheard-a-report-on-kidnapping-christians-in-syria/> (accessed 20 March 2016)

²⁵ Assyrian Human Rights Network, 2015.

²⁶ Fadel, Leith. "ISIS Demands Ransom for 280 Assyrian Hostages: 3 Civilians Executed." *Al-Masdar News*. 2015. <https://www.almasdarnews.com/article/isis-demands-ransom-for-280-assyrian-hostages-3-civilians-executed/> (accessed 20 March 2016)

²⁷ Ibid.

²⁸ UN Human Rights Committee (HRC), General comment no. 35, Article 9 (Liberty and security of person), 16 December 2014, CCPR/C/GC/35, available at: <http://www.refworld.org/docid/553e0f984.html> (accessed 20 March 2016)

²⁹ Assyrian Human Rights Network, 2016.