



EUROPEAN CENTER FOR
CONSTITUTIONAL AND
HUMAN RIGHTS



Norwegian
Helsinki Committee

Executive Summary

Criminal Complaint to Norwegian Prosecutors Torture in Syria

On November 11, 2019, five Syrians living in Norway partnered with the Syrian Center for Legal Studies and Research (SCLSR), the Syrian Center for Media and Freedom of Speech (SCM), the Caesar Files Group (CFSG), the Norwegian Helsinki Committee (NHC) and the European Center for Constitutional and Human Rights (ECCHR) to submit a criminal complaint against seventeen high-level officials of the Syrian security apparatus in Oslo. The crimes detailed by the plaintiffs in the complaint occurred in 14 detention facilities throughout the country and were carried out by officials connected with the Military Intelligence, General Intelligence and Political and Criminal Security divisions.

The complaint draws primarily upon the testimony of the plaintiffs, but also relies upon extensive factual research about the security situation and the organization of the security services within Syria, including the roles and careers of the individual suspects. The complaint also lays out the basis for liability under Norwegian law for crimes including war crimes, crimes against humanity, and torture.

The aim of the complaint is not only to raise public awareness about the systemic human-rights violations in Syria (which continue to occur), but also to call upon Norway to use its penal code—which is well-suited to pursue cases against human rights violators beyond its borders—to pursue judicial remedies for these grave crimes.

The plaintiffs in the case were held in detention sites throughout Syria. Some plaintiffs were detained for several weeks, others for over a year. They were all subjected to torture, crimes against humanity, and war crimes, and bore witness to those crimes as they were committed against others. Most were arrested and released more than once. All of them are currently living in Norway—studying, working, and building families—and all of them are willing to provide testimony to Norwegian authorities to contribute to justice for state torture in Syria.

The presence of survivors and witnesses of atrocities who have come to Norway and in some cases become Norwegian citizens oblige the national authorities to take up legal measures on their behalf. Syrian immigrants and people born to Syrian immigrants jointly make up the seventh largest group in Norway as of 2018 and Syrians who applied for asylum in Norway are the largest group in 2019. Syrians interviewed by human rights organizations consistently stress the importance of bringing those responsible for atrocities committed in Syria to justice. Interviewees cited a range of reasons, including helping to restore dignity to victims by acknowledging their suffering.

Providing access to the Norwegian judiciary for the survivors of international crimes now residing throughout Norway is essential to ensure the respect for the internationally-recognized rights of victims of international crimes.

Plaintiffs

The testimonies of the five plaintiffs form the heart of the criminal complaint. For security reasons, two plaintiffs have been excluded from this summary. The testimonies describe inhuman detention conditions, which included insufficient food, space, medicine, and hygienic facilities. They also describe physical and psychological abuse that easily rises to the level of torture, which occurred several times a week or even daily. And they describe unlawful confinement, arbitrary arrests and transfers between detention facilities, and being cut off from the outside world.

Plaintiff 1 was a Syrian student of law and political science at Beirut Arab University when he was detained. In April 2012, he was coming back to Damascus from Lebanon. During his journey, Syrian authorities detained him at the border and brought him to Section 40. Shortly after, he was transferred to Al Khatib Branch 251, both of which are in Damascus. He was held in solitary confinement and experienced torture in both places. He was ultimately forced to sign documents providing a justification for his arrest. After about one month, he was transferred to Military Intelligence Branch 248. When he arrived, he was given his belongings, stripped, subjected to a body cavity search, and subsequently exposed to what former detainees frequently refer to as “welcome party.” He was then held in solitary confinement for about a month and interrogated every two to three days. These interrogations included torture. About a month and half later, he was transferred to the military court at Al-Qabun for about 40 days, and eventually he was transferred to Adra Prison. He was subsequently released by a judge in early November 2012. He had been detained a total of 7 months. Following his release, Plaintiff 1 left Syria for Lebanon in December 2012. He ultimately arrived in Norway as a political refugee in August 2014.

Plaintiff 4 lived in Aleppo together with a friend when he was arrested in July 2011. Before that time, the two men had attended demonstrations and publicly spoke out against the Syrian government. His friend had been arrested and *Plaintiff 4* had tried to extricate his friend from detention. After his friend was released, agents arrested him and brought him to General Intelligence Branch 322 in Aleppo, where he was accused of participating in illegal demonstrations and insulting the reputation of the state. He was subsequently transferred to the Criminal Security division in Aleppo. He was brought to an overcrowded underground cell. The detainees were reluctant to eat, as there was only one toilet available in the cell for all of them. During his six-day detention, he was interrogated daily. During these interrogations, he was typically handcuffed and forced to kneel down and then beaten on the soles of his feet with a stick. Finally, he was brought before a judge in Aleppo, where he denied participating in protests. He was then taken to the central prison in Aleppo and released after 11 days. Some months later, in November 2011, he was detained and questioned for several hours in Military

Intelligence Branch 290 in Aleppo. He was released the same day. He left Syria in September 2013 and arrived in Norway in March 2014.

Plaintiff 5 worked as a trainer in a gym she owned in Damascus. She was also involved in organizing humanitarian aid, especially for children suffering from the conflict in Syria. She was detained three times between November 2011 and early 2013. The first arrest occurred when she and four friends were meeting in an office to support children suffering from the conflict, for example through the provision of everyday necessities. She and her friends were taken to what *Plaintiff 5* believes to be the “Palestine Branch”—Branch 235. The cell was overcrowded and infested with lice. She was interrogated and tortured every day. The mistreatment included having her fingernails pulled out, flogging and *shabeh* (hanging from the wrists). When not being tortured themselves, she could hear or witness the other detainees’ suffering. She also witnessed several women being raped. During her detention, she saw one of the friends she was detained with die from torture. Her body was thrown into *Plaintiff 5’s* cell for an entire day. Following her detention in Branch 235, she was detained in two other places, but she is unsure of the location of each. She was re-arrested twice more and was detained each time, including in Branch 285. After her being released after her first arrest, she received medical treatment for the wounds she received during torture. This medicine was withheld from her during her subsequent detentions. She left Syria in April 2013 and arrived in Norway in December 2015. Until today, she still suffers from the ongoing effects of torture.

The complaint is supported by two Syrian lawyers Anwar al-Bunni and Mazen Darwish.

Mazen Darwish is a Syrian lawyer, journalist and president of the Syrian Center for Media and Freedom of Speech (SCM). He was repeatedly targeted and detained by Syrian authorities as a result of his work. Since the beginning of protests in 2011, Darwish and his organization documented arrests, murder and enforced disappearances of activists. In February 2012, he was arrested, tortured, and repeatedly transferred to different detention centers. Following a call by numerous international human rights organizations for his release, he was released in August 2015. Darwish continued his human rights work and was awarded the Pinter International Writer of Courage Award (shared with Salman Rushdie) given by English PEN in 2014, and the UNESCO/Guillermo Cano World Press Freedom Prize in 2015.

Anwar al-Bunni is a well-known Syrian human rights lawyer, who had been targeted for his human rights work since 2001. In May 2006, he was arrested and sentenced for 5 years in detention. While detained, al-Bunni was also ill-treated and tortured. In 2008, he received the Front Line Award for Human Rights Defenders at Risk. The following year, he was awarded the Human Rights Award by the German Association of Judges. After his release in 2011, he moved to Germany and continued his work leading Syrian Center for Legal Studies and Research. In December 2018, he was awarded the Franco-German Prize for Human Rights and the Rule of Law. The complaint is further supported by the Caesar Files Group, which is a group that manages numerous images and official documents of the Syrian governmental institutions which were smuggled out of Syria by the former Military Police employee “Caesar” and others.

Crimes by the Syrian security apparatus

The crimes addressed in the complaint are to be considered in the broader context of the overall situation in Syria. The sites of detention in which the plaintiffs were kept and tortured are only a few of the many detention facilities and prisons operated by the Syrian intelligence services and the Syrian Military. The crimes perpetrated there that form the basis of this complaint are representative of the overall policy of suppression, humiliation and extermination of civilian population undertaken by the Syrian government under the pretense of countering the opposition.

Following the uprising that began in Syria in early 2011, the NSB and the four intelligence services were given a leading role in countering any anti-government activities by monitoring, arresting, interrogating, and detaining protesters and members of the opposition, as well as taking part in military actions against them. Due to the rapid growth of the anti-government movement across Syria, the government established Central Crisis Management Cell (CCMC) in March 2011 to provide a coordinated response to the situation by bringing together high-ranking security and military officials. Together, these actors created a state policy of repression and persecution against anyone perceived as opposition to the regime of Bashar al-Assad.

The Syrian security apparatus consists of the four intelligence services, namely Military Intelligence, Air Force Intelligence, General Intelligence and Political Security, as well as the National Security Bureau (NSB), which acts as an umbrella institution overseeing activities of all intelligence services.

The CCMC and the NSB issued orders to conduct violent raids on demonstrations, which led to mass targeted arrests and interrogation of activists, supporters and coordinators of the demonstrations. Implementation of the policy proposed by the CCMC required coordinated efforts by both security and military institutions, for which institutions such as Military Police worked hand in hand with the intelligence services. Given the high number of persons who were arrested and detained in response to the uprising, the Government started using premises of the Syrian Armed Forces, including the 4th Division and subordinate units, as additional detention facilities.

In the detention facilities of the intelligence services, military units, Military Police and in military prisons, detainees have been systematically exposed to torture, degrading treatment, sexual violence and other inhuman acts. These crimes resulted in the death of many detainees as was revealed by 26,948 photographs smuggled out of Syria by the Syrian Military Police defector known as "Caesar." The photographs were taken as part of the Syrian Military Police's internal procedures between May 2011 and August 2013 and represent unique proof of the Syrian government's machinery of torture and killing.

Sites of crime

The complaint addresses crimes that were committed against the plaintiffs in detention facilities of the Military Intelligence, the General Intelligence, Political Security, Military Police and Criminal Security.

Syrian Intelligence Services

The intelligence services operate in central branches in Damascus as well as in regional branches in Syria's 14 governorates. Both central and regional branches hold detention facilities in which torture is a daily practice.

The Military Intelligence reportedly operates up to 28 branches in Damascus and around 50 branches outside the capital throughout the country. The branches are usually designated by 3-digit combinations. The complaint addresses crimes committed in the branches 215 (Damascus), 261 (Homs), 290 (Aleppo) and in the branches located in Tartous and Raqqa.

Similarly to other intelligence services, General Intelligence operates central as well as regional branches across the country. The complaint addresses crimes committed in two branches located in Damascus, Branch 251, known as Al Khatib branch, and Branch 285.

The headquarters of the Political Security are located in Damascus. It maintains subordinate branches both in Damascus as well as in each of the governorates. Unlike the Syrian Military and General Intelligence branches, Political Security branches are not numbered, but are instead referred to by their task or geographic area. Subject of this complaint is the Political Security branch in Tartous.

Military Police

Central and regional offices of the Military Police were used as transit detention facilities for detainees who were supposed to be transferred to another branch of intelligence services, to a civil prison, to the Saydnaya or Al-Qaboun military prisons, or to be released. Former detainees reported about inhuman detention conditions in those premises as well as physical abuse they were exposed to while detained there. The complaint addresses crimes committed against the plaintiffs in premises of the Military Police branches in Al-Qaboun (district of Damascus).

Acts addressed in the complaint

The acts addressed in the complaint are part of an overall policy of arrests, detention, humiliation, enforced disappearance, torture and murder which has been implemented by all four intelligence services and their subordinate branches, Syrian Armed Forces and military institutions since March 2011. These crimes follow standardized patterns of violence throughout the country. While each detention site had its own preferred torture techniques, the replication of documented torture methods across branches and intelligence services demonstrates that the use of torture was systematic. Below are exemplified torture methods and inhuman prison conditions prevailing in the Syrian detention facilities.

Torture and other inhuman treatment

Torture and other inhuman treatment have been systematically used towards detainees, including minors, across all detention facilities of intelligence services, Syrian Armed Forces and military police in all governorates as part of a state policy. Former detainees reported that the most severe torture took place during interrogation sessions. These were usually carried out by investigators and officers of the branch in separate interrogation or "torture rooms." During these sessions, investigators usually forced detainees to confess to having participated in

demonstrations, provide names of other demonstrators and organizers, or any information related to funding of demonstrations. Even after detainees confessed about “crimes” they did not commit, they were exposed to further torture.

Reported methods of torture are consistent across the country. Detainees were subjected to severe beatings on all parts of the body with objects, including metal and wooden sticks, rifle butts, batons and cables, as well as to stabbing and cutting. They were further forced to assume stress positions for long periods of time. Multiple reports describe *falaqa* as one of the most used torture methods. For this, detainees had to lie down and were beaten on the soles of their feet. Another common torture method is called *bisat al-rih* (English: flying carpet). This method of torture involves a person being strapped lying down onto a foldable wooden board, the two ends of which are elevated bringing the head towards the feet causing severe pain to the lower back. During the process, the person was usually beaten. Other torture methods used across Syria included hanging detainees from walls or ceilings by their wrists (*shabeh*), forcing detainees to bend over and put their head, neck and legs through a tire while beatings are carried out (*dulab*), stubbing out cigarettes on the body and exposing detainees to electric shocks. Psychological torture and other forms of ill-treatment that did not result in physical damage included forcing detainees to watch other detainees being tortured, raped or killed. Most detainees were held *incommunicado* for extended periods of time without any contact to their family members.

Sexual violence

Various forms of sexual violence, including but not limited to rape, and sexualized torture have been committed in detention facilities across the country. Both male and female detainees reported having been forced to undress and remain naked while being humiliated or beaten, being exposed to electric shocks and cigarette burns on their genitals, forced to perform oral sex on guards, investigators or other detainees and being penetrated with objects.

Inhuman detention conditions

Former detainees reported inhuman detention conditions across all detention facilities and prisons in Syria. The cells were dark and small, and often received little ventilation, fresh air, and daylight. Often, cells were so overcrowded that detainees had to take turns to sleep. Many detention cells were reported to have no or too few toilets, and that they were infested with vermin.

Moreover, former detainees reported inadequate food and water supply in detention. Guards gave each cell a limited amount of food, which was often spoiled. Water often came from a faucet connected to a toilet, if there was one at all.

Suspects

The crimes against humanity and war crimes described in this complaint were committed by individuals acting from within and by order of the government apparatus. Once agreed upon, orders of the high-level officials followed the chain of command down to the direct perpetrators, who executed the orders.

President Bashar al-Assad is positioned at the top of this chain. However, as a current head of state enjoys immunity from criminal prosecution by national prosecutorial authorities. The

National Security Bureau (NSB), which regularly receives orders by the President, consists of Assad's closest advisors and is responsible for the supervision of the four intelligence services. In addition to the heads of the NSB, the list of suspects includes the names of the heads of the Military Intelligence and General Intelligence services; heads of the Military Intelligence branches 235 in Damascus and Branch 271 in Idlib; heads of General Intelligence Branches 251, Section 40, and 285 in Damascus; the head of General Intelligence in Idlib; the head of General Intelligence in Aleppo; heads of the Military Police; the head of Political Security branch in Idlib, and; the head of Criminal Security in Aleppo.

Suspects hold military positions superior to the direct perpetrators of the mentioned crimes. The complaint targets 17 high-level officials.

Legal analysis

The plaintiffs in this case endured crimes against humanity (including torture, cruel, inhuman or degrading treatment, and unlawful deprivation of liberty) as defined in Section 102 (e), (f), (h) and (k) of the Norwegian Penal Code. The acts witnessed by two of the plaintiffs, namely murder and rape, constitute crimes against humanity pursuant to to Section 102 (a) and (g) of the Norwegian Penal Code.

After February 2012, Syria was involved in a non-international armed conflict as defined under Section 103 of the Norwegian Penal Code. The acts endured and witnessed by the Plaintiffs following February 2012 therefore constitute war crimes, including torture, gross violations of dignity through humiliating or degrading treatment, unlawful confinement, and witnessed killings of protected persons. These crimes fall under Chapter 16, Section 103 (a), (b), (j), (h) of the Penal Code (killing, torture or other cruel or inhuman treatment, humiliating or degrading treatment, and unlawful confinement). Chapter 16 came into force on 7 March 2008, before the commission of these acts, which means that they fall into the scope of the Norwegian Penal Code.

The acts described in this complaint were committed in Syria by foreign citizens against plaintiffs currently residing in Norway as well as other unidentified victims. Section 6 of the Penal Code extends Norwegian jurisdiction to acts that Norway has a right or an obligation to prosecute pursuant to agreements with foreign states or otherwise pursuant to international law.

Next steps

This criminal complaint supported by testimonies of plaintiffs and other evidence should be used as a foundation for investigations against the high-level officials of the named suspects by the Norwegian prosecutorial authorities. The plaintiffs should be given an opportunity to present their testimonies. The individual investigations should be followed by international arrest warrants against the listed officials.