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Human rights situations that require the Council's attention

Written statement* submitted by The Palestinian Return Centre Ltd, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 August 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Victims of torture and enforced disappearances among Palestinian Refugees in Syria

➤ Introduction

The conflict in Syria has forced Palestinian refugees to become victims of the protracted violence, which has been escalating since the start of the Syrian revolution. In particular, the most concerning issues documented by Action Group for Palestinians of Syria (AGPS) have been the arrests, enforced disappearances and deaths in custody that have occurred in both the prisons of the Syrian government and of the Syrian opposition. The number of Palestinian refugees who have died due to torture has been recorded as 448 and those in detention or rendered missing have reached 1,383, documented between the period of March 2011 and 31 August 2016.

➤ Deaths from torture

There have been thousands of detentions and enforced disappearances of Palestinians and Syrians in Syria, many of whom were tortured to the point of death inside prisons. The government's Security personnel used several prisons in Syria but also other irregular places that they used as detention centers, including schools, laboratories, playgrounds, military sites and hospitals¹, and underground stores, in order to accommodate the large number of people detained on a daily basis.

Amnesty International issued a report, 'It Breaks the Human', on 18 August 2016 that detailed incidents of torture and death in government run Syrian prisons. The report stated that 17,723 people had died while in detention during the period between March 2011 and December 2015 - the equivalent of 300 people per month. This is a stark increase from the average 3-4 deaths that also occurred in Government intelligence branches during the decade preceding the revolution².

AGPS figures have exposed hundreds of Palestinian civilian deaths also within the prisons of the Syrian government either through assassination or via the cruelest and degrading forms of torture³.

448 of the victims who died from torture in Syrian prisons, including 34 women, originated from Palestinian camps and compounds in Syria. The largest proportion of victims, 217, came from Damascus, including 167 from the Yarmouk camp and 86 from different areas of Damascus suburbs⁴.

Deaths from torture by governorate

Place of Death	No.	Percentage
Damascus	217	48.44%
Damascus Suburb	85	18.97%
Unknown	44	9.82%
Homs	35	7.81%

¹ Arbitrary arrest, torture and enforced disappearance in the prisons of the Syrian government since March 2011, 3 July 2012, Human Rights Watch Accessed online at <https://www.hrw.org/ar/report/2012/07/03/256336>

² Amnesty International report to Al Jazeera Net <http://www.aljazeera.net/news/humanrights/2016/8/18>

³ Victims of torture and enforced disappearance among the Palestinian refugees in Syria, European Network for Defending Human Rights of Palestinian Prisoners and Detainees UFree Network and the AGPS. Read the report in English via following link: <https://dl.dropboxusercontent.com/u/101537287/20%بالاتكليزي/20%والاختفاءالقسري%20%ضحايا%20%التعذيب.pdf>

⁴ See the names and details of victims at the AGPS website <http://www.actionpal.org.uk/ar/index.html>

Lathakeia	24	5.36%
Deraa	17	3.79%
Aleppo	16	3.57%
Hama	10	2.23%
Total	448	100.00%

AGPS also monitored various cases of enforced disappearance, committed by the armed opposition, including Basil About who was kidnapped on 20 March 2013 by the armed opposition group in the Alhajar Alaswad area adjacent to the Yarmouk camp. Signs of torture were found on his body.

The body of Merwan Awad, a resident of Khan Al Shieh camp located west of the capital, was also found two days following his arrest by a group of the Free Syrian Army in a governmental hospital in Damascus. Signs of a sharp tool used on his head were found on November 3 2012.

Testimonies from some of the released detainees confirmed that detainees in government-controlled prisons and detention centers are exposed to the cruelest methods of torture, humiliation and degradation. These methods then often result in psychological and physical sequelae that ended in death on a number of occasions. Investigators, guards and officers use various methods of torture, including hitting the detainee for long periods with sticks and wires, keeping the detainees in painful and prolonged stress positions, sexual abuse and humiliation, snatching nails, and mock executions⁵.

➤ **Common trends among victims of torture resulting in death**

The following trends have emerged amongst the victims who were tortured to the point of death in Syria.

- **Arrests at checkpoints or areas controlled by the Government**

Checkpoints stationed at the entrances of the main camps, compounds and cities held lists with names of those who were accused of participating in protests or carrying out humanitarian relief or medical activities inside besieged areas.

Very often, the names are handwritten or incomplete. This places at risk anyone who could be arrested just for having a similar name to ‘wanted’ persons or at the behest of malicious reports.

- **Arrest while leaving besieged areas**

AGPS documented the arrest of various victims while trying to leave the besieged Yarmouk camp. Three brothers - Raafat, Imad and Rami Abdulsalam Abdulaal - died inside Government prisons after they were arrested at Hujeira checkpoint in a suburb of Damascus. They were trying to leave the Yarmouk camp on 9 January 2014.

- **Arrests while collecting aid**

⁵Arbitrary arrest, torture and enforced disappearance in the prisons of the Syrian government since March 2011, 3 July 2012, Human Rights Watch Accessed online at <https://www.hrw.org/ar/report/2012/07/03/256336>

Many refugees were arrested at the entrance of the Yarmouk camp while on their way to collect aid. A refugee, named Mahmoud Hasan Zaghmout, was arrested on 7 October 2014, as he was recognised among leaked pictures of torture victims on 31 March 2015.

- **Announcement of deaths, several months after they occur**

In most cases, the date of death inside Syrian prisons was not the same as the date they were announced. This allowed the possibility to blackmail the family members of the detained.

- **Deaths exposed through leaked photos**

Family members were rarely informed of the death of detainees in the Syrian prisons. If they approached the prison to ask of the prisoner's fate, they would generally be informed of their death and then told to collect their IDs and sign a statement of death. The statement would often attribute death to a sudden heart failure or a sharp drop in blood pressure in an attempt by the prison administration to legitimise the cause of death⁶.

79 victims were consequently recognised by their families through leaked photos published on social media during different periods.

- **Torture is a severe violation of human dignity**

The Syrian government and the Syrian armed opposition, who tortured both Syrian and Palestinian detainees, have violated all local, national, regional and international conventions that prohibit torture⁷.

Prohibition of torture and degrading treatment is a fundamental human right as stipulated in Article V of the Universal Declaration of Human Rights:

"No one shall be subjected to torture or to cruel penalties or inhuman treatment or degrading."⁸

Article II of the International Convention Against Torture, of which Syria is a signatory, stipulates the need to take all necessary measures to prevent torture:

"Each State Party shall take effective legislative or administrative or any other measures to prevent acts of torture in any territory under its jurisdiction. It is not permitted to invoke any exceptional circumstances whatsoever, whether a state of war or threat of war, internal political instability or any other public emergency as a justification of torture"⁹.

Amnesty International believes that this current trend of torture against civilians in Syria can be considered as a crime against humanity.¹⁰

⁶"Palestinians of Syria, the Wound is still Bleeding", AGPS second bi-annual report of 2014, <http://www.actionpal.org.uk/ar/pdf/2014situationreport2woundstillbleeding.pdf>

⁷Text of Constitution of the Syrian Arab Republic issued in February 2012 on the inadmissibility of torture and offense all those who practice it. It is stated in Article (53) second paragraph thereof "No one may be tortured or degrading treatment, and the law defines the punishment of doing it". Accessed online at <http://www.voltairenet.org/article173035.html>

⁸Universal Declaration of Human Rights. Accessed online at <http://www.un.org/ar/documents/udhr/index.shtml#a5>

⁹Convention against Torture and other cruel, inhuman or degrading punishment-adopted by the General Assembly and opened for signature, ratification and accession to it in resolution 39/46 of 10 December / 1984 - entry into force: June 26, 1987, according to Article 27 (1). <http://www.ohchr.org/AR/ProfessionalInterest/Pages/CAT.aspx>

¹⁰ Amnesty say thousands died in state jails, BBC, 17 August 2016. Accessed online at http://www.bbc.com/arabic/middleeast/2016/08/160817_syria_amnesty_says_thousands_died_in_state_jails

The violation has increased the deaths of prison detainees, raising further concerns about the fate of the disappeared. AGPS has documented 1,383 cases of enforced disappearance.

➤ **Recommendations**

The current figures of those who died as a result torture that took place inside the prisons and detention centers of Syria against Syrian and Palestinian detainees, has raised major concerns about the fate of the thousands that remain in detention and are still missing.

AGPS calls for:

- Immediate action by all Palestinian, international and regional actors to pressure the Syrian government and monitor their activities to ensure they respect human rights principles and stop the physical and mental torture of detainees.
 - Immediate release of all Palestinian detainees, who were arrested without any legal justification, from all Syrian prisons and detention centres.
 - The cessation of arbitrary arrest by all parties to the conflict in Syria and the immediate release of information with regard to the fate of the abducted Palestinian refugees.
 - The respect for fundamental rights, in particular the right to life and dignity, of Palestinians in Syria.
 - The release of information as to the fate of those who have died inside Syrian prisons or secret detention centres and to deliver their bodies to their families.
 - The international community as well as international and local human rights organizations to take forward the plight of those in Syrian prisons. Civil society as well as the international community must do what they can to raise the profile of and condemn these events in order to suppress the severe violations that are taking place against detainees in Syria.
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