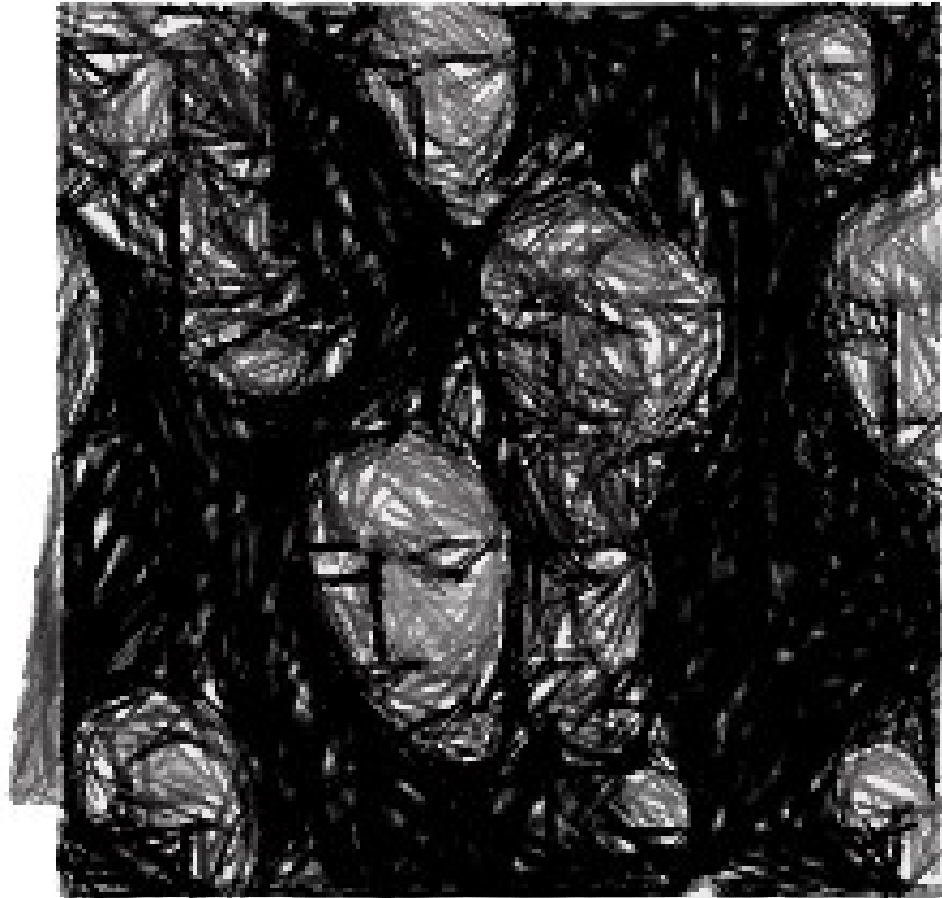


Violence against Women, Bleeding Wound in the Syrian Conflict



EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK
RÉSEAU EURO-MÉDITERRANÉEN DES DROITS DE L'HOMME
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The **EMHRN** (Euro-Mediterranean Human Rights Network) gathers more than 80 human rights organisations, institutions and individuals based in 30 countries across the Euro-Mediterranean region. It works to promote and protect human rights within the framework of the Barcelona Process and the co-operation between the European Union and the Arab world.

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FOREWORD

“During my interrogation, with my father still present, the investigator threw coffee at me, and my father was unable to do anything to help me. As my interrogation proceeded and my father was no longer present, I was beaten on the hands and legs, spat at and whipped to the point of collapsing. Every time I collapsed, someone would pour a bottle of cold water on my head to revive me. The interrogations sometimes lasted for 12 continuous hours and more”.

Lamya, a student from Latakia was arrested with her father in June 2012 during a military intelligence raid on her house. Accused of equipping field hospitals with supplies, she was detained for 8 months during which she was exposed to severe acts of torture.

Unveiling instances of violence against women (VAW) is one of the most demanding tasks in the Syrian context. Important challenges concerning sexual violence related to both the social cultural context in Syria and methodology of documentation hamper the documentation process. Extensive and sustained efforts are necessary to ensure that these violations will be addressed during the transitional justice period that should follow the end of the armed conflict and that adequate means are deployed in order to provide victims with support, accompaniment and rehabilitation.

This document is a documentation report prepared by Syrian human rights and women’s rights activist Sema Nasar, a member in the Syrian Human Rights Network, with the support of the EMHRN and experts in documentation.

The report is an outcome of an ongoing EMHRN programme aimed at reinforcing networking and capacities of Syrian human rights activists and groups to document and advocate on human rights violations. The process was initiated in 2011, and since then the EMHRN organized consultation meetings, workshops and trainings in documentation for Syrian human rights activists in view of enhancing the documentation efforts carried out by Syrian Human Rights Groups. An integral part of the process is to also to facilitate access of Syrian HR activists to international mechanisms at UN and EU level and to other decision makers in the region¹.

The report relies on first hand testimonies gathered between January 2013 and June 2013 by the researcher. These are organized in documentation files and form the basis of the current narrative. Most interviews were conducted with the victims, but in some cases the report refers to testimonies of relatives or family members of the victim, or to statements made by social workers and psychologists working with victims of VAW. Documentation files were reviewed by documentation experts in order to ensure that information gathered

¹ Participating organizations in the EMHRN program include Assyrian Human Rights Network, Center for Civil Society and Democracy in Syria, Committees for Democratic freedoms and Human Rights in Syria (CDF), Damascus Center for Human Rights Studies, Kurdish Center for Documentation, Kurdish Organization for the defense of Public Freedoms and Human Rights (DAD), Syrian Center for Human Rights, Syrian Network for Human Rights, Syrian Organization for Human Rights Sawaseyah, Raqeeb Center, Violations Documentation Center in Syria.

matches the needed standards in this field of work. All names mentioned in the report have been changed from the original ones, in order to protect confidentiality and security of persons interviewed and victims.

The aim of the report is to shed light on the range of violence and violations affecting Syrian women in the context of the conflict, including crimes under international law. It does not intend to give a comprehensive overview on those, rather would it aim to highlight the need for extensive efforts to further shed light on all kinds of violence Syrian women are exposed to, in view of advocating for perpetrators to be held accountable in the future, and for extensive efforts to be deployed to support and rehabilitate the victims, their families and communities.

This report therefore constitutes a milestone in the process of documenting violence against women in the context of the conflict in Syria, and a number of cases mentioned in the report should be further investigated in the future with the aim of future prosecution of the perpetrators. The EMHRN intends to pursue and intensify efforts aimed at supporting documentation of these violations in close cooperation with its Syrian and regional member and partner organizations.

INDEX

INTRODUCTION	7
Challenges to document VAW in Syria	8
Legal framework.....	9
1. Violation of the Rights to life.....	10
Killings of women in the context of military fighting.....	10
Execution of women during massacres	10
Use of women as human shields	11
2. Sexual violence as a weapon of war	12
Surrounding climate of terror from sexual violence.....	12
Rapes during incursions and raids	13
Rape during kidnapping	13
Rape inside governmental prisons and detention facilities.....	14
Sexual harassment and humiliation during detention.....	15
3. Arbitrary detention, enforced disappearances and abduction	15
A. Governmental facilities	15
Denial of fair trial and incommunicado detention	16
Torture of detainees	16
Health conditions and lack of access to medical care	18
Violations of the right to visit for detained women in prisons.....	19
B. The growing phenomenon of abduction of Syrian women.....	20
Random kidnappings	20
Use of women as hostages.....	21

INTRODUCTION

While the military dimension of the conflict in Syria intensified in the last 2 years and a half, Syrian women have become increasingly exposed to a range of violations from the different parties in the conflict. Whether the country witnessed combat operations or relative calmness, women of various ages have always been the main victims of the consequences of the destruction of utilities and the disruption of food supplies, alongside killings and arrests and taking them as hostages to pressure their husbands or brothers, and been used as human shields at times².

Thousands of women were killed during indiscriminate or deliberate shelling against civilians using explosives thrown from aircrafts, or Scud missiles, or heavy artillery, or snipers. Hundreds were killed during the raids and massacres which were repeated in various Syrian governorates, in addition to the killing of at least 28 women in detention.

Syrian women, young and old, were subjected to arbitrary arrests and enforced disappearances by governmental forces and their supporting militias, and have undergone various forms of torture in detention places to extract confessions. Some of them are detained for months throughout which they are deprived of their rights of visits and contact with their parents, and the fate of some remains unknown. Hundreds of are facing illegal prosecutions on charges of supporting and financing terrorism and participating in terrorist operations, according to the Law No. 19 (2012) on terrorism.

The use of systematic violence by governmental forces and the military conflict that extended across the country, with the subsequent emergence of various armed groups, created a context ripe for Violence against women (VAW), including sexual violence. Abuses against women has imposed as a deliberate tactic to defeat the other party from a symbolic and psychological perspective, making women desirable targets as the conflict rages on.

Despite all these atrocities, crimes committed against Syrian women are largely missing in the agenda of politicians and human rights activists while the media tend to ignore the complex dimensions of their sufferings.

A Psychological counselor shares a statement on arbitrary arrests through her work with Syrian activists, where she reports that during the first year of 2011, detention of females in Damascus lasted for hours and sometimes for a few days with no infliction of physical torture, but left them in a state of anxiety, fear and horror and in some cases they experience secondary shocks as a result of watching male detainees being tortured. In the second year 2012, the periods of detention became longer and the detainees were subjected to extreme physical torture. With the end of 2012 the violence and threats increased towards females, to include arbitrary arrests at checkpoints and ambushes to inflict Post traumatic Stress Disorders.

Report submitted on 13/05/2013

² See: Written Intervention to the Human Rights Council, June 2012 http://www.euromedrights.org/fra/wpcontent/uploads/2013/05/NGO_WI_Womens-rights_Syria_HRC23_FR.pdf

Challenges to document VAW in Syria

It is difficult to have a comprehensive picture of the phenomenon of VAW in the Syrian context as a number of challenges hamper documentation of violence against women in the Syrian context. As a result, VAW and sexual abuses remain under-documented compared to the number of cases reported by psychologists, field workers and civil society activists.

A majority of victims refuse to speak about violence they have been exposed to, in particular when the offense has a sexual dimension as they fear social stigma attached to these abuses. Moreover, families are often reluctant to report on abuses such as kidnappings and arrests of their daughters or relatives because of the widespread perception that arrested females are raped and harassed in prison. In addition, there is nowadays in Syria an overwhelming lack of confidence in the utility of documenting violations, given the fact that the work conducted so far by human rights organizations has barely impacted the stand of the international community (and more specifically the Security Council) despite more than two years of a violent conflict marked by repeated patterns of devastating violations and crimes under international law. Women are also accurately aware of difficulties associated with the prosecution of rapists at domestic level, in particular when members in the security forces are involved as they enjoy impunity for decades in Syria. Syrian women exposed to sexual abuses subsequently found themselves victimized not only by the crime itself, but also by enduring the silence that surrounds the crime and the social pressure related to it.

Most of the available statistics on sexual violence have been documented by the victims who sought medical help, either for contraception or abortion purposes or due to the psychological effects caused by their assaults , as women and girls stay in constant fear of sexual violence and arrests which prolongs their agony and pain.

Many victims of sexual violence- if not most of them- chose or were forced to leave their homeland, carrying with them the physical and physiological marks to the country of asylum where they are subjected to deprivation of their economic, health, and cultural rights, and face more risk of sexual violence and exploitation through very early marriages, trafficking or forced labor, which forms a new burden on the female refugee who already suffers anxiety, depression and other mental issues due to their tragic memories of violations.

Uncovering instances of rape and sexual violence is therefore one of the most necessary, though challenging task in the Syrian context.

Legal framework

At international level, Violence Against Women (VAW) is defined as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”. VAW notably includes “Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs”.³

Syria is a state party to the CEDAW since 2003, but it expressed reservations on several articles. Despite these reservations, Syria remains internationally committed to “investigate, prevent, prosecute and punish” authors of VAW⁴.

The international law also includes specific provisions for sexual violence, notably in the context of a military conflict. Since the adoption of resolution 1325 (2000), the Security Council is competent to deal with all kinds of sexual violence committed in ‘situations of concern’, meaning situations of instability which can lead to conflict, post-conflict situations or situations of political instability⁵. The UNSC recently explicitly recognized the link between the maintenance of international peace and security and the fight against violence against women, in particular sexual violence in resolution 2122 (2013)⁶.

The international criminal law explicitly refers to sexual violence against women. The Rome statute defines Acts of sexual violence as including “rape, sexual slavery, enforced prostitution, forced pregnancy, persecution or any other form of sexual violence perpetrated in the same circumstances as rape” and states that these acts may constitute war crimes, crimes against humanity if they are part « either of a government Policy or a wide practice of atrocities tolerated or condoned by a government, de facto authority or organized armed group ». They may also amount to acts of torture if committed at the instigation of a public official or otherwise attributable to the State. According to the international criminal law, sexual violence committed in the framework of a military conflict can therefore be considered as weapons or tactics of warfare if they deliberately target civilians and are used to fulfil military or political purposes⁷.

In its report released in August 2013, the Independent International Commission of Inquiry on the Syrian Arab Republic (COI) states “*Sexual violence has played a prominent role in the conflict, owing to fear and threat of rapes and by the violence committed. It occurs during raids, at checkpoints and prisons across the country. The threat of rape is used as a tool to terrorize and punish women, men and children perceived as being associated with the opposition. Underreporting and delayed reported of sexual violence is endemic, making an assessment of the magnitude difficult*”. The COI concludes “*Rape and other inhumane acts, as crimes against humanity, were committed by government forces and the National defense forces (in Syria). Rape and inhumane treatment are also prosecutable as war crimes*”.⁸

These findings are complying with researches conducted by Syrian and international human rights groups and this report intends to contribute to the pave the way for defeating impunity for perpetrators of VAW in the Syrian conflict.

³ See: Article 1 and 2 (c) of the International Convention on the Elimination of all forms of discrimination and violence against women (CEDAW).

⁴ UNGA Resolution 63/155 (2008)

⁵ Resolutions on ‘women, peace and security’: resolutions 1325 (2000); 1820 (2008); 1888 (2009); 1889 (2009); 1960 (2010); 2106 (2013).

⁶ See : <http://www.peacewomen.org/assets/file/sgres2122.pdf>

⁷ Adopted in 1998 and enforced since 2000, the Rome Statute establishes the International Criminal Court

⁸ See: COI Report, August 2013 - A/HRC/24/46), paragraphs 95-100

1. Violation of the Rights to life

Killings of women in the context of military fighting

Women are not spared by the fighting between the different competing military forces in Syria. A recurrent pattern in the conflict lies in the indiscriminate shelling of civilian areas. According to the SNHR, the percentage of women deaths has dramatically increased in 2013, reaching nearly 9% of the total number of victims on April 30, 2013, and at this date, at least 7543 women including 2454 girls and 257 female infants under the age of 3 have been killed, including 155 women who remain unidentified at this date. The SNHR documented the killing of 55 foreign women, namely 40 Palestinian women, 7 Lebanese, 4 Iraqi, 1 Japanese, 1 Jordanian, 1 Sudanese and 1 Egyptian^{9, 10}.

These killings occurred mainly as a result of indiscriminate or disproportionate shelling against civilian populated areas, either with the use of explosive barrels dumped by aircraft, the launching of Scud missiles or heavy artillery. Nevertheless, on certain occasions, women were deliberately targeted and killed, in particular by snipers, as well as during raids and massacres.

According to the SNHR, in August 2013, the number of women killed by sniper reached 421. The increasing frequency of the pattern of women being targeted by snipers indicates that there is a deliberate intent to target women as such, considering the fact that snipers are generally able to differentiate between men and women while targeting their victim.

Execution of women during massacres

Another grave pattern in the conflict in Syria lies in massacres during which civilians, including women and children are slaughtered. A number of these events have been documented by various Syrian and international human rights groups, such as the massacre perpetrated by pro-governmental forces in the region of Baniyas in early May 2013¹¹.

Between 2 and 4 May 2013, the villages of Al-Baida and Ras Al-Nabe' in the countryside of Baniyas have been the theatre of a three-days massacre conducted by governmental forces, which has left entire families dead. The death toll amounts to 459 civilians, including 71 women from Al-Baida and 43 women from Ras Al-Nabe' according to the SNHR¹².

⁹ See: SNHR list of cases of on women killed in the conflict, April 2013 <https://docs.google.com/file/d/0B9Bj18tIYKbZWNQNJfzNDNIbDA/edit>

¹⁰ The Violations Documentation Center in Syria (VDC) has documented 7637 cases of women killed during the conflict, including 5147 adults and 2490 girls See: <https://www.vdc-sy.info/index.php/en/>

¹¹ See : report of the COI, 15 August 2012 A/HRC/21/50

¹² According to the SNHR, a majority of women killed were either slaughtered or burned, their bodies were mutilated, dismembered and thrown into the streets. Entire families were decimated during these massacres. In the case of the Baniyas massacre, we can quote the situation of Aisha Hussein who was killed along with her five daughters: Rania, Nusseibeh, Walaa, Samia and Ahlam, and daughter-in-law Safaa Bayyasa as well as her daughters Halima and Sarah. The males in the family were also killed including grandfather Abdullah Fattouh, his son Ahmad and grandsons Abdullah and Hamza See: report SNHR on Al Banyas massacre <http://www.syrianhr.org/reports/syrian-network-for-human-rights-report-18-05-2013.pdf>

Local Coordination Committee of Baniyas reported that during these events, the house of a female activist who used to disseminate information of the city on social networks was raided. Her fiancé found her after she was defaced with a knife, her nose extracted, stabbed several times in the hands and legs and was half slaughtered. An eyewitness interviewed by LCC activists in Baniyas affirmed he saw soldiers wearing black shirts and camouflage pants raiding houses in the area when the events occurred¹³.

Use of women as human shields

Samia is a housewife who was moving house items from Darya to Jadedah Artoz with her two friends on December 2012 and were stopped at check point 40 belonging to Air Force Intelligence. There were shootings outside between opposition group and border military members and as the clashes intensified, the commander of the intelligence unit used the two women as a human shield by making them walk in front of him into the line of fire until they reached a car to transfer them to 4th unit military barrack in Maadameyah Mountains. They were held at Al Maham unit, in Al Mazzah Military Airport for 8 days, and were interrogated with physical and sexual abuse. Samia witnessed terrible conditions for females in detention to include, lack of medical care for mothers, old women and young females of Adra prison, reporting that one woman died of epileptic attacks, and another gave birth but couldn't have proper medical care for herself nor her child. Samia's family couldn't help release her until she was transferred to Adra prison where she was assigned a lawyer. She was released after several weeks in February 2013.

Interview held on 15/05/2013

Syrian human rights groups have reported the use of civilians, including women and children as human shields in several locations in Syria during incursions into neighbourhoods where government forces encountered fierce resistance, or for the purpose of escaping fire and clashes.

In December 2012, **Samia** and her friend **Lubna** were stopped by governmental forces at Al-Arbacien checkpoint on the road connecting Al-Moadamieh and Daria (**Damascus Suburb**). While the security personnel were searching the women, an exchange of fire between armed groups and government troops broke out. As the clash intensified, the commander of the intelligence unit used the two women to shield himself, pushing them into the line of fire until the troops managed to reach a safe area and leave the scene. The two women were then taken to the Air Force Intelligence Branch at Al-Mazzeah military airport where they remained detained several weeks¹⁴.

A field commander from the armed opposition explained how government forces in the Ashira neighborhood of **Homs** forced women to walk in front of the troops as they stormed the neighbourhood in late **February 2012**. Defected lieutenant colonel Khaled Youssef Al-Hmoud, an aide to the commander of the Free Syrian Army (FSA) Colonel Riad Al-Assaad, confirmed this practice saying *"The Syrian army forced women and children to climb on board the tanks, while patrolling and raiding, fearing attacks from the Free Army and the revolutionaries."*¹⁵

¹³ The victim was providing live coverage of the events on Skype when she got assaulted. Interview held by SNHR with LCC local activists in May 2013.

¹⁴ Interview held with Samia on 15 May 2013

¹⁵ Interview held with the researcher on March 27, 2012

2. Sexual violence as a weapon of war

Although no reliable statistics are available, Syrian human rights groups have expressed deep concerns as for alleged sexual abuses at an early stage of the crackdown on peaceful protests in 2011. Relying on various sources in different regions in Syria, the Syrian Organization for Human Rights “Sawasia” estimated at 300 the number of cases of sexual assaults and rapes committed in 2011, highlighting the need for intense efforts to be undertaken by human rights groups to document the phenomenon in rising. In 2013, the SNHR estimates that the number of rapes of women approximately reaches 6000, resulting in numerous cases in forced pregnancy.

Cases of rape have been documented in Homs, Damascus, Hama, Latakia, Daraa, Idlib and Tartous. Information received indicate that there are three major situations in which incidents of rape have occurred: during governmental raids, at checkpoints and within detention facilities. Information gathered also indicate that members of State security apparatus have been involved in sexual violence on several occasions.

Surrounding climate of terror from sexual violence

Rumors of unverified sexual assaults have increasingly spread in Syria, creating a climate of terror for inhabitants and particularly women. Victims of arbitrary arrests and kidnappings are often stigmatized as if they faced sexual abuses.

Kholod, a women from Homs who got abducted and subsequently released described the terror experienced in her community in summer 2012 as raids multiplied in the context of the assault on the old quarters of Homs of Baba Amr and Karm Al-Zaytoun. *“We got used to wear several layers of clothing for fear of rape”, she said¹⁶. She also describes threats of sexual violence in detention and the stigmatization faced by girls abducted after they get released.*

She said “During my detention, political security officer, AM told me that he was holding 17 women prisoners in our home in Bab Al-Dreb neighborhood (...) He said they were abducted during the raids he carried out and that he raped all of them. (...) When I asked about the crime that these girls committed, he said that he wanted to rape them and humiliate their families. He also said he allowed his men to gang-rape a woman and to videotape the “party” as he called it, so that he would send the video to her uncle, a well-known cleric and member of the opposition.”

Kholod also describes how fighters believed that she had been raped at the moment of the exchange. She said: *“One of the brigade members asked to speak with me to make sure I was alive and no one had raped or hurt me, telling me to point out the rapist if I had been raped. He vowed to kill the prisoner brought for our exchange if I pointed to someone. (...) I was so terrified that a movement I made would be interpreted as a signal for him to kill the prisoner.”*

Kholod also talks about the stigmatized she was confronted to after she was release and fled the area of Homs, because of the widespread perception that girls who have been abducted have necessarily been raped or exposed to sexual violence. *“In Damascus, I was proposed to record my name in a list of supposed “rape victim” in order to be married with a voluntary man. I could not stand the fact that everybody believed that I had been raped during my detention. I even thought of suicide”.*

¹⁶ Interview with Kholod and her mother, late February 2013

Lamya, a student from Latakia, reported seeing hundreds of female detainees when she was detained in the central prison of Homs in 2012, including alleged rape victims. She said *“most of the women detained did not participate in any action against the government. During my stay in Homs central prison, I met seven women who were raped: one at the Palestine Branch, one at the roadblock at Sports City in Latakia, two at the Air Force Intelligence Branch in Homs and three in security branches in Damascus.”*¹⁷

Rapes during incursions and raids

Grave violations have been repeatedly committed during raids conducted on regions where anti governmental protests have taken place, as well as where anti-governmental fighters are located. A recurrent pattern in the context of the conflict consists in raids carried out by the governmental forces after several days of constant and indiscriminate shelling of regions considered as anti-governmental strongholds. Governmental forces and pro-government militias (shabeeha) have been storming areas populated with civilians, conducting wide range campaigns of arrests and committing violent acts against the civilian population including rape, slaughter and arbitrary executions.

The mother of Kholod reported that she was informed of numerous sexual assaults committed by members in the governmental forces in March 2012 during the military raid on the area of baba Amro while she was hiding in shelters with a number of women and families. She said *“During discussions held with different families, I was informed that several girls have been raped. One family said their daughter who was barely nine years of age was raped, and that she was not the only in this case. What’s worse is that the girl was raped in front of her family members”*¹⁸.

A photographer and media activist from the city of Latakia said that he recorded the confession of a member in security forces who claimed he raped two women in early June 2011 in Jisr Al-Shoghour in Idlib during a government army incursion into the village. The rapist was eventually killed by the families of the two women¹⁹.

Rape during kidnapping

Lina was kidnapped in late February 2012 in the Eastern Ghouta in Homs governorate by a pro-governmental armed group in order to swap her with abductees held by armed opposition groups. A psychologist counsellor who pays regular visits to girls who were raped after abduction by government loyalists in the city of Homs describes the case of Lina.

*“Lina stayed for about a month in the house of her abductors in a Homs neighbourhood, where she was tortured with burning cigarette butts, severely beaten and raped by her abductors and their friends. Lina underwent abortion and still receives intensive psychological treatment, as she suffers from severe post-traumatic stress.”*²⁰

¹⁷ Interview May 21, 2013

¹⁸ Interview with Kholod’s mother, late February 2013

¹⁹ Interview, June 2012. The activist decided not to disseminate the videotape because the soldier mentions the names of the women and their families.

²⁰ Interview held with psychologist held in May 2013

Rape inside governmental prisons and detention facilities

Women regularly face sexual abuse of varying degrees including verbal harassment, harassment within governmental detention facilities. Several cases of rapes have been reported during detention periods.

Aida, a 19 years girl from the region of Tartous who belongs to a large family which is known to be close to the Muslim Brotherhood party was arbitrarily detained from October 2012 to January 2013 in several security branches and detention facilities in which she was exposed to sexual violence and raped on two different occasions.

Aida reported having been raped by three security personnel in the military security branch in Tartous the day before she was presented to the judge. *"The interrogator left me in the room and came back with three personnel who took turns raping me. I fiercely resisted the first but when the second started, I became more terrified and couldn't resist. When the third started, I totally collapsed. I was bleeding all the time. As the last one finished, I fell on the ground. Ten minutes later, the prison doctor came in and took me to the bathroom where he gave me an injection to enable me to stand before the judge,"* she said²¹.

Aida also reported that she was raped by two security personnel in the Military security Branch no. 235 (known as "Palestine branch") in where she was. She was hospitalized after this incident for 5 days. She said: *"On the fifth day, two members of the security unit came and raped me. I had never seen them in the first four days. When they approached me, I told them that I am not a virgin thinking that they will let go away (...). These two members took turn in raping me and after they finished I fainted and fell on the ground. Then, they moved me to a military police hospital in Damascus and contacted my family to tell them that I was dead"*.

Kenda, a woman from the village of Majdal Kikhia in the countryside of Latakia was newly married and in her first month of pregnancy when she got arrested in June 2012. As she was riding a taxi to the clinic, she was talking over the phone to her husband who was fighting alongside with the armed opposition forces. Listening to the conversation, the driver –who happened to be an informant of the security apparatus- took her to the military security branch on Haron roundabout in Latakia where she spent the night. She was released after signing a paper stating that her husband is a "terrorist". Kenda sister's reported that Kenda had been raped during her detention and miscarried as a result.

Kenda's sister said: *"(After her release) Kenda did not say a word when she entered the house and headed to the bathroom. She turned on the hot water and blood was coming down her body mixed with the water. This is the moment I found out she had been raped and she miscarried as a result"*²².

***Aida**, a 19 year old woman from Tartous belongs to a family known to be close to the Muslim brotherhood. She was arrested in October 2012 by military security apparatus in Tartous governorate. She reports that during her detention period she witnessed sexual humiliations and abuses and was exposed to rape on 2 separate occasions. She was transferred to several successive detention facilities, including Brigade 215 of Damascus military security branch, Barzah Branch and Homs Central Prison. Aida was raped by 3 security members before being referred to Tartous civil judiciary court. As she was detained at Palestine Branch 235, one of the technical branches of the Military Intelligence Division in Damascus, she reports having been raped by 2 members in the security forces. Finally transferred to Adra Prison in East Damascus, Aida was released after 160 days of detention.*

Interview held on 11/05/2013

²¹ Interview conducted with the researcher in Jordan in May 2013

²² Interview with Kenda's sister in February 2013

Sexual harassment and humiliation during detention

Aida describes humiliating sexual offenses imposed on women in a military detention center in Damascus in November 2012.

She said: "In the headquarters of raiding unit no. 215 of the military security apparatus in Damascus, they gathered all the girls and ordered them to take off their clothes, allegedly for inspection. They force-stripped everyone who disobeyed. The inspector would approach the girls, grab their breasts sometimes or other parts of their bodies and order them to do various sports movements. Several security agents were watching and laughing. The most irritating thing was the rolling camera recording what was happening".

Lamya, a female first year student in the university of Latakia describes how she was put in a crowded cell with dozens of males almost naked who have been exposed to torture in July 2012 in Latakia.

Lamya said "Then they took me to a cell inside the military police branch where there were about 30 long-bearded male detainees wearing only underwear and showing signs of severe torture. I was screaming and crying and warning them against approaching me. One of them tried to tell me that they too were detained and that they wouldn't hurt me but I was unable to apprehend and didn't calm down. I kept screaming and crying for about three hours before they got me out of that place!"

3. Arbitrary detention, enforced disappearances and abduction

Women opposition activists and human rights defenders have been particularly targeted during arrest campaigns in regions known to be opposition strongholds. Between March 2011 and April 2013, according to the SNHR, more than 5400 women have been arrested by the Syrian government, including 1200 university students, and the whereabouts of many remain unknown²³. According to the VDC, in June 2013, 766 women and 34 girls under the age of 18 remain remained in governmental detention facilities²⁴. The Violations Documentation Centre in Syria reports 810 arrests of women between September 2012 and February 2013. Syrian human rights organizations estimate that at least 60,000 people have been forcibly disappeared in Syria since March 2011, including an unknown number of women. The Syrian Center for Statistics and Research has documented the detention of 340 women and estimates that most of them have been referred to the Anti-Terrorism Court.

A. Governmental facilities

The frequency of women being arrested has been constantly increasing as the conflict rages on. Syrian human rights activists have repeatedly reported cases of women detained indefinitely without being presented to the judge, with no access to lawyers or family, and exposed to torture and ill treatment in violation of both domestic law and international standards.

²³See: http://dchrs.org/english/File/Reports/27-02-2013_Facts_And_Figures_SNHR_Report_En.pdf

²⁴See <https://www.vdc-sy.info/index.php/en/>

Denial of fair trial and incommunicado detention

Since 2011, the Syrian government issued several criminal laws in the context of the crackdown on the uprising and subsequent military conflict. On July 3, 2012, three anti-terrorism laws were enacted. These laws prescribe penalties for the perpetration or promotion of “terrorist acts” and establish the Anti-Terrorism Court, a special military court located in Damascus to review terrorism cases²⁵.

According to a Damascus based human rights lawyer who is following individual cases of persons arbitrarily detained, “judges exercise no authority in the trials that take place there. In reality, the court is run by a security apparatus that gives orders directly to the judges²⁶. As such, the Anti-Terrorism Court lacks the impartiality and integrity required to ensure fair trials and the right to defense. Our role as lawyers is very marginal”.

Syrian human rights activists have repeatedly reported cases of women detained indefinitely without access to lawyers or family, in violation of both domestic law and international standards. Some female detainees remain in security branches for the entire period of their detention despite the fact that this violates Syrian law which stipulates that no security agency is entitled to detain citizens for more than 60 days without a charge or without referring them to court.

Syrian human rights groups estimate that hundreds of peaceful activists have been referred to the Anti-Terrorism Court to be tried on charges of supporting, funding and taking part in acts of terrorism. Dozens of women are currently standing trial in accordance with Articles 7 and 8 of the Anti-Terrorism Law no. 19 (2012)²⁷. The law includes definitions of acts of terrorism, terrorist organizations and funding terrorism and prescribes punishments for committing or promoting these acts.

Torture of detainees

Testimonies gathered from various sources demonstrate that prisoners are submitted to extreme conditions within the security branches controlled by the security apparatus, especially in the early days of detention and during interrogations, which sometimes last for several weeks.

The wide spread use of torture not only contradicts international principles but also the Syrian domestic legislation which criminalizes torture. Article 391 of the Syrian Penal Code stipulates that “*whoever exercises any form of severity not permitted by law, in order to obtain a confession for a crime or relevant information, shall be subject to an imprisonment term of three months to three years. Should acts of violence lead to illness or wounds, the minimum penalty shall be one year of imprisonment.*” The law is nevertheless far from being enforced.

Randa is a female university student from Damascus who was held with her friend in June 2012 near Al Qatefah border in Damascus in Unit 227 of military intelligence in Damascus for 171 days where they were interrogated numerous times on their university activities using verbal and psychological violence and had no communication with their families. During her detention, she witnessed various violations of other prisoners such as electric shocks and beatings, and very poor medical conditions as dead bodies of detainees were left to rot in cells for days. Afterwards, she was transferred to Adra prison for 41 days where she faced further terrible conditions. For her trial in front of the Terrorism Court in January 2013, she wasn't allowed to communicate with her private lawyer, and was verbally abused prior to interrogation by the judge who released her and her colleague upon a payment of a bribe.

Interview held on 11/04/2013

²⁵ Including Law no 22 of 2012. Article 4 of the law stipulates that the Court is empowered to prosecute all individuals whether civilians or military. Article 7 stipulates that without prejudice to the right to defense, the Court shall not comply with the procedures stipulated in ordinary laws.

²⁶ Skype Interview with a lawyer in Damascus, June 2013. The Anti-Terrorism Court consists of a president and two advisors, one of whom is a colonel in the military.

²⁷ Charges of terrorism have been leveled against people such as journalist and peaceful activists Shatha Al-Madad, Mona Al-Wadi, Majd Sharbaji, Sawsan and Ghada Al-Abbar amongst many others.

Lamya is a female first year Law student from Lattakieh was arrested in June 2012 during a military intelligence raid on her house. Accused of smuggling "pharmaceutical bags" to field hospitals, she was subjected to physical violence, torture and sexual threats during interrogations. In October she was transferred to Damascus to the Military intelligence building in the branch 393, for two months detention in solitary where she reports undergoing terrible life conditions amongst further physical, psychological and sexual abuses. Lamya was transferred to Adra prison, then to the military judiciary in the governorate of Homs, then to the central prison in Homs where she spent 4 days and saw hundreds of detained women and rape victims in detention centers. She was finally placed in Lattakia Central prison under the following charges: (undermining the state prestige, broadcasting and receiving false news, spreading terror in the hearts of people to change and to destabilize the structure of the state, receiving funds from abroad, first aid training, involved in entering smuggled drugs, being involved in the opposition diplomatic line, insulting the flag, insulting the president and insulting the Syrian army.) She was released in March 2013 after spending 8 months in Lattakia Central Prison.

Interview held 21/05/2013

Randa, a university student from Damascus and a friend were held at branch no. 227 of the military intelligence in the customs area in Damascus. They remained in that branch for the first five months of their detention which spanned from June 2012 to January 2013.

Randa recounts that *"they would stop torturing the male detainees when we wanted to go to the bathroom, so we didn't see what they were doing, but the proof of the torture was clear on their bodies. We could hear crying, beating, screaming, electrical shocks. The smell of torture and blood hung in the air, and almost every other day they would arrest a new group of gunmen and hold what they called a "torture party". They would assemble the detainees and beat them repeatedly. In every "party" at least two or three would die. Their cries will be imprinted in my memory forever."*²⁸

Lamya, a student from Latakia was arrested with her father in June 2012 during a military intelligence raid on her house. Accused of equipping field hospitals with supplies, she was detained for 8 months during which she was exposed to severe acts of torture.

She said: *"During my interrogation (within military police station in Latakia), with my father still present, the investigator threw coffee at me, and my father was unable to do anything to help me. As my interrogation proceeded and my father was no longer present, I was beaten on the hands and legs, spat at and whipped to the point of collapsing. Every time I collapsed, someone would pour a bottle of cold water on my head to revive me. The interrogations sometimes lasted for 12 continuous hours and more".*

During interrogations, she was physically beaten and abused to confess, then moved to the basement of the military police prison for long hours interrogations on her activism in the field and was continued to be harassed and threatened with rape in ongoing interrogations. As she denied her activism acts during her investigation, she was placed on (Shabah) position of

extreme back and arm physical torture for three hours, and was abused with electric shocks.

Several weeks later, Lamya was transferred to military intelligence branch 393 "Palestine Branch" in Damascus, where she was detained in solitary cell for two months and exposed to further physical and psychological abuses such as cigarette burns, sexual harassment and threats of rape. She got released after 8 months of detention.

²⁸ Interview held in April 2013

Health conditions and lack of access to medical care

Health and sanitation conditions within detention facilities run by the government are dire. Physical and psychological torture is routinely used against prisoners, including women and there is an almost complete lack of medical care, even for those afflicted with chronic or incurable illnesses. Specific medical care women would need in detention are ignored.

Samia, a housewife detained in Damascus in February 2013 reports: *“While we were in the Adra prison (Damascus central prison), a girl from Sa’sa in the countryside of Damascus became ill. She started convulsing and fell to the floor. We implored the security officers to take her to the hospital. They took her to the hospital after hours and returned her to the prison the same day, claiming that she requested to return to prison and left the hospital at her own risk. After the incident, she suffered from at least nine epileptic seizures each day in her cell. Not a single soldier offered her any form of medication to calm her seizures”*.²⁹

Lamya, a university student detained in Damascus Military Intelligence branch 393 in October 2012 says: *“there was only one bathroom for a group of about 100 detainees, both men and women. The bathroom was dark and dank and offered no soap or towels. Sanitation was non-existent causing fungal infections on the detainees’ bodies. I decided to use my own clothing as sanitary pads when I menstruated, as the medical supervisor of the prison used to mock me when I asked for such pads”*. This resulted in chronic infections from which she suffered throughout the incarceration, despite requesting the treatment from the head nurse.

Aida was arrested on the day her doctor decided to perform surgery on her to remove the gallbladder. As she got transferred from a security branch to the central prison of Homs, the jail keepers deprived her from her medicine.

She says: *“during my presence in the central prison of Homs, one officer asked me about the medication bag I was carrying. I said it was my medication and I need it. He threw it on the ground and said while crushing it with his foot: you have no medicine here, you can die. In Tartous, they let me take medication but in Homs this is what they did.”*

Samia, who was detained at Air Force Military Intelligence Mezzeh branch between December 2012 and February 2013, recounts how the lack of medical care affected older women she met in the branch.

She recounts: *“While I was detained, I saw many women in their 50s and 60s who suffered from various illnesses and ailments but were unable to obtain any health care. A woman in the dormitory next to mine named Huda from Latakia suffered from asthma and died after a severe asthma attack. No one had offered her any help or medication. Many of the women suffer from back pain and have no possibility of obtaining care.”*

Samia also explained that several women were pregnant when they were arrested and imprisoned. She quotes the case of a cell mate in Adra central prison who gave birth in detention. Her family brought items to the prison for her newborn, but the prison personnel refused to deliver the baby's items to her.

According to the Violations Documentation Center, breast cancer patient Kinda Al-Shama from Deir Baalba in Homs, and Fathiya Hussein Ibrahim from the Daraa camp who suffered from thyroid cancer and osteoporosis were amongst women who were denied medical care during their detention period.

²⁹ Interview held in May 2013

Violations of the right to visit for detained women in prisons

The deprivation of visits is a widespread practice among security branches which affects also women. As a form of additional punishment for both the inmate and her family, the authorities usually refuse to reveal the presence of a detained women in the prison to their family. A lawyer based in Damascus who follows cases of prisoners explained that it is usually impossible for lawyers to meet with detainees until they have been transferred to a prison. *“During the period of detention within security branches, their whereabouts are usually unknown. Sometimes even in prison we are forbidden from visiting a detainee and her name may not be released even though she is incarcerated there.”*

Lamya was detained for approximately 8 months from June 2012 to March 2013. During her incarceration, she was moved between Homs, Latakia and Damascus several times, and her family was not able to visit her until the moment she was transferred to the Latakia civil prison. She recalls the first couple of months of detention in solitary at Military Intelligence Branch 393 in Damascus.

She said: *“During the first two months of my detention, I only saw the security personnel who brought the food, to the extent that I believed I was the only detainee in the branch. I have been very affected by this isolation. The judge before whom I stood after the two-month period, thought that I had lost my mind”*.

Sarah was detained at Palestine Branch 235 in Damascus and was not allowed to receive telephone calls or visits. Despite the fact that she knew that her mother, Hind Al-Majli, a teacher who was arrested on September 14, 2012 was detained in the same branch, she was not able to see her. Her mother was unaware that her daughter was incarcerated there as well³⁰.

Randa, a woman from Damascus and a friend of hers were both detained for more than 6 months at branch no. 227 in Damascus between June 20 2012 and January 17, 2013. During this period, other female prisoners were released and were able to notify to their relatives that the two women were detained in this location. Despite several appeals, the authorities refused to disclose the whereabouts of Randa. Over this period, the family of her friend refused to declare publicly that their daughter was detained.

Sara is a Female civil engineering student in Damascus University and was arrested without a warrant in December 2012 by security forces at immigration department in Tartous city. She was transferred to Homs Central Prison where she spent one day and was not allowed to receive calls nor visits. SNHR was informed that she is in Palestine Unit (235) in Damascus with still no communication with her parents- although Sara’s mother who was politically active was also detained in the same branch she still had no information nor communication on her daughter’s presence neither. It was only in January 2013 during Sara’s mother’s release that she found out that her daughter was detained in the same location.

Press statement released on 10/02/2013 by Syrian Network for Human Rights.

³⁰ See : Press statement issued by the SNHR on 10 February 2013

B. The growing phenomenon of abduction of Syrian women

In the midst of conflict between rival armed factions, the kidnapping of women has become a strategy of exchanging prisoners and retribution. In order to secure the safe return of kidnapped women, intense secrecy surrounds these abductions, making it much difficult to quantify the number and extent of these crimes. The city of Homs and the countryside of Damascus are amongst the regions that witnessed the largest number of kidnappings. Inhabitants had to organize in order to manage the exchange of prisoners.

Random kidnappings

There have been numerous cases in which kidnapped women were killed, sometimes during the exchange.

A female university professor from the Faculty of Education at Al-Baath University of Homs who, according was reportedly taken from the Faculty of Education building adjacent to Al-Raees roundabout near Al-Hadara and Ikrima Street. Her abductors held her for a monetary ransom. However, after they received the amount, they killed her and dumped her body.

Lina was kidnapped randomly from the Eastern Ghouta in Homs in the early 2012 and was subjected to sexual harassment and rape by her kidnappers who tried to exchange her for prisoners with the armed opposition. A female psychologist counsellor who follows her situation

Lina was kidnapped, tortured and raped in late February 2012 in the Eastern Ghouta in Homs governorate by a pro-governmental armed group in order to swap her with abductees held by armed opposition groups. A psychological counselor reports on examining Lina who was diagnosed with severe Post traumatic stress disorder as a result of exposure to her kidnapping and complications of an unwanted pregnancy of three months that was followed by an abortion surgery. The examination began in January 2013 where Lina was facing extreme difficulties in communication, suffering from severe neurological attacks and fear. She still receives intensive psychological treatment and is starting to show some improvements.

Interview with psychological counselor held on 17/05/2013

explained that she remained with the kidnappers for approximately one month and her body was exposed to electric shocks and burning from cigarettes, while the kidnappers took turns raping her. She was sure that she would be eventually killed. When she started the interviews with the counsellor, all she wanted was to undergo abortion as she became pregnant as a result of the rape. "Although it has been months now since Lina aborted, she would still shake in terror when remembering what happened. She was terrified by the thought of meeting anyone and still contemplates suicide", the counsellor explained.

Judith describes the terrifying hours she and her family experienced when they were detained by an armed group opposed to governmental forces while they were attempting to leave the country after having been displaced from their home in Sweida. "On March 29, 2013, we were stopped at a roadblock in Saida in the province of Daraa between Daraa and Sweida. The roadblock was controlled by a group of bearded armed fighters who rode motorcycles and carried black flags. They asked my family to show identification cards, and when they discovered that the family was Druze, one of the fighters loaded his weapon and began to shoot in the air. He looks like he was about to shoot and kill all us all. However, another fighter restrained him, reminding him that we had not committed any offense. Our lives were barely spared. We endured a horrific moment as we all felt that the situation would have easily turned into a massacre," she said.

Judith and her Druze family (father, sister and mentally handicapped brother) attempted to leave Sweydah governorate in March 2013 with the help of one group of Free Syrian Army. At the town of Msefrah they were stopped by an armed group called Al Sawalha which intimidated and insulted the family, and tortured and abused the father and the handicapped brother during interrogations then released them the same day.

Interview held on 14/04/2013

The group detained the girl's father and her disabled brother and asked the women to go to a house in the village. They were away for about two and a half hours. Judith says that the women were blindfolded and made to kneel while the father was repeatedly hit on the head, causing him minor bruises. They were also subject to insults and humiliation and the Druze religion was cursed as well. A member of the group asked the father "Do you not wish to speak? You shall speak when we kill your retarded son", and proceeded to fire several shots in the air in front of the son. Civilian activists and some residents intervened and managed to negotiate the release of the family with the group³¹.

Rama Al-Asas was abducted by four gunmen on August 27, 2012 in front of her home in the Damascus neighborhood of Al-Muhajirin. She was held in a vehicle, an Infinity with tinted windows, while the gunmen entered her home and stole her electronics as well as a sum of money that was in the house, telling the family to prepare a ransom of two million Syrian pounds in exchange for her return. Her parents obeyed the demands of the gunmen, agreeing to hand over the full amount of the ransom two days later at in El-Mezze. The car that had taken Rama two days before reappeared. While brandishing their weapons, the kidnappers took the ransom money from her brother, saying that Rama would be returned within half an hour. Rama was never seen again. Her family has since made several attempts to exchange other prisoners for her safe return, but their attempts have all been unsuccessful³².

Use of women as hostages

The use of women as hostages to pressure their male relatives to surrender or to force them to release prisoners during exchanges has tremendously escalated. Between December and May 2013,

the SNHR documented 125 women and two children who were used in this fashion.

Rama was arrested in April 2011 by the Criminal Security for participating in the peaceful strikes and was released the next day. After 45 days and through participating in another peaceful demonstration she was attacked by the members of the Criminal Security Branch, but she managed to avoid arrest. In April 2012 a warrant was issued from Palestine Branch, accusing Rama of supporting the Free Syrian Army. In August 2012 Rama was abducted by 4 Shabiha members who ambushed her outside her home. Rama's father received a phone call from the kidnappers asking an amount of two million Syrian Pounds as ransom for his daughter. Two days later, Rama's parents paid the ransom and were told Rama will be returned within half an hour. Rama was never seen again.

Press Statement released on 08/09/2012 by Syrian Network for Human Rights

Kholod, a 22 year old girl from the area of Bab Al Dareeb in Homs got abducted with her father and mother in July 2012 during a raid conducted by 7 armed men in military outfits on her house. The kidnapped mother was threatened to have her daughter raped and killed in front of her if she didn't interfere in the exchange kidnapping. Kholod and her relatives were finally exchanged and released after 24 days of abduction in return of the prisoner and left Homs to Damascus.

Interview held on 22/02/2013

In Homs, a fake office of real estate were set up in order to serve as a locations for the exchange of kidnapped women in Homs. A female human rights activist based in the city explains the functioning of these offices operated by members in pro and anti-governmental armed groups and how abducted women are used as hostages to conduct prisoners' exchange.

She said: "The offices solely serve to secure the exchange of money and people. Each kidnapped woman has an exchange value of 5 male prisoners, and each prisoner has an exchange value of 70,000 Syrian pounds. Before these offices existed, the majority of abduction cases would end with the victim being killed during the exchange".

Kholod, a 22 years woman from the Bab Al-Dereeb neighborhood in Homs had not been involved in politics when she was abducted with her parents in

³¹ Interview held in April 2013

³² See: Press statement issued by SNHR on 08 September 2012

July 2012 by a pro-governmental group after Al Farouq Brigade kidnapped an army sniper who is a relative of a high ranked military officer.

She recounts her experience of kidnapping: *“Seven gunmen wearing Syrian army uniforms and accompanied by a military security officer named Abu Ali raided our home. Telling us to keep silent, they blindfolded us and took us to another house; the house of the kidnapped sniper. They didn’t even let us cover our heads. (...) Those were the most terrifying 24 days of my life. Abu Ali vowed to rape me and cut me up if the Al-Farooq Brigade did not return his imprisoned cousin”*.

Kholod’s mother adds: *“I will never forget the day when they brought us after the deal was made. We were handed over by F.D. in exchange for the prisoner and two Alawite girls, in addition to other people, but I didn’t know the details of the deal. The situation was very difficult and embarrassing; they were all men. It was absolutely terrifying.”*

Defected lieutenant colonel Khaled Youssef Al-Hmoud³³ said that *“in February 26th, 2012 the military security forces arrested a number of women in Idlib and stood them against the wall and beat the sensitive parts of their bodies in retaliation for the revolutionaries’ arrest of the wife and son of military security apparatus Brigadier General Nawfal Al-Husseini. This prompted the revolutionaries to release them after two hours.”*

Al-Hmoud, added that *“the Al-Assad forces also arrested (in the same period) women and children taking refuge in the mosques of the villages of Jabil Al-Zawiya, and then used the mosques’ loudspeakers to call on the soldiers of the Free Army to surrender, or else they would kill the women and children hostages.”*

On 10 December 2012, an anti-governmental armed group attacked the military zone of Masaken Sayda in Deraa governorate, which serves as headquarters for military army officers and a stock of heavy artillery, mortars and anti-aircraft weaponry. The group took control of the area, and detained a number of people considered as loyalists, including 5 women. The authorities responded by ordering all checkpoints deployed throughout the city to arrest women in order to pressure the group to free the prisoners captured in the attack. By the evening, the number of detained women reached 105, most of whom were students. The group reacted by releasing the 5 female prisoners. Four days later, governmental forces conducted a raid on the village of the defected lieutenant colonel who had lead the attack and arrested his sister. In August 2013, her whereabouts remained unknown.

On February 9, 2013, a female teacher and her three children aged between 1 and 14 were arrested by a group of soldiers at Yafour checkpoint in the Damascus countryside. The purpose was to push her husband, a member in the Ahrar Al-Sham Islamic Movement brigades to release certain prisoners. Several rounds of negotiations failed, but they were finally released on March 26, 2013. They decided to leave the country fearing they might be arrested again.

³³ Interview held on 26 March 2013



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