



SYRIA

“By All Means Necessary”

Individual and Command Responsibility for
Crimes against Humanity in Syria

HUMAN
RIGHTS
WATCH



“By All Means Necessary!”
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Crimes against Humanity in Syria

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Individual and Command Responsibility for Crimes against Humanity in Syria

Map of Syria.....	1
Summary	2
Killings of Protesters and Bystanders	4
Arbitrary Arrests, Torture, and Executions.....	5
Denial of Medical Assistance	7
Command Responsibility of High-Ranking Officers and Government Officials	8
Repercussions for Disobeying Illegal Orders.....	8
Recommendations.....	9
Methodology.....	11
I. Background.....	13
Protests in Syria	13
Deployment of Syria’s Security Forces	17
Defections from Armed Forces and Security Agencies	19
II. Individual and Command Responsibility for Crimes against Humanity.....	23
Killings of Protesters and Bystanders	28
Standing orders	29
Direct orders	33
Direct participation in killings.....	38
Arbitrary Detention and Torture	41
Large-scale arbitrary arrests and looting	41
Orders to beat and mistreat the detainees	47
Torture at detention facilities.....	49
Executions and deaths in custody	52
Denial of Medical Assistance	54
Command Responsibility of High-Ranking Officers and Government Officials	58
III. Repercussions for Disobeying Illegal Orders.....	62
Executions.....	62
Detention and Torture.....	66
Repercussions for Families of Defectors.....	69

IV. Syrian Government Response	71
V. International Response	73
VI. Recommendations.....	75
To the UN Security Council.....	75
To All Countries	75
To the UN General Assembly	76
To the UN Human Rights Council and its Members	76
To the Arab League	76
To Turkey.....	76
To India, Brazil, and South Africa	77
To Russia and China	77
To the Syrian Government.....	77
Acknowledgments.....	80
Appendix 1: Structure and Command of Armed Forces and Intelligence Agencies	81
Armed Forces.....	82
Presidential (Republican) Guard	82
3 rd Division.....	83
4 th Division.....	83
5 th Division	84
9 th Division.....	84
18 th Division	84
Special Forces.....	85
Intelligence Agencies.....	85
National Security Bureau.....	86
Department of Military Intelligence (<i>Shu'bat al-Mukhabarat al-'Askariyya</i>)	86
Air Force Intelligence Directorate (<i>Idarat al-Mukhabarat al-Jawiyya</i>).....	86
General Security Directorate (<i>Idarat al-Amn al-Amm</i>).....	87
Political Security Directorate (<i>Idarat al-Amn al-Siyasi</i>).....	87
Appendix 2: Military Terminology	88

Map of Syria



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Summary

Since the beginning of anti-government protests in March 2011, Syrian security forces have killed more than 4,000 protesters, injured many more, and arbitrarily arrested tens of thousands across the country, subjecting many of them to torture in detention. These abuses, extensively documented by Human Rights Watch based on statements of hundreds of victims and witnesses, were committed as part of a widespread and systematic attack against the civilian population and thus constitute crimes against humanity.

This report focuses on the individual and command responsibility of Syrian military commanders and intelligence officials for these crimes. It is based on interviews with 63 defectors both from the army and from the intelligence agencies, generally known as the *mukhabarat*. These defectors shared with Human Rights Watch detailed information about their units' participation in violations and the orders they received from commanders at different levels. The defectors provided information on violations that occurred in seven of Syria's fourteen governorates: Damascus, Daraa, Homs, Idlib, Tartous, Deir al-Zor, and Hama.

Human Rights Watch interviewed all of the defectors separately and at length. Violations described in this report are those that were described separately by several defectors and with sufficient detail to convince the researcher that the interviewees had first-hand knowledge of the incidents in question. Several accounts have been excluded because interviewees did not provide such detail.

The statements of soldiers and officers who defected from the Syrian military and intelligence agencies leave no doubt that the abuses were committed in pursuance of state policy and that they were directly ordered, authorized, or condoned at the highest levels of Syrian military and civilian leadership.

Human Rights Watch's findings show that military commanders and officials in the intelligence agencies gave both direct and standing orders to use lethal force against the protesters (at least 20 such cases are documented in detail in this report) as well as to unlawfully arrest, beat, and torture the detainees. In addition, senior military commanders and high-ranking officials, including President Bashar al-Assad and the heads of the

intelligence agencies, bear command responsibility for violations committed by their subordinates to the extent that they knew or should have known of the abuses but failed to take action to stop them.

Syrian authorities repeatedly claimed that the violence in the country has been perpetrated by armed terrorist gangs, incited and sponsored from abroad. Human Rights Watch has documented several incidents in which demonstrators and armed neighborhood groups have resorted to violence. Since September, armed attacks on security forces have significantly increased, with the Free Syrian Army, a self-declared opposition armed group with some senior members in Turkey, taking responsibility for many of them. Syrian authorities have claimed that more than 1,100 members of the security forces have been killed since the beginning of the anti-government protests in mid-March.

However, despite the increased number of attacks by defectors and neighborhood defense groups, witness statements and corroborating information indicate that the majority of protests that Human Rights Watch has been able to document since the uprising began in March have been largely peaceful. The information provided for this report by defectors, who were deployed to suppress the protests, supports that assessment and underlines the lengths to which the authorities have gone to misrepresent the protesters as “armed gangs” and “terrorists.” But there is a risk—as seen in hard hit places like the city of Homs—that bigger segments of the protest movement will arm themselves in response to attacks by security forces or pro-government militias, known as *shabeeha*.

Considering the evidence that crimes against humanity have been committed in Syria, the pervasive climate of impunity for security forces and pro-government militias, and the grave nature of many of their abuses, Human Rights Watch believes that the United Nations Security Council should refer the situation in Syria to the International Criminal Court (ICC). Crimes against humanity are considered crimes triggering universal jurisdiction under international customary law (meaning that national courts of third states could investigate and prosecute them even if they were committed abroad, by foreigners and against foreigners). All states are responsible for bringing to justice those who have committed crimes against humanity.

Killings of Protesters and Bystanders

All of the 63 defectors interviewed by Human Rights Watch said that their commanders gave them standing orders to stop the protests “by all means necessary” during regular briefings and prior to deployment. The defectors said that, even when it was not specified, they universally understood the phrase “by all means necessary” as an authorization to use lethal force, especially given the provision of live ammunition as opposed to other means of crowd control. For example:

- “Abdullah,” a soldier with the 409th Battalion, 154th Regiment, 4th Division, said that two high-level commanders, **Brigadier General Jawdat Ibrahim Safi** and **Major General Mohamed Ali Durgham**, ordered the troops to shoot at protesters when his unit was deployed to areas in and just outside of Damascus.
- “Mansour,” who served in Air Force Intelligence in Daraa, said that the commander in charge of Air Force Intelligence in Daraa, **Colonel Qusay Mihoub**, gave his unit orders to “stop the protesters by all possible means,” which included the use of lethal force.

About half of the defectors interviewed by Human Rights Watch said that the commanders of their units or other officers gave direct orders to open fire at protesters or bystanders, and, in some cases, participated in the killings themselves. According to the defectors, the protesters were not armed and did not present a significant threat to the security forces at the time. For example:

- “Hani,” who served in the Special Operations branch of Air Force Intelligence, said that **Colonel Suheil Hassan** gave orders to shoot directly at protesters on April 15 during a protest in the Mo`adamiyeh neighborhood in Damascus.
- “Amjad,” who was deployed to Daraa with the 35th Special Forces Regiment, said that he received direct verbal orders from the commander of his unit, **Brigadier General Ramadan Mahmoud Ramadan**, to open fire at the protesters on April 25.

Human Rights Watch collected extensive information about the participation of specific military units and intelligence agencies in attacks against the protesters in different cities and large-scale military operations that resulted in killings, mass arrests, torture, and

other violations. The appendix to this report contains information on the structure of the units, locations where they were deployed, violations in which they were allegedly involved, and, wherever this information was available, the names of their commanders or officials in charge.

Human Rights Watch has previously documented and publicized widespread killings of protesters across the country, based on the statements of hundreds of protesters, victims of abuses, and witnesses. Evidence collected from defectors for this report corroborates some of these previously documented incidents. Several defectors who participated in the April 25 military operation in Daraa, for example, confirmed killings documented by Human Rights Watch in the June 2011 report, *"We've Never Seen Such Horror."*

The exact number of those killed is difficult to verify given the government-imposed restrictions on independent reporting inside Syria, but the United Nations High Commissioner for Human Rights has put the figure at more than 4,000 as of December 2, 2011, while the Violations Documentation Center (VDC), a monitoring group working in coordination with the Local Coordination Committees (LCC), a network of Syrian activists, has compiled a list of 3,934 civilian deaths as of December 3, 2011. The Syrian government has stated that more than 1,100 members of the security forces have been killed.

Arbitrary Arrests, Torture, and Executions

According to information collected by Human Rights Watch, the Syrian security forces have conducted a massive campaign of arbitrary arrests and torture of detainees across Syria since the beginning of anti-government protests in March 2011. Information provided by the defectors, many of whom personally participated in arrests and ill-treatment, further corroborates these findings.

The defectors described large-scale, arbitrary arrests during protests and at checkpoints, as well as "sweep" operations in residential neighborhoods across the country. Most of the arrests appear to have been conducted by the intelligence agencies, while the military provided support during the arrest and transportation of detainees.

The number of people arrested since the beginning of the protests is impossible to verify. As of December 3, 2011, the VDC had documented almost 15,500 arrests. The real number is likely much higher.

Information from the defectors about sweep operations in which they participated lends support to allegations of a massive campaign of arbitrary arrests. Multiple examples cited in the report show that the security services routinely arrested hundreds, if not thousands, of detainees, including many children, following the protests and after they took control of different towns. For example:

- “Said,” who was deployed to Talbiseh with the 134th Brigade, 18th Division, said that after the military moved into the town in early May, intelligence agencies and the military started conducting daily raids, arresting “anyone older than 14 years— sometimes 20, and sometimes a hundred people.” Said also said that the arrest raids, authorized by the *mukhabarat* and the military, were accompanied by “brazen looting” and burning of shops.
- “Ghassan,” a lieutenant colonel deployed in Douma with the 106th Brigade, Presidential Guard, said that his brigade, on average, arrested about 50 people, any male between ages 15 and 50, at his checkpoint after each Friday protest.

According to the defectors, arrests were routinely accompanied by beatings and other ill-treatment, which commanders ordered, authorized, or condoned. Those who worked in or had access to detention facilities told Human Rights Watch that they witnessed or participated in the torture of detainees.

The defectors from both the military and the intelligence agencies who were involved in the arrest operations said that they beat detainees during their arrest and transportation to the detention facilities almost without exception. They cited specific orders they received from their commanders in this respect.

While most of the defectors interviewed said they were only involved in transporting the detainees to various detention facilities, a few, mainly those who served in intelligence agencies, said they had first-hand knowledge of the situation inside the facilities. Their

statements confirm the widespread use of torture in detention previously documented by Human Rights Watch and provide additional details on the intelligence officials in charge. One of the most worrisome features of the intensifying crackdown on protesters in Syria has been the growing number of custodial deaths since the beginning of July. Local activists have reported more than 197 such deaths as of November 15, 2011. Two defectors interviewed by Human Rights Watch shared information about the summary execution of detainees or deaths from torture in detention in two areas: Douma, and Bukamal. A lieutenant colonel who served in the Presidential Guard said that he witnessed a summary execution of a detainee at a checkpoint in Douma around August 7, 2011. A defector who had been posted in the eastern town of Bukamal, by the Iraqi border, said that he saw 17 bodies of anti-government activists including a number that had surrendered to an intelligence agency several days earlier.

Denial of Medical Assistance

Defectors also provided further information about the denial of medical assistance to wounded protesters, the use of ambulances to arrest the injured, and the mistreatment of injured individuals in hospitals controlled by intelligence agencies and the military, a disturbing pattern that Human Rights Watch and other organizations have previously documented.

Several examples cited by the defectors strongly suggest that these violations were ordered, authorized, or condoned by commanders rather than committed at the initiative of individual members of the armed forces or intelligence agencies. According to the defectors, security forces brought some of the wounded protesters directly to the detention facilities where they mistreated them.

They said that injured protesters who were brought to the military, or military-controlled, hospitals were also subjected to mistreatment and beatings by intelligence agents and hospital staff. Those whose wounds were serious and did not allow for immediate transportation were held in temporary detention facilities on hospital premises before being transferred to other places of detention.

Command Responsibility of High-Ranking Officers and Government Officials

Given the widespread nature of killings and other crimes committed in Syria, scores of statements from defectors about their orders to shoot and abuse protesters, and the extensive publication of these abuses by the media and international organizations, it is reasonable to conclude that the senior military and civilian leadership knew or should have known about them. The Syrian military and civilian leadership also clearly have failed to take any meaningful action to investigate and stop these abuses. Under international law, they would thus be responsible for violations committed by their subordinates.

With regards to President Bashar al-Assad, who is the commander-in-chief of the Syrian armed forces, and his close associates, including the heads of intelligence agencies and the military leadership, Human Rights Watch has collected additional information that strongly indicates their direct knowledge and involvement in the violent crackdown on protesters.

Human Rights Watch believes that, in addition to military and intelligence officers mentioned in connection with specific incidents in this report, these commanders, including the highest-ranking officers and heads of intelligence agencies, should be investigated on the grounds of their command responsibility for violations committed by units under their control. Under the Rome Statute of the International Criminal Court, criminal liability applies to both those who physically commit the crimes and to senior officials, including those who give the orders and those in a position of command who should have been aware of the abuses but failed to prevent them or to report or prosecute those responsible.

Repercussions for Disobeying Illegal Orders

The consequences for disobeying orders and challenging government claims about the protests have been severe. Eight defectors told Human Rights Watch that they witnessed officers or intelligence agents killing military personnel who refused to follow orders. Three defectors told Human Rights Watch that the authorities had detained them because they refused to follow orders or challenged government claims. At least two said that security forces beat and tortured them. Other defectors interviewed by Human Rights Watch said that security forces detained and tortured them for participating in protests during leave or before they started their military service.

The defectors interviewed by Human Rights Watch said that security forces detained them for relatively short terms in detention centers on their base or in nearby detention facilities. According to witnesses other defectors were sent to the notorious Tadmor military prison in Homs governorate.

A prison guard from Tadmor told Human Rights Watch that by the time he defected in August the prison housed about 2,500 prisoners. While the prisoners initially included only military personnel, the prison started receiving a growing number of detained protesters and defectors after protests erupted in March. He told Human Rights Watch that security forces there beat and tortured all prisoners, but gave defectors particularly harsh treatment.

One defector said that security forces arrested a close relative to force him to return to his unit.

Virtually all defectors interviewed by Human Rights Watch said that they were convinced that officers or intelligence agents would kill them if they refused to follow orders. In standard operations to suppress protests, they said that conscript soldiers from the army or intelligence agencies lined up in front, while officers and intelligence agents stayed behind, giving orders and making sure that they followed orders. On several occasions, officers and intelligence agents explicitly threatened to kill soldiers if they did not follow orders.

Most of the defectors said that they tried to evade orders by aiming at protesters' feet, or firing in the air, but in some cases felt that they had to shoot at the protesters or commit other abuses because they thought that they would themselves be killed otherwise. A few took up arms against intelligence agents and officers who ordered the killings, and many said they defected when they realized that their commanders were ordering them to shoot at unarmed protesters as opposed to the "armed gangs" that they had been told to expect.

Recommendations

The Syrian government's response to credible accusations of human rights violations has been inadequate and has fostered a climate of impunity, including for unlawful killings, torture, enforced disappearance, and arbitrary detention. Human Rights Watch is not aware of any public information about specific investigations or prosecutions related to violations described in this report.

While many states have condemned Syria's use of violence and some have followed those words with actions aimed at pushing the Syrian government to change course, the international community has been slow to take collective action.

Considering the evidence that crimes against humanity have been committed in Syria, the pervasive climate of impunity for security forces and pro-government militias, and the grave nature of many of their abuses, Human Rights Watch calls on the United Nations Security Council to refer the situation in Syria to the International Criminal Court—the forum most capable of effectively investigating and prosecuting those bearing the greatest responsibility for the crimes committed and offering accountability to the Syrian people. The Security Council should also require states to suspend all military sales and assistance to the Syrian government and adopt targeted sanctions on officials credibly implicated in the ongoing grave, widespread, and systematic violations of international human rights law. Human Rights Watch also calls on all states, in accordance with their national laws, to bring to justice under the principle of universal jurisdiction those who have committed crimes against humanity.

Methodology

This report is based on 63 interviews with defectors from Syria's armed forces and intelligence agencies. Human Rights Watch researchers conducted these interviews in person in Syria's neighboring countries from May to November 2011. Researchers also interviewed dozens of witnesses in Syria and in neighboring countries to establish the context of the anti-government demonstrations in Syria and corroborate defectors' statements.

Human Rights Watch researchers conducted the interviews in Arabic or with the help of Arabic-English translators.

The defectors interviewed by Human Rights Watch served in regular army units, the Special Forces, the Military Police, the Presidential Guard, the General Intelligence Directorate, the Air Force Intelligence Directorate, and in other units. While the majority were conscript soldiers, 14 defectors said they had served as officers, the highest-ranking being a lieutenant colonel. Their units were deployed to suppress protests all over Syria, including in the governorates of Damascus, Daraa, Homs, Hama, Idlib, Tartous, and Deir al-Zor.

Syria has been and remains under an information blockade, and obtaining information about the government crackdown on protesters is extremely difficult. Those who speak to investigators or share information through electronic means face severe repercussions. To protect defectors, other witnesses, and their families, Human Rights Watch has changed their names and withheld information about the location of the interviews. In the report, pseudonyms are indicated with quotation marks.

Human Rights Watch interviewed all of the defectors and other witnesses separately and at length. Violations described in this report are those that several defectors described separately and with sufficient detail to convince the researcher that the interviewees had first-hand knowledge of the incidents in question. Several accounts have been excluded because interviewees did not provide such detail.

The majority of incidents described in this report mention the names and ranks of commanders who allegedly gave orders to commit the abuses. In some cases, it was

possible to corroborate these allegations through independent interviews with two or more witnesses. In other cases the report gives the name and rank of a commander based on the statement of one defector, but only if Human Rights Watch researchers deemed this was justified by the level of detail and the credibility of the overall evidence provided. While a single person's statement cannot be the basis of a definitive conclusion about the responsibility of the commanders in question, Human Rights Watch believes that such allegations require a prompt investigation.

I. Background

Protests in Syria

Protests in Syria broke out on March 18 in response to the arrest and torture of 15 school children by the Political Security Directorate, one of Syria's intelligence agencies, in the southern city of Daraa. Attempting to suppress the demonstrations, security forces opened fire on the protesters, killing at least four. Within days the protests grew into rallies that gathered thousands of people.¹ Protests quickly spread to the rest of the country in a show of sympathy with the Daraa protesters. The government's violent response only further fueled demonstrations.

At the time of writing, protests are still taking place regularly in the governorates of Daraa, al-Hasaka, Idlib, Deir al-Zor, Homs, Hama, and in the suburbs of the capital, Damascus.

Syrian security forces, primarily the intelligence agencies, referred to generically as *mukhabarat*, and government-supported militias, referred to locally as *shabeeha*, regularly used force, often lethal, against largely peaceful demonstrators, and often prevented injured protesters from receiving medical assistance.² As the protest movement endured, the government also deployed the army, usually in full military gear and backed by armored personnel vehicles, to quell protests.

While consistent witness statements leave little doubt regarding the widespread and systematic nature of abuses, the exact number of people killed and injured by Syrian security forces is impossible to verify. At the time of writing, Syria remains off-limits to international journalists and human rights groups, and communications are often interrupted in affected areas. However, an expanding network of activists grouping

¹ For a more detailed overview of the launch of the protest movement and the government's reaction, see Human Rights Watch, "*We've Never Seen Such Horror*": Crimes against Humanity by Syrian Security Forces, June 1, 2011, <http://www.hrw.org/reports/2011/06/01/we-ve-never-seen-such-horror-o>, Section I.

² Ibid.; Human Rights Watch, "We Live as in War": Crackdown on Protesters in the Governorate of Homs, Syria, November 11, 2011, <http://www.hrw.org/reports/2011/11/11/we-live-war-o>; "Syria: Security Forces Remove Wounded From Hospital," Human Rights Watch news release, September 8, 2011, <http://www.hrw.org/news/2011/09/08/syria-security-forces-remove-wounded-hospital>; "Syria: Red Crescent Workers Under Attack," Human Rights Watch news release, September 14, 2011, <http://www.hrw.org/news/2011/09/14/syria-red-crescent-workers-under-attack>.

themselves in local coordination committees (LCC) and making extensive use of the Internet, including social media, and reporting the information to a monitoring group, the Violations Documentation Center (VDC), have compiled a list of 3,934 civilians killed, including more than 300 children, as of December 3, 2011.³

Syrian authorities went to great lengths to convince the public, both Syrian and international, as well as the members of security forces deployed to quell the protests, that “criminals” and “armed terrorist gangs,” incited and sponsored from abroad, have been responsible for most of the violence.

On October 7, Syria’s deputy foreign minister, Faisal Mekdad, told the UN Human Rights Council (HRC) that his country was “grappling with terrorist threats” and promised to give the UN a list of “more than 1,100 people who have been killed by the terrorists,” including civil servants and police.⁴ In an interview with the British *Sunday Times* newspaper published on November 20, 2011, President al-Assad blamed “armed gangs” for the killing of 800 members of his security forces.⁵

As this report illustrates, however, in at least some cases members of the security forces fell victim to friendly fire or deliberate killings for their refusal to follow the orders. Defectors interviewed for this report also said that in many instances the dead and injured whom the authorities claimed through the state media had been killed or wounded by “armed gangs” and “terrorists” were actually the victims of the government’s repression.

Human Rights Watch has documented several incidents in which demonstrators, at times supported by military defectors, have resorted to violence.⁶ For example, demonstrators set government buildings on fire in the towns of Daraa, Jisr al-Shughur, and Tal Kalakh,

³ Syrian opposition groups maintain and regularly update a list of individuals killed in Syria on the Violations Documentation Center (VDC) website <http://www.vdc-sy.org/>. The Syrian authorities have not published a list of people killed to date. In its statistics, the Violations Documentation Center uses the term “civilians” to describe protesters and bystanders as opposed to defectors and members of the security forces.

⁴ “Syria unrest: Medvedev urges Assad to reform or go,” *BBC News*, October 7, 2011, <http://www.bbc.co.uk/news/world-middle-east-15218727> (accessed October 7, 2011).

⁵ Hala Jaber, “Strike Syria and the world will shake; Syria’s president tells The Sunday Times that violence is the fault of armed gangs and the Arab League is a stooge of the West,” *The Sunday Times*, November 20, 2011, <http://www.dp-news.com/en/detail.aspx?articleid=103707> (accessed November 27, 2011).

⁶ Human Rights Watch, “*We’ve Never Seen Such Horror*,” p. 27.

destroyed monuments to President Bashar al-Assad and his father Hafez al-Assad, and torched several vehicles belonging to the security forces.⁷ Witnesses described some of these episodes to Human Rights Watch; we also viewed evidence of such attacks on amateur videos available online. Several witnesses also told Human Rights Watch that protesters had killed members of security forces, usually after the security forces had opened fire on them.

At the same time, statements from witnesses, including defectors, protesters, and journalists, indicate that the protesters have been unarmed in the majority of cases documented by Human Rights Watch and other human rights organizations.

Since September, armed attacks on security forces have increased, with the Free Syrian Army, a self-declared opposition armed group with some senior members in Turkey, taking responsibility for many of them, although some commentators, diplomats, and even opposition members have questioned its level of control and organization.⁸ On November 28, 2011, during a meeting in Turkey, the Free Syrian Army agreed with the Syrian National Council (SNC), an umbrella group of Syrian opposition, that the Free Syrian Army will “not organize any assault” against Syrian government forces anymore, and will resort to “armed resistance” only “for protecting civilians during protests.”⁹

At the same time, several defectors and other witnesses expressed concern that the government’s continued brutal crackdown had increased sectarian tensions and violence. For example, both Sunni and Alawite residents of the central governorate of Homs, a predominantly Sunni area with a large Alawite minority, already report an increase in

⁷ Ibid.

⁸ A recent report by the International Crisis Group commented that the “Free Syrian Army itself is more of a wild card than a known entity.” International Crisis Group, “Uncharted Waters: Thinking Through Syria’s Dynamics,” Middle East Briefing No. 31, November 24, 2011, [http://www.crisisgroup.org/~media/Files/Middle%20East%20North%20Africa/Iraq%20Syria%20Lebanon/Syria/Bo31%20Uncharted%20Waters%20-%20Thinking%20Through%20Syrias%20Dynamics.pdf](http://www.crisisgroup.org/~/media/Files/Middle%20East%20North%20Africa/Iraq%20Syria%20Lebanon/Syria/Bo31%20Uncharted%20Waters%20-%20Thinking%20Through%20Syrias%20Dynamics.pdf) (accessed November 24, 2011). The highest profile attack attributed to the Free Syrian Army was a November 16 attack on an Air Force Intelligence building in Harasta. The details of the attack remain murky. One Western diplomat residing in Damascus told Human Rights Watch that reports of a large-scale attack were overblown. Human Rights Watch interview (name withheld), Beirut, November 24, 2011.

⁹ İpek Yezdani, “Dissidents from Syria Reveal Action Strategy,” *Hürriyet Daily News*, November 30, 2011, <http://www.hurriyetaidailynews.com/Default.aspx?PageID=238&nID=8200&NewsCatID=338> (accessed December 5, 2011); “Syrian opposition to co-ordinate with Free Syrian Army,” *BBC News*, December 1, 2011, <http://www.bbc.co.uk/news/world-europe-15984682> (accessed December 5, 2011).

kidnappings by unknown gunmen and talk about their fear of driving through some neighborhoods in their cities. Journalists have reported on a number of killings that seem motivated by sectarian retribution.¹⁰ The threat of an increase in sectarian violence has led United Nations High Commissioner for Human Rights Navi Pillay to warn during an emergency session on Syria at the UN Human Rights Council on December 2, 2011 that “[t]he Syrian authorities’ continual ruthless repression, if not stopped now, can drive the country into a full-fledged civil war.”¹¹

In addition to shooting at protesters, security forces launched a massive campaign of arrests, arbitrarily detaining hundreds of protesters across the country, routinely failing to acknowledge their detention or provide information on their whereabouts, and subjecting them to torture and ill-treatment. The intelligence agencies have also arrested lawyers, activists, and journalists who endorsed or promoted the protests, as well as medical personnel suspected of caring for wounded protesters in makeshift field hospitals or private homes.¹²

Human Rights Watch documented large-scale arbitrary detentions, including the detention of children, in Daraa, Damascus and its suburbs, Banyas and surrounding villages, Latakia, Deir al-Zor, Tal Kalakh, Hama, Homs, Zabadani, Jisr al-Shughur, and Maaret al-Nu`man.¹³ Many of the arrests appeared entirely arbitrary, with no formal charges brought against the detainees. It appears that most detainees were released several days or weeks later, but others have not reappeared. Many of those cases constitute enforced disappearances, as

¹⁰ For media accounts, see, for example, Anthony Shadid, “Sectarian Strife in City Bodes Ill for All of Syria,” *The New York Times*, November 19, 2011, <http://www.nytimes.com/2011/11/20/world/middleeast/in-homs-syria-sectarian-battles-stir-fears-of-civil-war.html> (accessed November 25, 2011); Nir Rosen, “A Tale of Two Villages,” October 24, 2011, <http://www.aljazeera.com/indepth/features/2011/10/2011102365913224161.html> (accessed November 25, 2011); “Homs, a Syrian City Ripped Apart by Sectarian Killing,” Agence France-Presse in *Al Arabiya News*, November 26, 2011, <http://english.alarabiya.net/articles/2011/11/26/179278.html> (accessed December 5, 2011).

¹¹ Nada Bakri, “U.N. Says Action Needed to Prevent Civil War in Syria,” *The New York Times*, December 2, 2011, <http://www.nytimes.com/2011/12/03/world/middleeast/un-says-action-needed-to-prevent-civil-war-in-syria.html> (accessed December 5, 2011).

¹² See, for example, “Syria: Targeted Arrests of Activists across Country,” Human Rights Watch news release, May 15, 2011, <http://www.hrw.org/news/2011/05/15/syria-targeted-arrests-activists-across-country>.

¹³ See, for example, “Syria: Mass Arrest Campaign Intensifies,” Human Rights Watch news release, July 20, 2011, <http://www.hrw.org/news/2011/07/20/syria-mass-arrest-campaign-intensifies>; “Syria: Shootings, Arrests Follow Hama Protest,” Human Rights Watch news release, July 6, 2011, <http://www.hrw.org/news/2011/07/06/syria-shootings-arrests-follow-hama-protest>.

their families have had no information on their fate or whereabouts for a prolonged period of time.¹⁴

Released detainees, some of them children, said that they, as well as hundreds of others they saw in detention, were subjected to torture and ill-treatment. All of the former detainees interviewed by Human Rights Watch described appalling detention conditions, with grossly overcrowded cells, where at times detainees could only sleep in turns, and lack of food.¹⁵

In several cities, including Daraa, Tal Kalakh, Rastan, Banyas, Deir al-Zor, Hama, and parts of Homs, Syrian security forces moved into neighborhoods in military vehicles, including tanks and armored personnel carriers, under the cover of heavy gunfire. They imposed checkpoints, placed snipers on roofs of buildings, and restricted movement of residents in the streets. In some places, like Daraa, the security forces imposed a full-out siege that lasted for several weeks, cutting off all means of communication and subjecting residents to acute shortages of food, water, medicine, and other essential supplies.¹⁶

Deployment of Syria's Security Forces

In March 2011 the Syrian government began deploying security forces from the armed forces, the intelligence agencies, and the *shabeeha* to quell the protests. First in Daraa, and later, as this report illustrates, in Damascus, Deir al-Zor, Idlib, Hama, Homs, Latakia,

¹⁴ The International Convention for the Protection of All Persons from Enforced Disappearance (Doc.A/61/488. C.N.737.2008.TREATIES-12 of October 2, 2008) defines an enforced disappearance as: "the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law" (Article 2). Article 1 of the Convention provides: "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for enforced disappearance." International Convention for the Protection of All Persons from Enforced Disappearance, Doc. A/61/488, December 20, 2006, entered into force December 23, 2010. For the purposes of a crime against humanity under the Rome Statute of the International Criminal Court (A/CONF. 183/9), Article 7 (2) (i) defines enforced disappearance as " the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time." Rome Statute of the International Criminal Court (Rome Statute), A/CONF.183/9, July 17, 1998, entered into force July 1, 2002, art. 7(2)(i).

¹⁵ Human Rights Watch, "*We've Never Seen Such Horror*," p. 34; "Syria: Rampant Torture of Protesters," Human Rights Watch news release, April 15, 2011, <http://www.hrw.org/news/2011/04/15/syria-rampant-torture-protesters>.

¹⁶ Human Rights Watch, "*We've Never Seen Such Horror*," p. 44.

and Tartous governorates, the armed forces and intelligence agencies, often working in concert, conducted operations to stamp out the protests.

There are four main intelligence agencies in Syria:

- The Department of Military Intelligence (*Shu'bat al-Mukhabarat al-'Askariyya*), which includes the Palestine Branch;
- The Political Security Directorate (*Idarat al-Amn al-Siyasi*);
- The General Intelligence Directorate (*Idarat al-Mukhabarat al-'Amma*), which is generally referred to by its previous name, State Security (*Amn al-Dawla*); and
- The Air Force Intelligence Directorate (*Idarat al-Mukhabarat al-Jawiyya*).¹⁷

Intelligence agencies overlap extensively, and there are no clear rules for which agency will take the lead in a particular action. These agencies have virtually unlimited *de facto* authority to carry out arrests, searches, interrogation, and detention. They are more than a simple arm of the government; they are in practice autonomous entities that report directly to the highest officials in the Syrian state, and according to some analysts, directly to the President.¹⁸

Units from the armed forces deployed to quell the protests include the Presidential Guard, the 3rd, 4th, 5th, 9th, 11th, 15th, and 18th Divisions, and various Special Forces Regiments,

¹⁷ See "Syria's Intelligence Services: A Primer," Middle East Intelligence Bulletin, July 1, 2000, <http://www.intelpage.info/forum/viewtopic.php?t=588> (accessed October 1, 2009); and Middle East Watch (now Human Rights Watch/MENA), *Syria Unmasked: The Suppression of Human Rights by the Assad Regime* (New Haven: Yale University Press, 1991), pp. 48-51. The Air Force Intelligence Directorate is only nominally tied to the air force. Its role as a powerful and feared intelligence agency in Syria comes from the fact that the late President Hafez al-Assad was once the air force commander, and later turned the air force intelligence service into his personal action bureau.

¹⁸ Nominally, the General Intelligence Directorate and Political Security Directorate are "civilian" agencies and under the jurisdiction of the Ministry of Interior, but in practice they are both autonomous entities. Military Intelligence and Air Force Intelligence nominally report to the Ministry of Defense, but again, in practice, are autonomous entities. See "Syria's Intelligence Services: A Primer," Middle East Intelligence Bulletin, <http://www.intelpage.info/forum/viewtopic.php?t=588>; Ahed Al Hendi, "The Structure of Syria's Repression," *Foreign Affairs*, May 3, 2011, <http://www.foreignaffairs.com/articles/67823/ahed-al-hendi/the-structure-of-syrias-repression?page=show> (noting that "However structured they are in theory, the security agencies are dominated by the Assad family in practice"); Shmuel Bar, "Bashar's Syria: The Regime and its Strategic Worldview," 2006, http://www.herzliyaconference.org/_Uploads/2590Bashars.pdf (accessed December 5, 2011)(noting that the heads of the various security organs "answer to the president directly in all matters"); Human Rights Watch, *Syria Unmasked*, p. 40.

including the 35th, 45th, and 46th Regiments. Service in the armed forces is compulsory for adult males¹⁹ and the majority of army defectors are low-level conscripts.²⁰

More detailed information regarding the specific military units and intelligence agencies involved in the attacks against protesters in different cities and large-scale military operations is provided in the appendix to this report. This includes information on the structure of the units, locations where they were deployed, violations in which they were allegedly involved, and, where this information is available, the names of their commanders or the officials in charge.

Defections from Armed Forces and Security Agencies

The rate of defections from the Syrian armed forces and intelligence agencies appears to have steadily increased since the authorities deployed their security forces to suppress anti-government protests in March 2011. Estimates of the number of defectors vary significantly. Riad al-Asaad, the head of the Free Syrian Army, a self-declared armed opposition group, told Reuters that his group consisted of 15,000 defectors by mid-October; but many others believe that those numbers are exaggerated.²¹ An opposition member told Human Rights Watch in November that he estimated that there were a “few thousand—in the single digits—defectors in the Free Syrian Army.”²²

The majority of the defectors told Human Rights Watch that they decided to defect when they discovered that the authorities and their officers had deliberately misled them about the nature of the protests. According to the defectors, when the protests erupted in mid-

¹⁹ Immigration and Refugee Board of Canada, “Syria: Compulsory military service, including age limit for performing service; penalties for evasion; occasions where proof of military service status is required; whether the government can recall individuals who have already completed their compulsory military service,” SYR102395.E, March 8, 2007, SYR102395.E, available at: <http://www.unhcr.org/refworld/docid/47d6547928.html> (accessed 26 November 26, 2011).

²⁰ For media accounts, see for example, Elizabeth A. Kennedy and Zeina Karam, “Army defectors threaten to transform Syrian uprising into civil war,” The Associated Press, November 21, 2011, http://www.msnbc.msn.com/id/45390188/ns/world_news-mideast_n_africa/#.TtDxlXLhez1 (accessed November 26, 2011); Alexandra Sandels, “Syria military defectors taking active role in revolt,” *Los Angeles Times*, November 17, 2011, <http://articles.latimes.com/2011/nov/17/world/la-fg-syria-rebel-army-20111118> (accessed November 26, 2011); “Syria Faces Growing Pressure As Bloodshed Spikes,” National Public Radio, November 15, 2011, <http://www.npr.org/2011/11/15/142364563/syria-faces-growing-pressure-as-bloodshed-spikes> (accessed November 26, 2011).

²¹ Erika Solomon, “Feature – Syria Army Rebels Fight from the Shadows,” Reuters, November 23, 2011, <http://in.reuters.com/article/2011/11/23/idINIndia-60691920111123> (accessed November 27, 2011).

²² Human Rights Watch interview, November 5, 2011.

March, the authorities immediately restricted soldiers' access to information and launched a propaganda campaign to convince the soldiers that they were fighting "armed gangs" and "terrorists" supported by an international conspiracy to destroy Syria. A conscript serving in the Military Police in Deir al-Zor told Human Rights Watch: "Protests in Daraa started on March 18. The very next day they confiscated our cell phones and barred us from watching anything but Syrian state TV and the pro-government Dunya TV. On the news, they started telling us about terrorists."²³

A conscript soldier based in Rankous, a suburb of Damascus, gave a similar account to Human Rights Watch:

Soldiers in the unit were under close surveillance; we couldn't really talk to each other. As for cell phones, they were never allowed, but this rule was never enforced. But starting in April, commanders started breaking the cell phones whenever they caught somebody using them. All TV channels were banned, aside from official Syrian TV.

Every morning commanders conducted a meeting, talking about how good Assad and his family were, and about the threats from the terrorists. And then they also forbade us from taking leave. It used to be eight days every two months, but after April nobody was allowed to go.²⁴

A member of the 45th Special Forces Regiment, deployed in the coastal areas of Banyas and Markeb, told Human Rights Watch:

We were told that there are terrorist groups coming into the country with funding from Bandar Bin Sultan [a prominent Saudi prince who served until 2009 as Saudi's national security chief], Saad al-Hariri [a former Lebanese prime minister], and Jeffrey Feltman [US Assistant Secretary of State for Near Eastern affairs].²⁵

²³ Human Rights Watch interview with "Imad," November 5, 2011.

²⁴ Human Rights Watch interview with "Wassim," October 27, 2011.

²⁵ Human Rights Watch interview with "Mu`awiya," June 15, 2011.

Military commanders often communicated this information to soldiers during daily briefings, referred to as *nasharat tawjeeh*. A lieutenant in the 14th Division posted in Damascus described the briefing: "Each morning we had guidance briefings. They would tell us there are gangs and infiltrators. They would show us pictures of dead soldiers and security forces."²⁶ One defector, who had served in the army for 25 years, most recently as a communications officer responsible for his unit's informational radio programs, told Human Rights Watch:

Usually, I wrote the news segments myself and higher-ranking officers only made minor edits to what I wrote, but when I wanted to report on the protests in March, the commanders gave me a prepared statement instead of looking at what I had written. The statement said that terrorist gangs were attacking civilians. Some of my relatives had been participating in the protests, so I knew better. I refused to read it on air, saying that I was not feeling well, but somebody else read it instead.²⁷

Defectors from units serving in a number of governorates all over Syria described similar measures taken to prevent them from finding out what was happening, indicating a high-level policy to restrict soldiers' access to information.

Isolated from any independent sources of information, defectors say they and many of their fellow soldiers initially believed the government statements. A 20-year-old conscript who was stationed on the border with Israel told Human Rights Watch:

When the events started in Daraa, the officers took all our TVs, radios, and phones. The only news we got was through internal radio, and it was all about hooligans, foreign elements, etc. Most of us believed it, and we were scared; even the movement of birds and butterflies would set off shooting.²⁸

²⁶ Human Rights Watch interview with "Louai," June 21, 2011.

²⁷ Human Rights Watch interview with "Sarmir," July 25, 2011.

²⁸ Human Rights Watch interview with "Yasir," July 28, 2011.

For many of the defectors, the turning point came when they were finally allowed to go home on leave. The realization that close relatives and friends were participating in the protests and had been attacked by the security forces convinced many that the government's claims were false. Some even participated in protests themselves while on leave. A few of the defectors said that it was the killing or arrests of family members and friends during protests that convinced them to defect.

Others said they decided to defect after officers ordered them to shoot at peaceful protesters or after they witnessed or participated in the killing of large numbers of protesters. For example, one soldier in the 65th Brigade, 3rd Division, who was sent to Douma to suppress protests in April, told Human Rights Watch:

At one point we killed eight people in 15 minutes. The protesters were unarmed. They didn't even have rocks! That's when I decided to defect. I threw away my gun and ran towards the protesters. Somebody picked me up in a van and took me home to Daraa.²⁹

Defectors also said that they became disillusioned by officers planting weapons in mosques, frequent friendly fire incidents between intelligence agents and army soldiers, and claims, intended to mislead, that "armed protesters" and "terrorists" had killed soldiers who had actually been killed by intelligence agents, friendly fire, or accidents.

²⁹ Human Rights Watch interview with "Habib," October 31, 2011.

II. Individual and Command Responsibility for Crimes against Humanity

Since the beginning of anti-government protests in March 2011, Syrian security forces have killed more than 4,000 protesters and bystanders in their violent efforts to stop the protests, according to UN High Commissioner for Human Rights Navi Pillay.³⁰ They have injured many more and arbitrarily arrested tens of thousands across the country, subjecting many of them to torture and ill-treatment in detention. Local activists have reported more than 197 deaths in custody.³¹ Human Rights Watch has collected and publicized extensive documentation on these violations committed in governorates of Daraa, Homs, Damascus, Hama, and other places across the country.³²

Human Rights Watch believes that these abuses were committed as part of a widespread and systematic attack against the civilian population and thus constitute crimes against humanity under customary international law and the Rome Statute of the International Criminal Court.³³ The independent, international commission of inquiry on Syria appointed by the UN Human Rights Council and set up by the Office of the High Commissioner for Human Rights (OHCHR) has reached the same conclusion.³⁴

The Rome Statute defines an “attack directed against any civilian population” as “a course of conduct involving the multiple commission of acts [which qualify as crimes against

³⁰ “UN Human Rights Council strongly condemns abuses by Syrian authorities,” *UN News Centre*, December 2, 2011, <http://www.un.org/apps/news/story.asp?NewsID=40596&Cr=Syria&Cr1> (accessed December 4, 2011).

³¹ See Local Coordination Committees, “Human Rights Violations Committed by the Syrian Regime, 15 March – 15 October,” November 7, 2011 (listing 161 detainees who died in custody), “Human Rights Violations Committed by the Syrian Regime, 16 October – 31 October,” undated, (listing 19 detainees who died in detention), and “The Syrian Regime’s Violations File Covering the Period November 1-15, 2011,” undated (listing 17 detainees who died in custody), <http://www.lccsyria.org> (accessed December 5, 2011).

³² See for example, Human Rights Watch, “*We’ve Never Seen Such Horror*”; Human Rights Watch, “*We Live as in War*”; “Syria: Red Crescent Workers Under Attack,” Human Rights Watch news release.

³³ Rome Statute of the International Criminal Court, U.N. Doc. A/CONF.183/9, July 17, 1998, entered into force July 1, 2002. Rome Statute. Syria has signed, although not ratified, the Rome Statute and so is obliged to refrain from acts that would ‘defeat the object and purpose of [the] treaty’. See Article 18 of the Vienna Convention on the Law of Treaties, 1969, United Nations, *Treaty Series*, vol. 1155, p. 331, acceded to by Syria in 1970. Syria signed the Rome Statute on November 29, 2000.

³⁴ UN Human Rights Council, “Report of the independent international commission of inquiry on the Syrian Arab Republic,” A/HRC/S-17/2/Add.1, November 23, 2011, <http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/17/docs/A-HRC-S-17-2-Add1.pdf> (accessed December 5, 2011).

humanity such as murder] against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack.”³⁵

The statements of soldiers and officers who defected from the Syrian military and security forces leave no doubt that the widespread and systematic abuses, including killings, arbitrary detentions, and torture, were committed in pursuance of a state policy targeting civilians or against the civilian population and that they were directly ordered, authorized, or condoned at the highest levels of Syrian military and civilian leadership.

For individuals to be found culpable of crimes against humanity under the Rome Statute, they must have had knowledge of the crime.³⁶ That is, perpetrators must have been aware that their actions formed part of the widespread or systematic attack against the civilian population.³⁷ While perpetrators need not be identified with a policy or plan underlying the crimes against humanity, they must at least have knowingly taken the risk of participating in the policy or plan.³⁸

Human Rights Watch’s findings, presented in detail below, show that military commanders and officials in the intelligence agencies gave both direct and standing orders to use lethal force against protesters, as well as to unlawfully arrest, beat, and torture detainees. On many occasions, they were not only present during the commission of the crimes, but personally participated in the violations. In several cases documented by Human Rights Watch, the commanders oversaw the cover-up operations, such as the disposal of dead bodies following the killings.

³⁵ Rome Statute, art. 7 (2) (a).

³⁶ Rome Statute, art. 7. See also *Prosecutor v. Kupreskic et al.*, International Criminal Tribunal for the former Yugoslavia (ICTY), Case No. IT-95-16, Judgement (Trial Chamber), January 14, 2000, para. 556.

³⁷ See *Prosecutor v. Kupreskic et al.*, ICTY, Case No. IT-95-16, Judgment (Trial Chamber), January 14, 2000, para. 556: “[T]he requisite mens rea for crimes against humanity appears to be comprised by (1) the intent to commit the underlying offence, combined with (2) knowledge of the broader context in which that offence occurs.” See also *Prosecutor v. Dusko Tadic*, ICTY, Case No. IT-94-1, Judgment (Appeals Chamber), July 15, 1999, para. 271; *Prosecutor v. Kayishema and Ruzindana*, ICTR, Case No. ICTR-95-1-T, Judgment (Trial Chamber II), May 21, 1999, paras. 133-134.

³⁸ See *Prosecutor v. Blaskic*, ICTY, Case No. IT-95-14-T, Judgment (Trial Chamber), March 3, 2000, para. 257. *Blaskic* (paras. 258-259) listed factors from which could be inferred knowledge of the context: (a) the historical and political circumstances in which the acts of violence occurred; (b) the functions of the accused when the crimes were committed; (c) his responsibilities within the political or military hierarchy; (d) the direct and indirect relationship between the political and military hierarchy; (e) the scope and gravity of the acts perpetrated; and (f) the nature of the crimes committed and the degree to which they are common knowledge.

Individuals implicated in such acts bear individual criminal responsibility for crimes against humanity under the Rome Statute.³⁹

Military commanders and intelligence officials could also bear responsibility for violations committed by units under their command in accordance with the doctrine of command responsibility under the Rome Statute, even if they did not directly participate in or give orders to commit the violations.⁴⁰

The Rome Statute stipulates that military commanders bear responsibility for crimes committed by forces under their “effective command and control, or effective authority and control” when they knew or should have known about the crimes and failed to prevent them or to submit the matter for prosecution.⁴¹ The same principle applies to civilian officials for crimes committed by their subordinates that concerned “activities that were within the effective responsibility and control of the superior” when they “knew, or consciously disregarded information which clearly indicated, that the subordinates were committing or about to commit such crimes” and “failed to take all necessary and reasonable measures within his or her power to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.”⁴² A head of state and members of government are not exempt from responsibility.⁴³

Several examples indicate that President Bashar al-Assad, who is the commander-in-chief of the Syrian armed forces, the heads of intelligence agencies, and other high-ranking officials mentioned in this report have ordered, authorized, or condoned the violent crackdown on protesters. It is also reasonable to assume that they knew about the extent and nature of the repression through official channels.⁴⁴ In addition, information about

³⁹ Rome Statute, art. 25(3), which stipulates, in part:

“In accordance with this Statute, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person:

(a) Commits such a crime, whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible;

(b) Orders, solicits or induces the commission of such a crime which in fact occurs or is attempted;.”

⁴⁰ Rome Statute, art. 28.

⁴¹ Rome Statute, art. 28. Ibid.

⁴² Rome Statute, art. 28. Ibid.

⁴³ Rome Statute, art. 27.

⁴⁴ Some examples are provided in the chapter on command responsibility below.

violations committed by the military and security forces since the beginning of protests in Syria has been publicized by several international organizations, including Human Rights Watch, the media, and Syrian activists. Multiple international bodies have raised concerns about these violations as well. The independent commission of inquiry appointed by the Human Rights Council extensively documented the violations and presented its report to the HRC, and the UN General Assembly adopted a resolution condemning the abuses. In these circumstances, the failure to stop the violations and bring their perpetrators to justice also makes these officials criminally responsible under the doctrine of command responsibility.

The Rome Statute stipulates that, subject to some exceptions, individuals accused of crimes against humanity cannot avail themselves of the defense of following superior orders.⁴⁵ One such exception is if an individual acts under a threat of “imminent death or of continuing or imminent serious bodily harm,” made explicitly or “constituted by other circumstances beyond that person’s control,” if “the person does not intend to cause a greater harm than the one sought to be avoided.”⁴⁶ As this report illustrates, many rank-and-file soldiers in the Syrian armed forces and intelligence agencies appear to have acted when faced with the choice of committing the crimes or being killed for disobeying the orders, and, in many cases, they seem to have tried to prevent the worst consequences of their actions—for example, by firing in the air, or aiming at the protesters’ feet to avoid killing them.

Another exception may apply to individuals—both soldiers and commanders—who acted in self-defense, or in defense of others “against an imminent and unlawful use of force in a manner proportionate to the degree of danger.”⁴⁷

As mentioned above, Human Rights Watch has documented a number of instances where the protesters resorted to violence, yet these incidents of violence by protesters remained exceptional compared to the number of attacks on protesters we documented.

⁴⁵ Rome Statute, art. 33.

⁴⁶ Rome Statute, art. 31(1) (d).

⁴⁷ Rome Statute, art. 31(1) (c).

We also asked every military defector interviewed for this report about the use of violence by the protesters, and all but one of them said that they never felt under threat when dealing with protests. Some mentioned that the protesters threw stones at the security forces, one defector mentioned being involved in a shoot-out with armed protesters in Bukamal in the Deir al-Zor governorate, and one defector mentioned that he was aware of a group of protesters in a town in Daraa governorate that was armed, but had not seen it in action.

Incidents where protesters have allegedly resorted to violence should be further investigated and in some cases may provide a valid defense against accusations of involvement in crimes against humanity where individuals responded in a manner that was proportionate to the degree of danger. The defectors' statements, however, support the conclusion that in many cases, the force used against the protesters was clearly disproportionate to the threat presented by the overwhelmingly unarmed crowds.

Considering the evidence that crimes against humanity have been committed in Syria, the pervasive climate of impunity for security forces and pro-government militias, and the grave nature of many of their abuses, Human Rights Watch calls on the UN Security Council to refer the situation in Syria to the ICC. Human Rights Watch believes that the ICC is the forum most capable of effectively investigating and prosecuting those bearing the greatest responsibility for serious crimes committed in Syria. Human Rights Watch also recalls that crimes against humanity are considered crimes that trigger universal jurisdiction under international customary law, and thus all states should bring to justice those who have committed them.⁴⁸

⁴⁸ Universal jurisdiction is a legal principle under international law that gives the ability to the domestic judicial system of a state to investigate and prosecute a limited number of specific crimes, even if they were not committed on its territory, by one of its nationals or against one of its nationals (i.e. crimes that are beyond the traditional bases of jurisdiction, such as territoriality, active and passive personality.) Universal jurisdiction is justified because the crimes to which it applies are so grave that they are of concern to the international community as a whole, and all states share the responsibility to bring those who commit them to justice. There is no international convention that obliges states to exercise universal jurisdiction for crimes against humanity (contrary to war crimes and torture, for example.) However, it is generally agreed upon that international customary law allows states to exercise universal jurisdiction for crimes against humanity. A number of states have provided their courts with universal jurisdiction for crimes against humanity, notably when implementing the Statute of the International Criminal Court into their national legislation. States which have such provisions should seek to exercise universal jurisdiction against those responsible for the grave crimes committed against the civilian population in Syria, notably in the event they would travel to their territory.

Killings of Protesters and Bystanders

The Violations Documentation Center, in cooperation with Local Coordination Committees (LCC), a network of Syrian activists documenting and publicizing violations inside Syria, has collected the names of 3,934 people killed by the security forces between the beginning of anti-government protests in March and December 3, 2011.⁴⁹ In her statement on December 2, 2011, United Nations High Commissioner for Human Rights Navi Pillay said that more 4,000 people, over 300 of them children, had been killed.⁵⁰ Human Rights Watch has documented and publicized many of these killings.⁵¹

Defectors' statements provide further information about the systematic nature of the killings authorized by commanders of the armed forces and intelligence agencies at the highest levels.

All of the military defectors interviewed by Human Rights Watch said that their commanders gave standing orders to “stop the protests at any cost” during regular briefings to the troops and prior to deployment. In many cases, the commanders explicitly authorized the use of lethal force against largely peaceful protesters.

In about half of the cases, interviewees said that commanders followed these standing orders with specific orders during the operations against protesters to “open fire,” “shoot,” “kill,” “destroy,” and the like.

Human Rights Watch also obtained information about commanders' involvement in the planning and implementation of specific operations that resulted in a large number of civilian casualties. Further, on several occasions documented by Human Rights Watch, commanders gave orders or participated in the transfer—or burial—of the bodies of protesters killed in attacks during demonstrations.

⁴⁹ See statistics at Violations Documentation Center website, <http://www.vdc-sy.org/> (accessed on December 3, 2011).

⁵⁰ “UN Human Rights Council strongly condemns abuses by Syrian authorities,” *UN News Centre*.

⁵¹ Human Rights Watch, “*We’ve Never Seen Such Horror*”; Human Rights Watch, “*We Live as in War*”; “Syria: Rampant Torture of Protesters,” Human Rights Watch news release.

Standing orders

All of the 63 defectors interviewed by Human Rights Watch said that they received standing orders to suppress, stop, or disperse the protests “by all means necessary” prior to deployment.

These orders were communicated during regular morning meetings or immediately before deployment to specific areas either directly by high-ranking commanders, or by lower-level commanders referring to orders received from high-ranking commanders. The defectors said that even when it was not specified, they universally understood the phrase “by all means necessary” as an authorization to use lethal force, especially in the light of the fact that they were issued live ammunition as opposed to other means of crowd control.

Examples of such orders documented by Human Rights Watch include:

- “Ahmed,” a soldier with the Presidential Guard, who was deployed to Douma in April, said that **Brigadier General Talal Makhlouf**, commander of the 105th Brigade, Presidential Guard, gave his unit verbal orders to “suppress the protest and shoot if people refuse to disperse.”⁵²
- “Jamal,” another soldier from the 105th Brigade also said that **Brigadier General Talal Makhlouf** gave the troops verbal orders to “shoot at protesters.” He recounted to Human Rights Watch specific operations when these orders were implemented. He said:

On August 27 we were near a police hospital in Harasta. About 1,500 protesters came there. They requested the release of an injured protester who was inside the hospital. They held olive branches. They had no arms. There were 35 army soldiers and about 50 *mukhabarat* personnel at the checkpoint. We also had a jeep with a mounted machine-gun. When the protesters were less than 100 meters away, we opened fire. We had previously received the orders to do so from the Brigadier General. Five protesters were hit, and I believe two of them died.⁵³

⁵² Human Rights Watch interview with “Ahmed,” October 28, 2011.

⁵³ Human Rights Watch interview with “Jamal,” October 30, 2011.

- “Abdullah,” a soldier with the 409th Battalion, 154th Regiment, 4th Division, said that his unit was deployed to Mo`adamiyeh, Douma, Abbassiyyin, and Dummar, areas in and just outside of Damascus. He said that two high-level commanders gave verbal orders to the troops to shoot at protesters:

We were told to shoot if civilians gathered in groups of more than seven or eight people. Commander of the 154th Regiment **Brigadier General Jawbat Ibrahim Safi** and divisional commander **Major General Mohamed Ali Durgham** gave us the orders before we went out. The orders were to shoot at gatherings of protesters as well as defectors, and to storm houses and arrest people.⁵⁴

- “Mansour,” who served in Air Force Intelligence in Daraa, said that the commander in charge of Air Force Intelligence in Daraa, **Colonel Qusay Mihoub** gave his unit orders to “stop the protesters by all possible means,” which included the use of lethal force. Mansour said:

Our orders were to make the demonstrators retreat by all possible means, including by shooting at them. It was a broad order that shooting was allowed. When officers were present they would decide when and whom to shoot. If somebody carried a microphone or a sign, or if demonstrators refused to retreat, we would shoot. We were ordered to fire directly at protesters many times. We had Kalashnikovs and machine guns, and there were snipers on the roofs.⁵⁵

- “Najib,” who was stationed in Daraa with the 287th Battalion, 132nd Brigade, 5th Division, said that the brigade commander verbally communicated the orders to use lethal force against protesters to the troops before a major military operation on April 25. He said:

Brigadier General Ahmed Yousef Jarad, the brigade commander, gathered us in the yard before we moved out. He told us to stop the people who were

⁵⁴ Human Rights Watch interview with “Abdullah,” November 5, 2011.

⁵⁵ Human Rights Watch interview with “Mansur,” July 25, 2011.

rioting by all means necessary. He said that the country needed to be cleaned of the protesters and said we should shoot at anything suspicious. He ordered us to use our PKT machine guns and DShK anti-aircraft guns [Russian-made vehicle-mounted weapons] as well. Our general orders were to kill, destroy stores, crush cars in the streets, and arrest people.⁵⁶

- “Habib,” an officer with the 65th Brigade, 3rd Division, told Human Rights Watch that his unit received initial orders at a briefing at their base in Douma in mid-March. According to Habib, **Major General Naim Jasem Suleiman**, the commander of the 3rd Division, and **Brigadier General Jihad Mohamed Sultan**, the commander of 65th Brigade, told the troops that they would need to fight armed groups “supported by Israel and the US” and that they had one month to stop the protests at any cost.⁵⁷

Habib explained that his unit fell under the command of **Imad Fahed Al Jasem** during the April 25 operation in Daraa.⁵⁸ According to Habib, his unit also took orders from **Brigadier General Ramadan Mahmoud Ramadan**, the commander of the 35th Special Forces Regiment, in addition to the divisional and brigade commanders mentioned above.⁵⁹

According to Habib, battalion commander **Colonel Mohamed Khader** personally gave them additional verbal instructions immediately before the invasion of Daraa:

Just before the operation, **Colonel Mohamed Khader** gave us about 30 minutes of instructions. As we were entering the town, we were supposed to shoot at anybody who shot at us. But after we entered, our orders were to shoot at anybody we saw, even if they were just sitting on a balcony.⁶⁰

⁵⁶ Human Rights Watch interview with “Najib,” October 30, 2011.

⁵⁷ Human Rights Watch interview with “Habib,” October 31, 2011.

⁵⁸ *Imad* Fahed al-Jasem later assumed the position of army chief of staff. *Imad* is a rank in the Syrian armed forces between major general and lieutenant general.

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*

- “Salim,” an officer with the 46th Special Forces Regiment deployed to Idlib, said that **Major General Fo’ad Hamoudeh**, who had assumed command of the Idlib operation, told the forces to “stop the protesters at any cost” in the beginning of September.⁶¹
- “Mohamed,” a soldier with aerial defense unit MD 1010 deployed to Bukamal in the beginning of May, said that the commander of his unit, **Colonel Issa Shibani** made it clear that the unit’s “job was not to arrest people, but to kill.” According to the soldier, the commander gave verbal orders to “kill anyone putting up resistance, regardless of whether they are men, women, or children.”⁶² Mohamed said that 35 to 40 people were killed during the first day of the operation as his unit entered Bukamal. A Special Forces commander **Major General Bader Aqel** gave the soldiers orders to pick up the bodies and hand them over to the *mukhabarat*.⁶³

In some cases, the unit commanders provided clarifications to written orders, making orders to use lethal force more explicit. For example, “Tahir,” who served in the 691st Battalion of the Military Police, said that when the unit was deployed to accompany Special Forces on a mission to Daraa, the commander of his unit read out a written order from the commander of military police, **General Mohamed Ibrahim Sha`ar** (who became the Minister of Interior on April 14, 2011), saying that the unit was authorized to open fire “if attacked.” The battalion commander, the soldier said, then clarified the order, adding that “if anybody or anything comes your way, fire at them!”⁶⁴

“Ameen,” a sniper with the Special Forces deployed to Homs in the beginning of May, also said that verbal orders sometimes differed from written orders. According to Ameen, **Colonel Faisal Bya’i**, commander of the 625th Special Forces Battalion, gave the snipers verbal orders “to kill or kill”— to kill the protesters or to kill defectors who disobeyed orders. He added:

On paper, it said “Stop the protesters,” but verbally he explicitly said, “Kill.” During normal days, at curfew, every moving object was a target.

⁶¹ Human Rights Watch interview with “Salim,” October 30, 2011.

⁶² Human Rights Watch interview with “Mohamed,” October 27, 2011.

⁶³ Ibid.

⁶⁴ Human Rights Watch interview with “Tahir,” October 28, 2011.

During the protests, the commanders gave us a specific number, or a percentage, of protesters who should be liquidated. For 5,000 protesters, for example, the target would be 15-20 people.⁶⁵

“Ameen” said that two commanders from the 45th Regiment, **Brigadier General Ghassan Afif** and **Brigadier General Mohamed Maaruf**, had overall command of the operation in Homs at that time.⁶⁶

Direct orders

More than half of the defectors interviewed by Human Rights Watch said that the commanders of their units or other officers gave direct orders on the spot to open fire at protesters or bystanders, and, in some cases, participated in the killings themselves. From the circumstances of the cases, it appears that the commanders should have known that the protesters were unarmed and did not present a significant threat to the soldiers.

Most of the defectors said that they tried to avoid killing the protesters, by aiming at their feet or firing in the air, but in some cases did not dare to disobey orders because they thought that they would be killed (see chapter below). A few took up arms against security agents and officers who ordered the killings, and many defected when they realized that they were ordered to shoot at unarmed protesters as opposed to the “armed gangs” they had been told to expect.

Homs Governorate

- “Said,” a soldier in the 990th Battalion, 134th Brigade, 18th Division, who participated in the operation in Talbiseh in May, said that **Brigadier General Yousef Ismail**, the commander of the 134th Brigade, gave them their standing orders, while **Colonel Fo’ad Khaddour** often gave them direct orders. He said that in early May, Khaddour and Ismail gave verbal orders to open fire at houses and people on roofs during a funeral in Talbiseh for several protesters killed the previous day. He said:

⁶⁵ Human Rights Watch interview with “Ameen,” October 28, 2011.

⁶⁶ Ibid.

During the funerals, many people went to their roofs, shouting “*Allahu Akbar!*” [God is great!]. I heard Colonel Khaddour, who was at our checkpoint at the time, contact Brigadier General Yousef Ismail by radio. Khaddour told us to start firing, saying that anyone shouting “Allahu Akbar” from the rooftops was a terrorist. We were firing at the roofs and houses randomly, from BMPs [tracked armored infantry vehicles] and smaller weapons.

When Ismail later came to our checkpoint, he said, “End this at any cost; all ammunition you have is to be used against them.”⁶⁷

- “Osama,” who served in the 555th Airborne Regiment, 4th Division, said that **Brigadier General Jamal Yunes**, commander of the 555th Regiment, gave them verbal orders to shoot at protesters during their deployment to Mo`adamiyeh, a neighborhood of Damascus. Osama said that he later found out that the orders came from **Maher al-Assad**, *de facto* commander of the 4th Division and President al-Assad’s younger brother. Osama said:

Initially, when the protest started, **Brigadier General Jamal Yunes** told us not to shoot. But then he received additional orders from **Maher**. He had some kind of paper that he showed the officers, and then the officers pointed their guns at us, and told us to shoot straight at the protesters. These officers later told me that the paper contained orders from Maher to “use all possible means.”⁶⁸

- “Hisham,” who was also deployed to Mo`adamiyeh neighborhood in Damascus with the 555th Airborne Regiment, 4th division, said that **Captain Khaldoun Ghalia**, the commander of their company, gave them direct verbal orders to open fire on April 23. He said:

⁶⁷ Human Rights Watch interview with “Said,” October 29, 2011.

⁶⁸ Human Rights Watch interview with “Hamid,” October 31, 2011.

The commander gave us orders to shoot at anyone who refused to disperse. The protesters were chanting, “The people and the army are together.” When they approached, the captain gave orders to shoot. We tried to avoid killing people, and shot at their feet; about 20 people were injured.⁶⁹

Hisham said that **Captain Khaldoun Ghalia** also verbally “gave orders to shoot right away to make them disperse,” when the company was deployed to disperse a night protest in Qadam neighborhood in Damascus at the beginning of September. Hisham said he saw people falling, but couldn’t tell how many since it was dark.⁷⁰

- “Hani,” who served in the Special Operations branch of Air Force Intelligence, said that his unit was deployed to Mo`adamiyeh neighborhood in Damascus, together with the 4th Division, on April 15. He said:

We were all armed, with Kalashnikovs and machine guns. There were thousands of protesters. We started firing in the air, but the protesters wouldn’t disperse. Then **Colonel Suheil Hassan** gave orders to shoot directly at the protesters. He said, “So, they are challenging us?! Shoot them!” There were people injured and killed.⁷¹

Hani also said that **Colonel Ghassan Ismail**, commander of the Special Operations unit, gave verbal orders to shoot at the protesters when his unit was sent to suppress a protest in Daraya neighborhood during another operation in June, together with the 4th Division. According to Hani, his orders were “Don’t fire in the air; fire directly [at the protesters].”⁷²

⁶⁹ Human Rights Watch interview with “Hisham,” October 31, 2011.

⁷⁰ Ibid.

⁷¹ Human Rights Watch interview with “Hani,” November 1, 2011.

⁷² Ibid.

Daraa Governorate

- “Amjad,” who was deployed to Daraa with the 35th Special Forces Regiment, said that he received direct verbal orders from his commander to open fire at the protesters on April 25. He said:

The commander of our regiment, **Brigadier General Ramadan Mahmoud Ramadan**, usually stayed behind the lines. But this time he stood in front of the whole brigade. He said, “Use heavy shooting. Nobody will ask you to explain.” Normally we are supposed to save bullets, but this time he said, “Use as many bullets as you want.” And when somebody asked what we were supposed to shoot at, he said, “At anything in front of you.” About 40 protesters were killed that day.⁷³

- “Habib,” who was also deployed to Daraa in April, with the 65th Brigade, 3rd Division, said that his unit received direct verbal orders from the battalion commander, **Colonel Mohamed Khader**, to open fire at the protesters on at least two occasions. Both incidents took place between April 13 and 25. Habib said:

The first time, Colonel Khader and the *mukhabarat* were just behind us. Khader had given general orders to shoot before the operations. When the protesters started walking toward us, he gave orders to open fire.

About a week later, on a Friday, several thousand protesters gathered at the intersection near the airport highway. Our commander called us to come to the square to provide support. He said we had to end the protest by all possible means within an hour, to prevent any media coverage. We used smoke bombs, and people dispersed, but then they gathered again. Then the *mukhabarat* opened fire. We were shooting as well, but tried to shoot in the air. Seven or eight people were killed, about 30 were injured, and about a hundred detained.⁷⁴

⁷³ Human Rights Watch interview with “Amjad,” July 24, 2011.

⁷⁴ Human Rights Watch interview with “Habib,” October 31, 2011.

- “Hossam,” who served in Air Force Intelligence in Daraa, said that at some point in April, his unit was ordered to enter the Omari mosque in Daraa, which served as a gathering point and makeshift hospital for the protesters. He said that **Colonel Majed Darras** gave the unit verbal orders to open fire and as a result 12 people were killed.⁷⁵
- “Fouad,” who was deployed to Daraa with the 3rd Battalion, 127th Regiment, 15th Division, said:

I was ordered to shoot at protesters many times, but I shot in the air since I knew these were ordinary people and not terrorists. Those who directly ordered us to shoot were **Colonel Imad Abass** and **Major Ziyad Abdel Shaddoud**. They said that we were fighting terrorist groups and that we had to get rid of them. They told us to kill anybody who was outside in the street without asking who they were.⁷⁶

- “Ibrahim,” a sergeant in the 59th Battalion, 5th Division, said that his unit received direct verbal orders to fire at protesters in al-Herak:

Several thousand protesters had gathered near the stadium in al-Herak in the afternoon on August 7. They started walking towards our checkpoint where we had 150-200 soldiers and security agents. They were shouting, “down with the regime!” but they were not armed—no weapons, rocks, or sticks.

There was an imam among the protesters. Brigadier General Mohsin Makhoul, who was commanding the operation in al-Herak, told the imam that he needed to stop the protesters, but he didn’t, and said that the protesters were peaceful. Then **Brigadier General Makhoul** and **Brigadier General Ali Dawwa** ordered us to shoot at the protesters.⁷⁷

⁷⁵ Human Rights Watch interview with “Hossam,” July 25, 2011.

⁷⁶ Human Rights Watch interview with “Fouad,” October 28, 2011.

⁷⁷ Human Rights Watch interview with “Ibrahim,” October 31, 2011.

Ibrahim also said that in a separate incident, when the unit was deployed at a checkpoint between Izraa and Bosr al-Harir, **Major General Suheil Salman Hassan**, commander of the 5th Division, gave them verbal orders “to shoot at the protesters if they come near.”⁷⁸

Latakia Governorate

- “Faysal,” a soldier with Coastal Guard 157th Battalion based in Latakia, said that commander **Colonel Hassan Kher Bek** gave verbal orders to open fire when his unit participated in an offensive on the Palestinian Sands area near Latakia. According to Faysal, Colonel Kher Bek said “Any moving object—a car, a person—is a target.”⁷⁹

Direct participation in killings

Some defectors said that unit commanders not only ordered the killings but also killed people themselves. “Afif,” a career officer who used to serve in the Presidential Guard and took part in the protests in Nawa, said that the military brought in a new group of forces, including the 171st Battalion, 112th Brigade, when the protests restarted in the town in the beginning of August. Afif said he saw their commander, **Colonel Sami Abdulkarim Ali**, fire at the protesters from his Kalashnikov and kill one person, 16-year-old Omran Riad Salman.⁸⁰ Human Rights Watch reviewed footage posted on YouTube that purports to show the body of a young man identified as Omran Riad Salman killed on August 3 in Nawa.⁸¹

The majority of the defectors also cited incidents where they received direct orders to open fire from *mukhabarat* or other officers stationed at the same checkpoints, whose names they often did not know because they were from different units.

For example, “Wassim,” a soldier from 76th Brigade, 9th Division, told Human Rights Watch that on April 28, 2011, he was sent to al-Tal to man a checkpoint on the way from al-Tal to Damascus, with orders to use all means necessary, including lethal force, to prevent the protesters from proceeding to Damascus. He said:

⁷⁸ Ibid.

⁷⁹ Human Rights Watch interview with “Faysal,” October 31, 2011.

⁸⁰ Human Rights Watch interview with “Afif,” November 2, 2011.

⁸¹ Footage available at <http://www.youtube.com/watch?v=PdfWDtNgzIE> (accessed December 5, 2011).

After the noon prayer, the protesters—about 3,500 people, mostly youth—started approaching. They took off their shirts to show that they were unarmed. When they approached the first checkpoint, soldiers started shooting, some in the air and some, it seemed, in the crowd. There were no warnings, no tear gas. It was mainly the army, and *mukhabarat* was observing. The army commanders were giving orders, and the *mukhabarat* was there to ensure that the soldiers followed them.

People were approaching from different sides, and one guy came up to me and screamed, “If you are a man, shoot me!” The same moment, a *mukhabarat* guy next to me shot him in the shoulder, at close range, and tried to arrest him. His mother approached us and said, “Let him go; take me instead!,” and a *mukhabarat* guy in civilian clothes in front of me shot the guy point blank and killed him, in front of his mother. I don’t know how old the guy was; he looked like a teenager. The protesters managed to take his body away.⁸²

“Hassan,” a soldier who was stationed at a checkpoint near the army base in Douma, another suburb of Damascus, said: “*Mukhabarat* officers, who were also at the checkpoint, told us to shoot at protesters if they tried to approach. They never reached our checkpoint though; soldiers at the previous checkpoint had opened fire, and people had dispersed.”⁸³

“Faysal,” a soldier with the 157th Coastal Guard Battalion who was stationed at a checkpoint near Latakia, on the road from Tishreen University, a public university situated in Latakia, to Aleppo, described an episode where the *mukhabarat* and soldiers opened fire at a civilian car:

Our orders were also to shoot at any car that wouldn’t stop. One day, I woke up to the sounds of gunfire, and when I got out, I saw *mukhabarat* and soldiers firing at a minibus. It was around 3 a.m.; it must have been some kind of emergency. There was a man driving the minibus, and his wife sat

⁸² Human Rights Watch interview with “Wassim,” October 27, 2011.

⁸³ Human Rights Watch interview with “Hassan,” October 27, 2011.

next to him holding a child. The minibus stopped, and the woman got out, screaming, “What did you do?! You killed him!” The man was shot in the back, and he was unconscious. There were many bullet holes in the bus, but I saw only one bullet wound on the body. We got a taxi, and sent all three of them off.

The officers from another checkpoint then came to inquire. One of the guys from my battalion started explaining what happened, but a *shabeeha* guy interrupted, saying, “He was armed.” My fellow soldier said, “no,” but the *shabeeha* repeated, in a threatening voice, “He *was* armed.” We couldn’t argue with them; *mukhabarat* backed them up.⁸⁴

“Ziyad,” a soldier with the 324th Battalion, 167th Brigade, 18th Division, who was based at a checkpoint in Rastan, described a similar incident that resulted in the killing of three persons. He said:

It was in the end of July, just before Ramadan. It happened in front of me, around lunch time. There was a car that was trying to get away from the protest, and get on the road. It was moving closer to the checkpoint, and a *mukhabarat* officer said, “Fire!” One guy from my battalion raised his Kalashnikov and shot, and others did too.

The car stopped, a man got out of the passenger seat to get the kid who was in the back, and got shot right there. The driver was killed on the spot, and another passenger was also killed. We searched the car for weapons, and didn’t find any, but saw a three-year-old kid in the back. He was alive. We gave the bodies to *mukhabarat*; they drove them away in a car, and left the boy there. I assume some of the protesters took him away; the protest was winding down at that point.⁸⁵

⁸⁴ Human Rights Watch interview with “Faysal,” October 31, 2011.

⁸⁵ Human Rights Watch interview with “Ziyad,” October 31, 2011.

Arbitrary Detention and Torture

According to information collected by Human Rights Watch, the Syrian security forces have conducted a widespread and systematic campaign of arbitrary arrests and torture of detainees across Syria since the beginning of anti-government protests in March 2011.⁸⁶

Information provided by the defectors in this report, many of whom personally participated in arrests and ill-treatment, further corroborates these findings. The defectors described large-scale arbitrary arrests during protests and at checkpoints, as well as “sweep” operations in residential neighborhoods in a number of governorates.

Defectors who participated in such operations said that they conducted the arrests either on the basis of lists of wanted individuals that they received from their commanders or more general orders to arrest the protesters or residents of specific neighborhoods.

Most of these arrests appear to have been conducted by the intelligence agencies, while the military provided support during the arrest and transportation of detainees. According to the defectors, arrests were routinely accompanied by beatings and other ill-treatment, which the commanders ordered, authorized, or condoned. Those defectors who worked in or had access to detention facilities told Human Rights Watch that they witnessed or participated in the torture of detainees.

Large-scale arbitrary arrests and looting

The number of people arrested since the beginning of the protests is impossible to verify. As of November 23, the VDC had documented more than 15,500 arrests.⁸⁷ The real number is likely much higher.

A member of the Air Force Intelligence Special Operations branch told Human Rights Watch that he believed the overall number of detainees to be over 100,000, many of whom had been released again, judging by information accessible to him. He said that by the time he defected at the end of August, there were at least 5,000 detainees at the detention facility

⁸⁶ Human Rights Watch, *“We’ve Never Seen Such Horror”*; Human Rights Watch, *“We Live as in War”*; “Syria: Mass Arrest Campaign Intensifies,” Human Rights Watch news release; “Syria: Rampant Torture of Protesters,” Human Rights Watch news release.

⁸⁷ See statistics at Violations Documentation Center website, <http://www.vdc-sy.org/> (accessed on December 3, 2011).

at his branch alone.⁸⁸ Another witness, “Mansour,” who served in Air Force Intelligence in Daraa independently gave Human Rights Watch a similar figure, saying that his branch arrested about 5,000 people during the three months that he served in Daraa (April through June), about 600 of whom were released at different times thereafter.⁸⁹

Information from the defectors about sweep operations in which they participated lends some support to the high number of detainees provided by the intelligence officers. As the examples below illustrate, security forces regularly detained dozens of individuals during protests; “sweep” operations, which usually took place following protests or after the army invaded a town, resulted in hundreds of arrests. The raids were often accompanied by looting and destruction of property that interviewees said officers condoned.

Daraa Governorate

- “Said,” who was deployed to Talbiseh with the 134th Brigade, 18th Division, said that after the military moved into the town in early May, the *mukhabarat* and army started conducting daily raids, arresting “anyone older than 14 years, sometimes 20, and sometimes a 100 people.”⁹⁰ Said also said that the arrest raids in which he participated, authorized by the *mukhabarat* and the military, were accompanied by “brazen looting” and burning of shops.⁹¹
- “Bassam,” who served in a civil defense unit that operated under the command of the 18th Division, said that his unit conducted sweep operations in Talbiseh at the beginning of August, which resulted in the arrest of 200 people, including five women, and in Rastan two days later, where they arrested about 300 people.⁹²
- “Habib,” a soldier with the 65th Brigade, 3rd Division, described arbitrary arrests and looting during the raids in Daraa after the army took over the city at the end of April:

⁸⁸ Human Rights Watch interview with “Hani,” November 1, 2011.

⁸⁹ Human Rights Watch interview with “Mansour,” July 25, 2011.

⁹⁰ Human Rights Watch interview with “Said,” October 29, 2011.

⁹¹ Ibid.

⁹² Human Rights Watch interview with “Bassam,” November 1, 2011.

When we broke into a house, we would just crash the door without knocking and detain the men—one, two, sometimes more—randomly. We humiliated them in front of their families. Our group normally included ten *mukhabarat* guys, *shabeeha*, and two soldiers. Security and soldiers took TV sets, videos, and other goods. Sometimes, we would steal cars to drive away the loot.⁹³

Tartous Governorate

- “Mousa,” a soldier who was also deployed in the Banyas area with the 45th Special Forces Regiment, estimated that together with intelligence agencies his unit arrested several thousand people in Banyas alone in April and May. He said that the soldiers brought all of the detainees to the main square in town where they handed them over to the *mukhabarat*.⁹⁴ Two other military defectors who were deployed to Banyas, Bayda, and Basateen in April and May as part of other Special Forces units, also described massive looting, arrests of relatives of wanted individuals, beating of detainees, and harassment of women that took place in all of these towns. One of them, “Zahir,” said:

In Bayda, we broke the doors and took whatever we wanted. The *mukhabarat* was arresting people; in one area, they arrested ten old men to force their children to turn themselves in. The same continued in Banyas, where we went the next days. In Basateen, we looted everything, both my unit and others. We always took money, and then whatever was there: gold, mobiles, electronics, and sometimes even women’s clothing. I saw the *mukhabarat* and some soldiers also touching women inappropriately, pretending to be looking for bombs and explosives.⁹⁵

Damascus Governorate

- “Fadi,” a soldier with the 292nd Battalion, Presidential Guard, said that **Colonel Murad `Isa** gave his unit orders to raid houses in the Mezzeh area in Damascus in mid-April “to extract armed terrorists.” He said the unit provided support to *mukhabarat* personnel who went inside and arrested about 15 people, none of whom seemed to

⁹³ Human Rights Watch interview with “Habib,” October 31, 2011.

⁹⁴ Human Rights Watch interview with “Mousa,” October 30, 2011.

⁹⁵ Human Rights Watch interview with “Zahir,” July 28, 2011.

have weapons.⁹⁶ He said that such raids took place every Friday, in Damascus and the suburbs, and resulted in dozens of arrests each time.

- “Hisham,” a soldier with the 555th Airborne Regiment, 4th Division, said that his unit participated in multiple raids in various neighborhoods in Damascus, including Daraya, Sakba, Qadam, Qabun, and Zamalka, from April to September. All of the raids resulted in dozens, and some in hundreds, of arrests. He said he particularly remembered two of the raids in early September, in the Qadam and Qabun neighborhoods. He said:

At dawn, 15 buses with Air Force Intelligence arrived and started raiding houses in Qadam. We manned checkpoints and grabbed anybody who tried to run away. Three of my mom’s cousins, who live in the area, were arrested that night.

Several days later, commanders took us to another area, Qabun. There they told us to conduct raids on the houses as well. We had a list of 900 wanted people. We were there for two days, and arrested about 800 people from that neighborhood. We were at checkpoints preventing escapes. Each checkpoint would receive an updated list, so I knew the numbers.⁹⁷

Deir al-Zor Governorate

- “Mohamed,” who was deployed in Bukamal as part of aerial defense unit MD 1010, said that the commanders instructed the soldiers and security services to arrest family members to make the wanted individuals surrender:

I participated in such raids many times. One time, we went to a house, looking for two wanted men. Another soldier and I were waiting outside. The two men were not at home. We took money and gold, and arrested two women and three kids: two boys, ages about 15 and 10, and a little girl. The *mukhabarat* hooded the women, and punched them, saying, “We are not

⁹⁶ Human Rights Watch interview with “Fadi,” October 31, 2011.

⁹⁷ Human Rights Watch interview with “Hisham,” October 31, 2011.

going to let you go until the men return, and now you'll see what 'freedom' is like."⁹⁸

Mohamed said that during the invasion of the town, the soldiers "looted stores and burned pharmacies."⁹⁹

Hama Governorate

- "Ali," who was based in Hama in June with the 11th Division, said that soldiers from his unit were involved in the arrests and large-scale looting in the city, taking anything of value, and that he personally saw one of the officers "taking a fridge from the house and loading it into an army truck."¹⁰⁰

Defectors who used to man checkpoints told Human Rights Watch that the lists of "wanted" individuals that they received included anywhere from 200 to more than 1,000 names. They said they were supposed to arrest the people on the lists, but that they often arrested those who were not on the list for different reasons such as "suspicious looks," or "talking back to the soldiers."

For example, "Faysal," a soldier with the 157th Coastal Guard Battalion, who was based in Latakia, said that his checkpoint, located on the road from Tishreen University to Aleppo, had a list of about 500 people. During the five days that he spent at the checkpoint, they arrested about 200 people. The orders to arrest people, he said, were given by **Colonel Hassan Kher Bek**.¹⁰¹

"Ali," a soldier from the 11th Division based in Hama in June, said that his group, responsible for manning the checkpoints, had a list of about a thousand wanted individuals.¹⁰²

⁹⁸ Human Rights Watch interview with "Mohamed," October 27, 2011.

⁹⁹ Ibid.

¹⁰⁰ Human Rights Watch interview with "Ali," October 28, 2011.

¹⁰¹ Human Rights Watch interview with "Faysal," October 31, 2011.

¹⁰² Ibid.

Several defectors mentioned that as the number of detainees kept growing, the security forces started running out of space in regular detention facilities, and started turning schools, stadiums, and other locations into ad-hoc detention centers.

“Ghassan,” who was deployed in Douma with the 106th Brigade, Presidential Guard, said:

On an average Friday, we, together with State Security [one of the intelligence agencies], arrested about 50 people, anyone between ages 15 and 50, after the protests. I saw many bribe their way out, but there still wasn’t enough room for all the detainees. We turned many schools and other buildings into detention facilities. The purpose of these arrests was to scare people so that they would not participate in protests anymore, and to make money.¹⁰³

“Mansour,” who served in Air Force Intelligence, said that there were so many detainees in Daraa that they turned Daraa stadium, which was serving as operational headquarters, into an ad hoc detention facility for thousands of detainees.¹⁰⁴ Several other defectors also said that thousands of detainees were held in the stadium, guarded by the *mukhabarat* and Special Forces. “Najib,” who served in Daraa with the 287th Battalion, 132nd Brigade, 5th Division, said:

Inside the stadium there were Special Forces, but mostly they were intelligence agents. There were four or five senior commanders, brigadier generals, in the stadium as well, but I don’t know their names. It was full of people; they were all close to each other. It was difficult to walk without stepping on somebody. People were brought there in buses, from Daraa and surrounding towns.¹⁰⁵

¹⁰³ Human Rights Watch interview with “Ghassan,” October 29, 2011.

¹⁰⁴ Human Rights Watch interview with “Mansur,” July 25, 2011.

¹⁰⁵ Human Rights Watch interview with “Najib,” October 30, 2011.

Orders to beat and mistreat the detainees

Defectors from the military and the intelligence agencies who were involved in the arrest operations said that they beat detainees during arrest and transportation to the detention facilities. Some cited specific orders they received from their commanders in this respect.

- Lieutenant Colonel “Ghassan,” who was deployed to Douma in March-April, said that **Brigadier General Mohamed Khadur**, the commander of the 106th Brigade, Presidential Guard, verbally ordered him to beat the protesters with sticks and then arrest them. According to Ghassan, Khadur said he received his orders from **Major General Shoaeb Suleiman**, commander of the Presidential Guard.¹⁰⁶

Ghassan said that they initially took the detainees to their temporary headquarters in the mayor’s office in Douma, beat them there for several hours and then handed them over to State Security in Daraa.¹⁰⁷ Ghassan also said that **Brigadier General Issam Zaher Din** of the 104th Brigade, Presidential Guard, whom he regularly saw during the operations in Douma, “ordered most of the beatings” in Douma and “always carried an electric baton to attack the protesters.”¹⁰⁸

Ghassan said that after one of the protesters arrested in Douma in the early days of the protests died from head injuries sustained as a result of the beating, **Brigadier General Mohamed Khadur**, the commander of the 106th Brigade, Presidential Guard, specified the orders:

It was one of the first deaths in custody and it was covered by the media. So shortly after it happened, **Brigadier General Khadur** addressed us at one of the morning meetings and gave us orders not to hit people on the head too much, and instead break their arms and legs so that they can’t go to protests again. He also said, “Try not to beat people out in public too much; do it inside the buses.”¹⁰⁹

¹⁰⁶ Human Rights Watch interview with “Ghassan,” October 28, 2011.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

- “Amir,” who was deployed in Deir al-Zor with the 240th Brigade, said that the commander of his battalion personally participated in arrests and beatings:

There was a protest in the city on the second day of Ramadan [on August 2]. We surrounded the protesters, firing at those who tried to run away, and then started arresting people. We detained about 50 people. I saw our commander, **Colonel Essam**, personally beat them. He had a camera, and I watched as he demanded that they confess to being terrorists, having weapons, and receiving money from the US and Saad al-Hariri [a former Lebanese prime minister]. Two people agreed. He filmed the confessions, and said he would tell the guards not to torture these two.¹¹⁰

- “Hisham,” a soldier with the 555th Airborne Regiment, 4th Division, said that his unit was deployed to conduct arrests in the Daraya neighborhood of Damascus in May. He said:

We had batons, and the *shabeeha* had weapons; they wore black clothes. We were running after people, and those we grabbed wished they had died because of how badly we beat them. On that day, **Captain Mohamed Harb** was in charge. He used to shoot with his pistol at those we couldn’t catch.

Then my unit and the *shabeeha* started breaking cars. The *shabeeha* said that these cars were used by protesters. We smashed them with stones and sticks. One of the guys in my unit didn’t want to participate, but one of the *shabeehas* put a gun to his head and said, “Do it, or I’ll kill you.”¹¹¹

- “Mousa,” a soldier in the 230th Battalion, 45th Special Forces Regiment, said that they arrested and beat detainees in Bayda on the orders of their commanders. He said:

In the morning of April 12 we arrived to Bayda. Our orders were to enter the houses and arrest all males older than 14 years. We raided the houses and took all males to the main square. We beat them, insulted them, laid them

¹¹⁰ Human Rights Watch interview with “Amir,” October 31, 2011.

¹¹¹ Human Rights Watch interview with “Hisham,” October 31, 2011.

on the ground and stepped on them. The orders came from **Colonel Mansour**, commander of the 230th Battalion, who said he received them from the **Brigadier General Ghassan Afif**, commander of the 45th Regiment.¹¹²

- “Yasir” who served in the Special Forces and was stationed at a checkpoint outside Banyas, said that *mukhabarat* encouraged the soldiers to beat the detainees. He said, “Military Intelligence and State Security officers were responsible for the checkpoint. They gave the soldiers freedom to do whatever they wanted. They would say, ‘Beat them, search them, they are dogs; do whatever you want.’”¹¹³

Torture at detention facilities

While most of the defectors were only involved in transporting the detainees to various detention facilities, a few, mainly those who served in the *mukhabarat*, had first-hand knowledge of the situation inside the facilities. Their statements corroborate the widespread use of torture in detention previously documented by Human Rights Watch and provide additional details on the security officials in charge.

- One of the *mukhabarat* defectors, “Omar,” who worked at the director’s office at the Air Force Intelligence Special Operations branch based in the Mezzeh airport, said that after the Saida operation (see above), Air Force Intelligence officers brought back 160 detainees. Omar was responsible for organizing their transfer to the Investigative Branch of the Air Force Intelligence and thus had access to the name list. He said that the detainees were held at the detention facility at the Mezzeh airport. Eventually all but two of them were released.¹¹⁴

Omar said these and other detainees whom he saw both during his service and during his detention (see below) were repeatedly tortured in detention at the Mezzeh facility and in two other detention facilities run by Air Force Intelligence, in each of which he

¹¹² Human Rights Watch interview with “Mousa,” October 30, 2011.

¹¹³ Human Rights Watch interview with “Yasir,” July 28, 2011.

¹¹⁴ The witness explained that the release of the detainees was one of the demands put forward by the father of Hamza al-Khateeb, a 13-year-old boy who died from torture in the detention facility after Air Force intelligence arrested him on April 29, 2011, and whose death caused an outcry in Syria and internationally.

spent time. He provided Human Rights Watch with detailed descriptions and sketches of the three facilities and their locations.

He said that the methods of torture that he observed used by interrogators at the Mezzeh facility included prolonged beatings with sticks and lashing with whips; suspension of detainees by their hands from the ceiling, at times for hours or even days; use of electric cattle prods and an electroshock machine with wires attached to different parts of detainees' bodies; as well as food, water, and sleep deprivation.¹¹⁵ According to Omar, **Brigadier General Abdulsalam Fajer Mahmud**, as the head of the Investigative Branch of Air Force Intelligence, was in charge of all three detention facilities.¹¹⁶

- Another witness, "Hani," who also served at the Special Operations branch of Air Force Intelligence, said that he participated in the arrests and beatings of detainees, both during transportation and at the detention facility. The abuse, he said, was authorized by his commander **Colonel Suheil Hassan**. He said:

On April 1, we were conducting arrests in Mo'adamiyeh neighborhood in Damascus. We received our orders from **Colonel Suheil Hassan**. He told us explicitly to beat people severely on the heads, and not worry about the consequences. We also used electric cattle prods. The order was communicated verbally, before we got dispatched.

We were beating people inside the buses, and then at the detention facility at the base. At the detention facility, we would first put people in the yard, and beat them randomly, without any interrogation. I was involved in escorting prisoners to the yard, and then to the detention facility. That day we arrested about 100 people. We put all of them in a five by five meter cell.

My unit was also involved in beating people. My heart was boiling inside, but I couldn't show it because I knew what would happen to me.¹¹⁷

¹¹⁵ Human Rights Watch interview with "Omar," October 28, 2011.

¹¹⁶ Ibid.

- “Salim,” an officer with the 46th Special Forces Regiment, said that he witnessed the beating and humiliation of detainees at *Avant-garde* camp in Idlib that served as headquarters for the Special Forces there. He said:

From July to September, *mukhabarat* brought detainees to the camp, usually 10 to 30 people, around 9 or 10 p.m. after every protest (and they happened almost daily). They lined them up, blindfolded, put them on their knees and beat them up. They swore, and put their feet on people’s heads. It was outside, right near my office. They beat them up while waiting for Al Jsem [*Imad Fahed Al Jsem*, who oversaw the operations in Idlib] to come to inspect the detainees.

The *mukhabarat* also brought young soldiers, including guys from my unit, told them that these detainees were terrorists, and made them beat them.

When **Al Jsem** arrived, he would swear at the detainees for participating in the protests. And then they would take them to a nearby prison. The prison was guarded by the soldiers from my unit, so I sometimes went there. They held the detainees there for a night, in a six by seven meter room, without food or water.

Most of them were between 16 and 18 years old, but there were some kids that looked much younger. I asked two boys who looked particularly young when they were born; one said in 1998, and the other said in 2000. I think many kids were caught because they didn’t know how to escape. There were also a few detainees over 60. Some of the detainees were doctors, arrested for helping the wounded.¹¹⁸

- One of the defectors, “Afif,” a career officer who served for over 20 years in the Presidential Guard, said that he was arrested and tortured by Military Intelligence agents first in Daraa, and then in Damascus, for his role as a protest organizer in Daraa.

¹¹⁷ Human Rights Watch interview with “Hani,” November 1, 2011.

¹¹⁸ Human Rights Watch interview with “Salim,” October 30, 2011.

He said that the people who arrested him in Daraa included **Colonel Wafiq Nasseer**, **Colonel Louai Ali**, **Colonel Osama Hadj**, and **Colonel Nadal Abdallah**, all of whom he knew personally.

After strip-searching and beating him in the Military Intelligence facility in Daraa, intelligence agents transferred him to branch 291 in Damascus where, for eight days, they brutally tortured him with electric shock and prolonged beatings. Afif said that although he was blindfolded all the time he was held at branch 291, he recognized (by their voices and by asking them directly) two of the interrogators who tortured him as **Brigadier General Salah Hamoud** and **Colonel Asef Dakkar**, both of whom he knew from the time he served in the Presidential Guard. Afif said that toward the end of his detention the director of Military Intelligence **Abdul Fatah Kudsiyeh** interrogated him and, unsuccessfully, tried to get him to cooperate with the authorities.¹¹⁹

Afif also said that he was arrested for a second time during the military offensive in Nawa in April. He said that together with about 5,000 other detainees he was brought to the Military Intelligence base near Nawa where **Colonel Nadal Abdallah** personally beat him and other detainees.¹²⁰

Executions and deaths in custody

One of the most worrisome features of the intensifying crackdown on protesters in Syria has been the growing number of custodial deaths since the beginning of July. Local activists have reported more than 197 deaths in custody.¹²¹ Human Rights Watch has previously documented many such cases, specifically in Daraa and Homs governorates.¹²²

¹¹⁹ Human Rights Watch interview with “Afif,” November 2, 2011.

¹²⁰ Ibid.

¹²¹ See Local Coordination Committees, “Human Rights Violations Committed by the Syrian Regime, 15 March – 15 October,” November 7, 2011 (listing 161 detainees who died in custody), “Human Rights Violations Committed by the Syrian Regime, 16 October – 31 October,” undated, (listing 19 detainees who died in detention), and “The Syrian Regime’s Violations File Covering the Period November 1-15, 2011,” undated (listing 17 detainees who died in custody), <http://www.lccsyria.org> (accessed December 5, 2011).

¹²² Human Rights Watch, “*We’ve Never Seen Such Horror*,” section II; Human Rights Watch, “*We Live as in War*,” section IV; “Syria: Rampant Torture of Protesters,” Human Rights Watch news release.

Two defectors interviewed by Human Rights Watch shared information about the summary executions of detainees or deaths from torture in detention in Bukamal and Douma. One of the cases allegedly involved up to 17 deaths.

- Bukamal: “Mohamed,” a soldier with the 1010 unit, said that he participated in the arrest of 17 people in Bukamal around July 15, 2011. Together with the Anti-Terrorism Unit of the General Intelligence Directorate, they surrounded a school where people were hiding. He said:

They had weapons, shotguns, and there was an exchange of fire for about ten minutes, but nobody was injured. Then we blocked the entrances, and the *mukhabarat’s* anti-terrorism unit went in. The men surrendered, and the *mukhabarat* hand-cuffed them, dragged them out into the school yard, and started beating them. Then they took them away, I didn’t know to where.

Then, six or seven days later, an ice-cream truck came to our base bringing 17 bodies. Military Intelligence agents brought the bodies and told our commander to take care of them. Our commander ordered us to bring the bodies to the town square and dump them there. Some of the bodies were in bags, others not.

Suddenly, we recognized some of the faces. Somebody said, “Oh, remember! These are the guys from the school.” The bodies that I could see looked like they’d been dead for a few days, all stiff, and the blood was dry. They were fully naked, with traces from handcuffs and, dried blood on their heads and chests. Some seemed to have bullet wounds, but it was hard to tell, and they had holes that looked like they were drilled on their arms, legs, and shoulders. I don’t know whether all of the 17 were there, but I recognized quite a few of them.¹²³

¹²³ Human Rights Watch interview with “Mohamed,” October 27, 2011.

- Douma: Lieutenant Colonel “Ghassan,” who served in the Presidential Guard, said that around August 7, 2011, he witnessed a summary execution of a detainee at a checkpoint in Douma. He told Human Rights Watch:

I was stationed at a checkpoint in the Abdul Ra’uf neighborhood in Douma. My shift was supposed to be from 4 p.m. to midnight. I arrived at 3.45 p.m. and immediately heard screams and sounds of beatings from an abandoned building near the checkpoint. I went in, and it turned out that **Colonel Mohamed Saker**, who had the shift at the checkpoint before me, had arrested someone from the “wanted” list. I wanted to take over right away to stop it, and said it was my shift. But Saker said, “No, be patient, we’ll deal with him first.”

Seven soldiers were beating the man whom they had arrested. When I came, he was still alive. He was screaming, and the soldiers were swearing and laughing. It lasted for about five minutes longer, and then he died. He stopped moving, and I saw blood coming out of his mouth.

When I took over, I informed Khadur [commander of 106th brigade of the Presidential Guard **Brigadier General Mohamed Khadur**] that we had a fatality. He ordered us to leave the checkpoint and the body behind. We went back to headquarters. Somebody must have picked up the body. People saw us coming out of that building.¹²⁴

Ghassan said that to his knowledge, despite reporting the death in custody to Khadur, there has been no investigation of the incident.

Denial of Medical Assistance

Military defectors also provided further information about the denial of medical assistance to wounded protesters, use of ambulances to arrest the injured, and the mistreatment of

¹²⁴ Human Rights Watch interview with “Ghassan,” October 29, 2011.

injured detainees in hospitals controlled by the *mukhabarat* and the military—a disturbing pattern that Human Rights Watch and other organizations have previously documented.¹²⁵

Several examples cited by the defectors strongly suggest that these violations were ordered, authorized, or condoned by commanders rather than committed at the initiative of individual members of the armed forces or security services.

One of the defectors, Lieutenant Colonel “Ghassan,” said that during his deployment in Douma with the 106th Brigade, Presidential Guard, he always used an ambulance to move around. He explained:

The Martyrs’ Road where the protesters always went was considered a high-tension area. State Security gave me an ambulance to move around. They confiscated the ambulances to make sure they were not available to pick up wounded protesters. It also made it much easier to arrest people initially, until the protesters realized that the ambulances were used by security services and started running away.

Since the people could not use the ambulances, they would pick up the wounded in private cars. When I was manning checkpoints, we specifically looked for such cars. If there was a wounded person in a car, or even traces of blood, we would immediately arrest everybody in the car.¹²⁶

Another witness, “Munir”, who served in the 409th Battalion, 154th Regiment, 4th Division, and was deployed in Damascus and its suburbs, also said that the army used ambulances “all the time” to detain people instead of providing them medical assistance.¹²⁷

Human Rights Watch has previously documented cases of protesters being killed as they were trying to help the injured or deliver them to the hospital. One of the defectors, “Ameen,” a sniper with the Special Forces, confirmed these accounts. He said that

¹²⁵ See for example, “Syria: Security Forces Remove Wounded From Hospital,” Human Rights Watch news release; “Syria: Red Crescent Workers Under Attack,” Human Rights Watch news release.

¹²⁶ Human Rights Watch interview with “Ghassan,” October 29, 2011.

¹²⁷ Human Rights Watch interview with “Munir,” November 5, 2011.

between June 5 and 10, he was deployed near Jisr al-Shughur in Idlib. “Ameen” said that he was positioned on top of a government building near a hospital that the army and *mukhabarat* had taken over, with orders “to shoot at anybody trying to bring an injured person in the hospital.”¹²⁸

According to the defectors, some of the wounded protesters were brought directly to the detention facilities where they were mistreated. For example, “Hani,” who served in the Special Operations Unit of the Air Force Intelligence, said that his unit brought about 20 injured protesters, along with about 30 other detainees, back to the detention facility in Mezzeh after they dispersed a protest in Mo’adamiyeh on April 15. He said:

We brought them to the yard at the facility and beat them, including the ones who were wounded. We had a doctor in the branch who was treating them to stop the bleeding and the like. Somebody would say, “Take this one to the doctor,” and as they walked to the other side of the yard, where the doctor was, we beat them. And then we took the detainees to the detention facility.¹²⁹

Injured protesters who were brought to the military, or military-controlled, hospitals were also subjected to mistreatment and beatings by security agents and hospital staff. Those whose wounds were serious and did not allow for immediate transportation were held in temporary detention facilities on hospital premises before being transferred to other places of detention.

“Nizar,” who was a guard in the military hospital in Homs, said that security forces regularly brought injured civilians to the hospital since the beginning of the protests, but instead of providing them with medical assistance, they subjected them to beatings and then detained them. He said:

¹²⁸ Human Rights Watch interview with “Ameen,” October 28, 2011.

¹²⁹ Human Rights Watch interview with “Hani,” November 1, 2011.

Mukhabarat and the army brought the injured and unloaded them in the yard next to the emergency area. Everybody would start beating them, including doctors and nurses. All the detainees were blindfolded.

After the initial beating in the yard, the nurses and guards took the wounded into the emergency room, provided them some basic assistance, and then the *mukhabarat* took them. They first held them in a detention facility on the premises for a few days; the army police was in charge of it. Then Air Force Intelligence took them away in their cars. That was the case with every single injured person brought to the hospital. I think people were tortured in the detention facility because I regularly heard their screams. People with serious wounds were taken to intensive care and guarded there by army police. Sometimes, soldiers would go in there and I heard people screaming; I think they were beating them inside there.

Colonel Dr. Haitham Othman was in charge of the hospital. The chief doctor in the hospital was trying to tell him and the *mukhabarat* not to torture people because the hospital's job was to treat people and not to torture them, but everybody just ignored him.

We were not supposed to allow any family members in. When relatives asked at the gate, we told them that this was an army hospital and it didn't have any civilians.

They had TV cameras in the hospital almost every day. The crew filmed the wounded, but didn't interview them, and then they commented that people had been attacked by armed gangs.¹³⁰

"Faysal," a soldier with the 157th Coastal Guard Battalion based in Latakia, described to Human Rights Watch the conditions in the military hospital near Latakia where he went after getting sick. He said that there were about 50 to 70 injured civilians in the hospital,

¹³⁰ Human Rights Watch interview with "Nizar," November 1, 2011.

and about 17 injured military personnel, and that all of the civilians that he could see were ill-treated in the hospital. He explained:

Civilians weren't getting proper treatment. They were essentially under arrest in the hospital. And they were denied medical care. At some point, an old man came with his son who was wounded. The old man was shouting, trying to get help for his son. Instead, security guards took him to a room and beat him; when he came out, his head was bleeding.

Another civilian was brought in, on a stretcher, with a bullet in his shoulder. A *mukhabarat* guy yelled at the nurse who was trying to help him, "What is he doing here?!" The nurse said it was her cousin. But the *mukhabarat* guy said, "So what?! Let him pay for his mistakes!"¹³¹

Command Responsibility of High-Ranking Officers and Government Officials

As mentioned above, in addition to individual responsibility in cases where they ordered or directly participated in the abuses, senior military commanders and high-ranking officials in some cases bear command responsibility for violations committed by forces or subordinates. Specifically, they are responsible in cases where they knew or should have known of the abuses and failed to take action to stop them.

Given the widespread nature of killings and other crimes committed in Syria and the fact that in many cases, as this report illustrates, these crimes were ordered, authorized, or condoned by mid- and senior-level commanders, it is reasonable to conclude that the senior military and civilian leadership knew or should have known about them. The extensive documentation of the violations publicized by human rights organizations, the media, and the United Nations makes it even harder to argue that the authorities were not informed.

As for action taken to stop the violations, Human Rights Watch is not aware of any meaningful steps taken by the Syrian leadership in this regard.¹³² Moreover, in a number of

¹³¹ Human Rights Watch interview with "Faysal," October 31, 2011.

¹³² See chapter "Syrian Government Response" below.

cases documented in this report, military commanders clearly disregarded reports of abuse, let alone took adequate action to address them.

In the case of President Bashar al-Assad, who is the commander-in-chief of Syrian army, and his close associates, including heads of intelligence agencies and military leadership, Human Rights Watch collected additional information that strongly indicates their knowledge and involvement in the violent crackdown on protesters.

Witness statements indicate that President al-Assad was closely involved in ordering the operations to suppress the protests. Several defectors told Human Rights Watch that senior commanders said that specific orders came directly from the President. For example, a soldier from the 324th Battalion, 167th Brigade, 18th Division, told Human Rights Watch that when the brigade commander, **Brigadier General Ali Mohamed Hamdan**, gave orders to invade the town of Rastan, he said that the orders came “straight from President Bashar al-Assad.”¹³³

“Afif,” a former military officer who became one of the leaders of protesters in the Daraa governorate, said that President al-Assad participated via a conference call in a meeting between high-ranking military and intelligence commanders and the leaders of the protest movement, which was held in the Baath party headquarters in Daraa on April 7, 2011. Afif, who was present in the meeting, told Human Rights Watch that during the meeting, which was largely intended to intimidate the protest organizers, President al-Assad said to the military and intelligence officials, “What’s going on over there?! Get the situation under control by all means necessary!”¹³⁴

In August, the British newspaper *The Daily Telegraph* published two written orders that were signed by the Minister of Defense on behalf of the President in his capacity as commander-in-chief of the armed forces. In the orders, signed on April 23, 2011, The Minister of Defense placed the 4th Division “on high alert,” and deployed the 62nd Battalion, 47th Regiment to Daraa. While it is not known whether President al-Assad directly

¹³³ Human Rights Watch interview with “Ziyad,” October 31, 2011.

¹³⁴ Human Rights Watch interview with “Afif,” November 2, 2011.

authorized these operations, the fact that his authority was invoked is further proof that he knew, or at the very least, should have known about them.¹³⁵

A *mukhabarat* defector, “Omar,” who was an assistant in the director’s office at the Air Force Intelligence Special Operations branch in Damascus, told Human Rights Watch about the planning of the operation in Saida, one of the bloodiest massacres since the beginning of the protests, which, according to him, was authorized by **Major General Jamil Hassan**, the director of Air Force Intelligence. VDC was able to document 98 deaths in Daraa on April 29 and 30 as a result of the operation, and Omar believed that 120 people were killed.¹³⁶

He said that on April 29, 2011, his office received a call from Daraa saying that thousands of people were moving toward the city to break the siege. Omar said:

Colonel Suheil Hassan, my boss at the Special Operations unit consulted with his deputy, **Fawaz Qubair**, and they agreed to organize a “trap” for the protesters near the military housing in Saida. The conversation took place in the office where I worked. They also discussed their line with the media: that people marching to Daraa were Islamists coming to kidnap women and children in predominantly Christian areas.

I then saw Suheil call **Major General Jamil Hassan**, the director of Air Force Intelligence, to get his approval for the mission. He has a designated line to Hassan, and he used that phone. I couldn’t hear what Hassan said, but I assume he approved the mission, because shortly thereafter, troops started leaving our base in Mezzeh for Daraa.¹³⁷

Omar said that when the troops returned that evening, they brought 120 bodies of killed protesters back to the base, as well as 160 detainees. He said that he saw the troops unloading the bodies from the buses and asked one of the soldiers how many they were.

¹³⁵ Michael Weiss, “My Interview with a Defected Syrian Soldier; Plus, More Leaked Syrian Documents,” *The Telegraph*, August 9, 2011, http://blogs.telegraph.co.uk/news/michaelweiss/100100045/my-interview-with-a-defected-syrian-soldier-plus-more-leaked-syrian-documents/#disqus_thread (accessed November 20, 2011).

¹³⁶ Human Rights Watch, “*We’ve Never Seen Such Horror*,” Section II; See VDC list at <http://www.vdc-sy.org>.

¹³⁷ Human Rights Watch interview with “Omar,” October 28, 2011.

Suheil Hassan, he said, later told him to arrange a convoy to accompany the trucks with the bodies back to Daraa.¹³⁸

Human Rights Watch also collected extensive information about the participation of specific military units and intelligence agencies in attacks against the protesters in different cities and large-scale military operations that resulted in killings, massive arrests, torture, and other violations.

This information is summarized in the appendix to this report, which contains details on the structure of the units, locations where they were deployed, violations in which they were allegedly involved, and, wherever this information was available, the names of their commanders or officials in charge.

Human Rights Watch believes that, in addition to military and *mukhabarat* officers mentioned in connection with specific incidents in this report, these commanders, including the highest-ranking officers and heads of intelligence agencies, should be investigated on the grounds of their command responsibility for violations committed by units under their control.

¹³⁸ Ibid.

III. Repercussions for Disobeying Illegal Orders

Consequences for disobeying orders and challenging government allegations about the protests were severe. Eight defectors told Human Rights Watch that they had witnessed officers or intelligence agents kill soldiers for refusing to carry out orders. Three defectors interviewed by Human Rights Watch said that they had been arrested and tortured for disobedience, and one defector said that a close relative had been arrested as a means of putting pressure on him to return to his unit. There are no comprehensive numbers about the numbers of soldiers killed for refusing to carry out illegal orders.

Executions

Virtually all defectors interviewed by Human Rights Watch said that they were convinced that officers or intelligence agents would kill them if they refused to follow orders. In standard operations to suppress protests, conscript soldiers from the army or intelligence agencies lined up in front, while officers and intelligence agents stayed behind, giving orders and making sure they followed orders. Many of the defectors said that they tried to aim above the heads of the protesters when they received orders to shoot, but that they were always afraid that the officers or the security agents would notice. Several defectors also told Human Rights Watch that snipers on rooftops targeted both protesters and soldiers who disobeyed their orders. “Ameen,” a sniper interviewed by Human Rights Watch, confirmed that he had received orders to target defectors.¹³⁹

On several occasions, officers and intelligence agents explicitly threatened soldiers that they would be killed if they did not follow orders. A tank operator from the 132nd Brigade, 5th Division, based in Daraa, told Human Rights Watch that before the April 25 operation in Daraa the brigade commander, **Brigadier General Ahmed Yousef Jarad**, threatened that anybody showing sympathy with the protesters would be shot and treated as a traitor. The tank operator, who was communicating with commanding officers over the radio and heard orders given to other units as well, said that during the operation, high-ranking officers

¹³⁹ Human Rights Watch interview with “Abu Fahed,” October 28, 2011.

sometimes threatened tank crews with execution, and that he heard on the radio that several soldiers had been executed in the Daraa stadium on April 25.¹⁴⁰

Eight defectors told Human Rights Watch that they witnessed officers or intelligence agents killing soldiers who refused to follow orders.

“Habib,” a conscript soldier from the 65th Brigade, 3rd Division, told Human Rights Watch that a soldier from his battalion was killed for not following orders during a protest in Douma near Damascus around April 14. When protesters started moving towards the soldiers after the noon prayer, **Colonel Mohamed Khader**, the battalion commander, gave orders to shoot directly at the protesters. “Habib” told Human Rights Watch:

The soldiers were in front. Colonel Khader and the security agents were standing right behind us. Yusuf Musa Krad, a 21-year-old conscript from Daraa, was standing right next to me. At some point the colonel noticed that Yusuf was only shooting in the air. He told First Lieutenant Jihad from the regional branch of Military Intelligence. They were always together. Jihad called a sniper on the roof, pointed at Yusuf, and the sniper then shot Yusuf twice in the head. Intelligence agents took Yusuf’s body away. The next day we saw Yusuf’s body on TV. They said that he had been killed by terrorists.¹⁴¹

“Ibrahim,” a sergeant from the 59th Battalion, 5th Division, recounted a similar incident to Human Rights Watch. In the afternoon on August 7, a large group of protesters gathered near the stadium in al-Herak and then started moving towards the soldiers’ checkpoint. According to Ibrahim, **Brigadier General Mohsin Makhoulf**, who was commanding the operation in al-Herak, first asked the protesters to stop. When they refused, he ordered the soldiers to open fire at the protesters. Ibrahim told Human Rights Watch:

There were about 100 soldiers in the front row. Fifteen to twenty meters behind us stood agents from Air Force Intelligence. When we received the orders to shoot at the protesters, some of the soldiers started shooting in

¹⁴⁰ Human Rights Watch interview with “Najib,” October 30, 2011.

¹⁴¹ Human Rights Watch interview with “Habib,” October 31, 2011.

the air while others were shooting directly at the protesters. A couple of soldiers dropped their guns, refusing to shoot. Suddenly, agents from Air Force Intelligence opened fire on those who dropped their weapons, killing at least three soldiers from Brigade 52. I don't know their names. When I saw that, I took my gun, ran away, and started shooting at the security agents.¹⁴²

“Osama,” a conscript soldier in the 555th Regiment, 4th Division, told Human Rights Watch that Air Force Intelligence killed a soldier from his regiment in Mo'adamiyeh, Damascus, in May:

When they ordered us to shoot at the protesters, we initially refused, but then they pointed their guns at us, and we couldn't refuse. One soldier from Hama was standing next to me. He had finished his ammunition so he had stopped shooting while he waited for more. Suddenly somebody from Air Force Intelligence shot him in the stomach and he died on the spot.¹⁴³

On April 21, a sniper opened fire on soldiers in Douma, according to an officer interviewed by Human Rights Watch. “Ghassan,” a lieutenant colonel in the 106th Brigade, Presidential Guard, told Human Rights Watch that on that day, his unit suddenly took fire at their checkpoint at the Martyrs' Roundabout. According to the lieutenant colonel, the fire came from an area behind them that had already been secured, and two people from the 104th Brigade were killed.

Following the direction of the shooting, the lieutenant colonel went up to the roof of a building where he found a sniper who had previously served in his unit. According to the lieutenant colonel, the sniper said that he had received orders to fire at the soldiers who refused to shoot at protesters, but that he was trying not to hit soldiers from the 106th Brigade, his former unit.¹⁴⁴

¹⁴² Human Rights Watch interview with “Ibrahim,” October 31, 2011.

¹⁴³ Human Rights Watch interview with “Osama,” October 31, 2011.

¹⁴⁴ Human Rights Watch interview with “Ghassan,” October 29, 2011.

“Said,” a tank commander from the 990th Battalion, 134th Brigade, 18th Division, told Human Rights Watch that a soldier in his unit was shot by a sniper in Talbiseh for refusing to follow orders in early May. Said was staying inside a small dorm near his unit’s checkpoint when he heard noises outside. When he went out, he saw four civilians in the street about 100 meters from the checkpoint, chanting. According to Said, **Colonel Fo’ad Khaddour**, a senior officer in the 134th Brigade, ordered the soldier on guard to shoot at the soldiers, but the soldier refused. Said told Human Rights Watch:

“Bilal” told the colonel that the protesters were just chanting. Why should he shoot at them? They got into an argument. An intelligence agent standing nearby, Ahmed Diba, heard the argument. He gave an order on the radio, and suddenly the soldier was shot in the head. They told us that he was killed by protesters, but the sniper, whom we knew, told us that he had received the orders from Diba. Sometime later, Diba warned me that I should stop telling my crew to shoot in the air unless I wanted to suffer the same fate as Bilal.¹⁴⁵

“Ziyad,” a conscript serving in the 324th Battalion, 167th Brigade, 18th Division, told Human Rights Watch that a security agent killed a soldier in his battalion in mid-May in Rastan when the soldier refused to follow orders. He told Human Rights Watch:

We knew that if we refused to shoot, we would be killed. Intelligence agents were behind us at the checkpoint. When my friend, Yousef Khad, questioned the orders to shoot at the protesters, an Air Force Intelligence agent shot him from the back. Some soldiers opened fire on the intelligence agents, and another three soldiers from another battalion were killed. The agents were not hurt; they were hiding behind the tanks. We all got very scared after that, so we started shooting at the protesters, trying not to aim at people.¹⁴⁶

¹⁴⁵ Human Rights Watch interview with “Said,” October 29, 2011.

¹⁴⁶ Human Rights Watch interview with “Ziyad,” October 31, 2011.

In some cases, the motivation for shooting at soldiers seemed to be not primarily to punish soldiers who disobeyed, but to convince soldiers that protesters were armed. “Ihab,” a soldier from the 35th Regiment participating in the April 25 invasion of Daraa, told Human Rights Watch that shortly after soldiers refused to open fire on unarmed protesters, he saw a white Toyota pick-up vehicle drive up to a nearby building and a man with a rifle taking position on top of the roof. He told Human Rights Watch:

We saw him take position, but we were told to leave him alone, that he was a intelligence agent. The officers were still discussing. I went to speak with my friends. Suddenly, there were shots. The sound came from the gunman on the roof. The brigadier general said “See, there are armed groups!” We then started shooting. About 40 people were killed. The army collected the bodies and handed them over to Military Intelligence.¹⁴⁷

Detention and Torture

Three defectors told Human Rights Watch that they had been detained because they refused to follow orders or challenged government propaganda. Two of them said that security forces beat and tortured them. Other defectors interviewed by Human Rights Watch also said they were detained and tortured as a result of participating in protests during leave or before they started their military service.

The defectors interviewed by Human Rights Watch were detained for relatively short terms in detention centers on their base or in detention facilities relatively close to their base. Other defectors, according to witnesses, were sent to the notorious Tadmor military prison in Homs governorate.¹⁴⁸

¹⁴⁷ Human Rights Watch interview with “Amjad,” July 24, 2011.

¹⁴⁸ A recently released detainee told Human Rights Watch that while he was transferred from one detention facility to another around May 10, he talked to several detained defectors who said that they were being transferred to the Tadmor prison. Human Rights Watch interview, November 21, 2011. Human Rights Watch has documented extensive human rights abuse, torture, and summary executions in Tadmor prison. The authorities transferred hundreds of political prisoners from the Tadmor prison in 2001, but the prison reportedly continued to function as a military prison. For background information, see Human Rights Watch, *A Wasted Decade: Human Rights in Syria during Bashar al-Asad’s First Ten Years in Power*, July 16, 2010, <http://www.hrw.org/reports/2010/07/16/wasted-decade>.

A prison guard from Tadmor told Human Rights Watch that by the time he defected in August, there were about 2,500 prisoners in Tadmor. While the prisoners used to be only military personnel, the prison started receiving a growing number of arrested protesters and defectors after protests erupted in March. He told Human Rights Watch that all prisoners were beaten and tortured, but that defectors were given particularly harsh treatment:

We gave all new arrivals a “reception party” to humiliate them. We blindfolded them for five to six days, verbally abused them, and beat them up using the tire method [forcing the detainee’s legs and arms through a tire and beating him on the soles of his feet]. Then, depending on the crimes, we subjected some prisoners to other methods as well. The *shabeh* [protracted suspension by the hands] and solitary confinement were reserved for special crimes. When the protests started, we also received rechargeable electrical sticks, which would send shocks with the click of a button.

We used all the methods against defectors. We didn’t care whether they were from Assad’s 4th Division or a regular division. We tortured them to show them that nobody is above the law and so that they would learn their lesson.¹⁴⁹

“Wassim,” a conscript serving in a unit based near Damascus, told Human Rights Watch that he was detained and tortured after he refused to shoot at protesters in al-Tal, a town just north of Damascus, on April 28. He told Human Rights Watch:

Our commander approached me and asked me why I was not shooting. I told him that I would not kill another human being for him or for Assad. About half of the soldiers from my unit, some 30 people, mainly the older guys, said the same. We outnumbered the security agents, so there wasn’t much they could do. Eventually, they took us back to the base.¹⁵⁰

¹⁴⁹ Human Rights Watch interview with “Abbas,” October 29, 2011.

¹⁵⁰ Human Rights Watch interview with “Wassim,” October 27, 2011.

That same night, he said that about 30 people in civilian clothes arrived at the base and detained the soldiers who had refused to carry out the orders. He said that he could see under the blindfold that there were signs saying “Military Police” on the cars. After driving for about an hour, they took them to an underground location and removed their blindfolds. Wassim told Human Rights Watch:

We were in a hallway, about three meters wide and very long. There was blood on the walls, and it smelled horribly. It felt like a slaughter house. They made us take off all of our clothes, leaving us completely naked, and pushed us into a room that was about three by four meters. They poured water on us and turned up the air conditioner. It was freezing cold, and there was no light. On the second or third day, they took me out of the cell and put me in a cell that was hanging above the floor in the corridor. I could hardly fit into it. I spent the rest of my time in detention – about ten or 11 days in total – in that cage.¹⁵¹

Wassim also told Human Rights Watch that he heard two soldiers from their group scream as if they were being tortured when the two were taken out of their cell the first day of the detention. When he was released, Wassim was taken to an office. He told Human Rights Watch:

The first thing I saw were ten bodies, piled on top of each other, in military uniforms with insignia from the 4th Division. The blood on the bodies seemed fresh. Most had bullet wounds to their heads and backs. A guy in the office said that that’s what would happen to us if we didn’t shoot, adding that we needed to protect our country because Mossad is coming to take it over.¹⁵²

When they were brought back to the checkpoint and again asked to shoot at protesters ten days later, Wassim defected.

¹⁵¹ Ibid.

¹⁵² Ibid.

“Yusuf,” a conscript soldier in the 18th Division, told Human Rights Watch that he was detained and tortured for 15 days in a detention facility in his brigade because he told the other soldiers that the protesters were not armed terrorists, but peaceful. He told Human Rights Watch:

They hit me all the time. They used the tire method, threw cold water on me, and hit me on the soles of my feet while holding my legs up. The brigade officers gave the orders, and the regular soldiers carried them out. After they released me, I defected.¹⁵³

A lieutenant colonel in the 106th Brigade of the Presidential Guard told Human Rights Watch that he spent six days in prison because he refused to pass on orders aimed at giving the impression that protesters were armed for the benefit of a TV crew that was filming.¹⁵⁴

Repercussions for Families of Defectors

Most of the defectors expressed concern about the safety of their relatives, and many said that military or security forces had visited their close relatives to inquire about their whereabouts. In one case documented by Human Rights Watch, the defector’s family has faced serious repercussions.

A defector from the 17th Battalion, 105th Brigade, Presidential Guard, who defected after his commander ordered him to open fire on unarmed protesters in Harasta in the Damascus governorate, told Human Rights Watch that the authorities detained his brother to force him to return:

A couple of days after I defected, somebody detained my brother from our house in Tseel. My father, sisters, and sister-in-law were at home when he was detained. Shortly thereafter, **Colonel Fayez Asmander**, my battalion commander, called my father and said that they would release my brother if

¹⁵³ Human Rights Watch interview with “Yusuf,” October 31, 2011.

¹⁵⁴ Human Rights Watch interview with “Ghassan,” October 29, 2011.

I turned myself in. This was in the beginning of September. We still don't know where my brother is.¹⁵⁵

The LCC has documented the detention, torture, and death in custody of relatives of two defectors.¹⁵⁶

¹⁵⁵ Human Rights Watch interview with “Jamal,” October 30, 2011.

¹⁵⁶ See Local Coordination Committee Media Office, “Human Rights Violations Committed by the Syrian Regime, 15 March – 15 October,” November 7, 2011, http://www.lccsyria.org/wp-content/uploads/2011/11/SYR_HR_Violations_Mar15_Oct15_Final-3.pdf (accessed November 17, 2011).

IV. Syrian Government Response

The Syrian government's response to credible accusations of human rights violations has been inadequate and has fostered a climate of impunity, including for unlawful killings, torture, enforced disappearance, and arbitrary detention.

Syrian law and a recent presidential decree prohibit legal action against intelligence agency employees or members of the armed forces unless authorized by the respective director of these agencies. Legislative Decree No. 14, of January 15, 1969, which established the General Intelligence Directorate (*Idarat al-Mukhabaraat al-'Ama*), one of Syria's largest security apparatuses, provides that "no legal action may be taken against any employee of General Intelligence for crimes committed while carrying out their designated duties ... except by an order issued by the Director." To Human Rights Watch's knowledge, the Director of General Intelligence has never issued any such order to date. On September 30, 2008, President al-Assad issued Legislative Decree 69, which extended this immunity to members of other security forces, by requiring a decree from the General Command of the Army and Armed Forces to prosecute any member of the internal security forces, Political Security, and customs police.

Concerns regarding impunity for violations by security services are longstanding. Human Rights Watch has extensively documented the lengthy record of abuses by Syrian security and intelligence forces during President al-Assad's decade-long tenure, including widespread torture of detainees, and has found no evidence that the authorities have ever investigated or prosecuted any member of these forces.

On March 31, 2011, amid growing concerns about civilian casualties and other human rights violations, the Syrian government established a judicial committee to "launch an immediate investigation into all fatalities or injuries sustained by civilians and military personnel and into all other related offences and to deal with complaints in that connection."¹⁵⁷ Aside from summary statements by President al-Assad that the work of the

¹⁵⁷ Government of Syrian Arab Republic, National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1, A/HRC/WG.6/12/SYR/1, September 2, 2011, http://www.upr-info.org/IMG/pdf/a_hrc_wg.6_12_syr_1_e.pdf (accessed December 6, 2011), para. 89.

Committee is ongoing and that some individuals have been arrested and are being investigated, little is known about it.¹⁵⁸ Questions remain regarding the scope, methodology, and independence of the Committee. Its efficacy remains in doubt, particularly given the legislative immunities in place, and overwhelming evidence of continuing widespread abuse by the security forces.

To quell the protests, the Syrian authorities have proposed and enacted several decrees and laws. On April 4, President al-Assad enacted a decree that would grant citizenship to a number of Syria-born stateless Kurds. On April 21 he lifted the state of emergency in place since 1963 and abolished the State Security Court, an exceptional court with almost no procedural guarantees. In May and June President al-Assad also issued two general amnesties, which benefited a small group of political prisoners. The Syrian authorities also enacted a number of reforms that they say will open up the political system in Syria and increase media freedoms. On July 28, the president issued a decree approving a new political parties law. In August he issued a decree for a General Elections Law and approved a new media law which purports to uphold freedom of expression, although the law still requires the media to “respect this freedom of expression” by “practicing it with awareness and responsibility.”

Further, in October he issued a decree establishing a national commission tasked with preparing a draft constitution within four months which will reportedly then be voted on by Syrians via a public referendum.

These reforms, however, continue to be undermined by the ongoing repression and violence accompanying security operations and do not touch on concerns regarding impunity for violations by security services.

¹⁵⁸ See, for example, “President Al-Assad’s Speech to the New Government,” April 17, 2011, http://www.presidentassad.net/SPEECHES/Al_Assad_Speeches_2011/Bashar_AL_Assad_Government_Speech_April_2011.htm (accessed November 27, 2011); and “President Al-Assad 2011 Damascus University Speech,” http://www.presidentassad.net/SPEECHES/Al_Assad_Speeches_2011/Bashar_AL_Assad_2011_Damascus_University_Speech.htm; “President Assad vows to stop attacks by ‘militants,’” CNTV, November 21, 2011 <http://english.cntv.cn/program/asiatoday/20111121/103855.shtml> (accessed December 5, 2011).

V. International Response

While many states have condemned Syria's use of violence and some have followed those words with actions aimed at pushing the Syrian government to change course, the international community has been slow to take collective action. Most notably, in October, 2011, Russia and China vetoed a European-sponsored UN Security Council resolution condemning the violence.¹⁵⁹

On November 12, however, the League of Arab States voted to suspend Syria's membership in the league after Syria failed to honor a November 2 agreement to withdraw its armed forces from cities and towns, release all those detained during the uprising, and allow unhindered access to the country for journalists. Subsequent efforts by the league to deploy monitors to Syria have failed, as of this writing, because the Syrian authorities posed restrictive conditions unacceptable to the league. The league officially suspended Syria on November 16, and on November 27, the league adopted unprecedented sanctions against Syria. The sanctions include cutting off transactions with the Syrian central bank, halting funding by Arab governments for projects in Syria, a ban on senior Syrian officials travelling to other Arab countries, and a freeze on assets related to President Bashar al-Assad's government.¹⁶⁰

More concerted action emerged most recently also from the General Assembly of the United Nations. On November 23, the assembly's human rights committee adopted a resolution condemning Syria for its use of violence against protesters. The resolution was adopted with 122 votes in favor, 13 against and 41 abstentions. Notably, Russia and China, which vetoed the Security Council resolution in October, abstained.¹⁶¹

On December 2, the UN Human Rights Council held a special session on Syria following the report of the independent international Commission of Inquiry, a body appointed by the

¹⁵⁹ For more on the international response to the crisis in Syria, see Human Rights Watch, *"We Live as in War,"* Section V.

¹⁶⁰ "Syria unrest: Arab League adopts sanctions in Cairo," *BBC News*, November 27, 2011, <http://www.bbc.co.uk/news/world-middle-east-15901360> (accessed December 4, 2011).

¹⁶¹ "Syria: UN human rights committee condemns crackdown," *BBC News*, <http://www.bbc.co.uk/news/world-middle-east-15834540> (accessed December 5, 2011).

council, which concluded that Syrian security and military forces "committed crimes against humanity" against civilians.¹⁶²

The Human Rights Council, in a 37-4 vote, adopted a resolution which strongly condemned "the continued widespread, systematic and gross violations of human rights and fundamental freedoms by the Syrian authorities, such as arbitrary executions, excessive use of force and the killing and persecution of protesters, human rights defenders and journalists, arbitrary detention, enforced disappearances, torture and ill-treatment, including against children." The resolution demanded an immediate end to the violence, the release of all political prisoners, and the suspension of members of the security forces suspected of abuses. Russia and China were among just four countries to vote against the resolution.¹⁶³

During the special session, both the UN High Commissioner for Human Rights and all the UN Special Procedures mandate-holders, in a joint statement, called on the UN Security Council to refer the situation in Syria to the ICC.¹⁶⁴

¹⁶² The Special Session of the Human Rights Council on the "Situation of human Rights in the Syrian Arab Republic" that took place on December 2, 2011, can be viewed at <http://www.unmultimedia.org/tv/webcast/2011/12/vote-on-resolution-18th-special-session-human-rights-council-2.html> (accessed December 5, 2011). The adopted resolution is available at http://www2.ohchr.org/english/bodies/hrcouncil/docs/specialsession/18/A-HRC-RES-S-18-1_en.pdf (accessed December 5, 2011).

¹⁶³ Ibid.

¹⁶⁴ UN Human Rights Council, "Statement delivered on behalf of all Special Procedures mandate-holders of the United Nations Human Rights Council at the Eighteenth Special Session of the Human Rights Council on the situation of human rights in the Syrian Arab Republic," December 2, 2011, http://www2.ohchr.org/english/bodies/hrcouncil/docs/specialsession/SpecialProcedures_MsFaridaShaheed.pdf (accessed December 7, 2011).

VI. Recommendations

To the UN Security Council

- Demand that Syria end the widespread human rights abuses committed by government forces, including the use of excessive and lethal force against demonstrators, arbitrary arrests and torture;
- Refer the situation in Syria to the International Criminal Court;
- Adopt targeted sanctions on officials credibly implicated in the ongoing grave, widespread, and systematic violations of international human rights law in Syria since mid-March 2011;
- Require states to suspend all military sales and assistance, including technical training and services, to the Syrian government given the real risk that the weapons and technology will be used in the commission of serious human rights violations;
- Demand that Syria cooperate fully with the UN Human Rights Council Commission of Inquiry and with any monitoring mission that may be established by the Arab League, including by providing both with immediate and unfettered access;
- Invite the UN High Commissioner for Human Rights to brief the Council periodically on the human rights situation in Syria;
- Consider without delay the conclusions and recommendations of the report of the UN Commission of Inquiry on Syria; and
- Demand access for humanitarian missions, foreign journalists, and independent human rights organizations.

To All Countries

- Acting individually or jointly through regional mechanisms where appropriate, adopt targeted sanctions against Syrian officials credibly implicated in the ongoing grave, widespread, and systematic violations of international human rights law in Syria since mid-March 2011;
- Under the principle of universal jurisdiction and in accordance with national laws, investigate and prosecute members of the Syrian senior military and civilian leadership suspected of committing grave crimes as part of their involvement in the suppression of protests.

To the UN General Assembly

- Should the Security Council be deadlocked, adopt an additional resolution to condemn the violence, demand that Syria cooperate with the UN Commission of Inquiry as well as the Arab League monitoring mission, and urge the Security Council to take action.

To the UN Human Rights Council and its Members

- Support continued monitoring and reporting on the human rights situation in Syria by the HRC Commission of Inquiry, the newly established special rapporteur on Syria, relevant thematic special procedures, and the High Commissioner for Human Rights and follow up on their recommendations
- Remain seized of the situation in Syria as long as widespread human rights abuses continue.

To the Arab League

- Acting individually or jointly, maintain and strengthen targeted sanctions against Syrian officials credibly implicated in the ongoing grave, widespread, and systematic violations of international human rights law in Syria since mid-March 2011;
- Continue to press for a monitoring mission to Syria on terms that will allow the monitors to carry out their mission, including insisting that Syrian authorities grant the monitors unhindered access, allow them to operate independently and guarantee the safety of witnesses and staff members;
- Ensure that any monitoring mission has strong terms of reference, proper staffing and adequate resources and seek technical support from the UN Secretary General and the Office of the High Commissioner for Human Rights;
- Request regular reports from any monitoring mission to Syria and make those reports public;
- Call for the Security Council to adopt a resolution supporting Arab League efforts on Syria.

To Turkey

- Continue to voice support strong Security Council action on Syria (as described in the recommendations above);

- Adopt targeted sanctions on officials credibly implicated in the ongoing grave, widespread, and systematic violations of international human rights law in Syria since mid-March 2011.

To India, Brazil, and South Africa

- Support strong Security Council action on Syria (as described in the recommendations above);
- Support the Arab League's efforts to deploy monitors to Syria and urge the Syrian authorities to unconditionally facilitate such a monitoring mission.

To Russia and China

- Support strong Security Council action on Syria (as described in the recommendations above);
- Support the Arab League's efforts to deploy monitors to Syria and urge the Syrian authorities to unconditionally facilitate such a monitoring mission.
- Suspend all military sales and assistance to the Syrian government given the real risk that weapons and technology will be used in the commission of serious human rights violations;
- In bilateral meetings, condemn in the strongest terms the Syrian authorities' systematic violations of human rights

To the Syrian Government

- Immediately halt the use of excessive and lethal force against demonstrators and other persons by security forces; Immediately halt the practice of enforced disappearance, arbitrary arrest and detention, and the use of torture, including of family members of defected officers;
- Immediately issue orders forbidding the looting and destruction of property by security forces;
- Conduct prompt, thorough, and objective investigations into allegations of unlawful killing, enforced disappearance, arbitrary arrest and detention, torture, ill-treatment, looting, and destruction of property by security forces and prosecute those responsible, regardless of rank, before courts that meet international fair trial standards. Criminal investigations should trace orders to commit such acts to the highest level implicated.

Military commanders and intelligence officials should also be investigated for violations committed by units under their command in accordance with the command responsibility doctrine;

- Suspend members of the security forces against whom there are credible allegations of human rights abuse pending investigations;
- Release unconditionally all detainees against whom there is no credible evidence of genuine acts of criminal violence. These include those held merely for participating in peaceful protests, for criticizing Syrian authorities, or carrying out legitimate human rights activities;
- Annul Legislative Decree No. 14, of January 15, 1969, and Legislative Decree 69, which provide immunity to members of the security forces, by requiring a decree from the General Command of the Army and Armed Forces to prosecute any member of the internal security forces, Political Security, and customs police;
- Ratify the Rome Statute of the International Criminal Court, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention for the Protection of All Persons from Enforced Disappearance and amend domestic law in compliance with these treaties;
- Provide international monitors including the International Committee of the Red Cross access to all regular and ad hoc detention facilities so they can independently monitor prison conditions, and help connect missing persons with their families;
- Provide access to and cooperate fully with the UN Human Rights Council Commission of Inquiry and other human rights monitoring bodies including the special rapporteur on the question of torture and other forms of cruel, inhuman, degrading treatment or punishment, the special rapporteur on extrajudicial, summary or arbitrary executions, and the Working Group on Arbitrary Detention;
- Grant unhindered access to Syria to Arab League monitors, international and regional media, and independent observers, to freely monitor and report on developments and human rights abuses in the country.
- Cooperate fully with the Office of the High Commissioner for Human Rights, including by immediately agreeing to the establishment of an OHCHR presence in the country and allowing it unhindered access to the country without delay;

- Cooperate fully with the special rapporteur on Syria by allowing the mandate holder unhindered access to the country, responding promptly to communications, and implementing recommendations ;
- Refrain from reprisals against anyone that has cooperated with international investigations into human rights abuses or other independent bodies documenting or reporting on human rights violations;

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We are deeply grateful to the individuals who shared their stories, despite concern that they might face repercussions from the authorities. Their commitment to get their stories out despite the risks and challenges is an inspiration.

Appendix 1: Structure and Command of Armed Forces and Intelligence Agencies

The information below has been compiled on the basis of defectors' statements. To the extent possible, the information has been verified through third parties and public sources. Given limitations on access to Syria and official government sources, the information below might be expanded and clarified based on further research. Information provided on individuals below identifies their role within the structure of the Syrian Armed Forces or Intelligence Agencies. Not all individuals listed below also appear in the body of the report. References to specific allegations refer to the units involved.

Armed Forces

Top Commanders:

Bashar al-Assad	Commander-in-Chief
<i>Imad</i> ¹⁶⁵ Dawoud Rajiha	Minister of Defense (from August 8); before that served as Army Chief of Staff.
<i>Imad</i> Fahed al-Jasem el-Freij	Chief of Staff from August; before that, responsible for special forces operations in Daraa, Idlib, Hama
Asef Shawkat	Deputy Minister of Defense; reportedly influential with the intelligence agencies

Presidential (Republican) Guard

Commander: Maj. Gen. Shoaeb Suleiman

Deputy: Brig. Gen. Mohamed Qasem

Areas of operation:

- Damascus and suburbs (Harasta, Douma)

Sub-units:

Name	Commander	Locations	Specific allegations of human rights abuses against unit
101 st Security Regiment			
102 nd Security Regiment		April operation in Nawa	
104 th Brigade	Brig. Gen. Issam Zaher Eldin, Brig. Gen. Monaf Tlas	Douma, Harasta	
105 th Brigade	Brig. Gen. Talal Makhoulouf	Douma, Harasta, April operation in Nawa (infantry battalion)	Killing of unarmed protesters
106 th Brigade	Brig. Gen. Rukin Mohamed Khaddor	Douma, Harasta	Arbitrary arrests; beatings of detainees

¹⁶⁵ *Imad* is a rank in the Syrian armed forces between major general and lieutenant general.

3rd Division

Commander: Maj. Gen. Naim Jaseem Suleiman

Areas of operation:

- Damascus governorate (Douma)

Sub-units:

Name	Commander	Locations	Specific allegations of human rights abuses against unit
65 th Brigade	Brig. Gen. Jihad Mohamed Sultan	Douma	Arbitrary arrests, looting of homes, shooting at unarmed protesters

4th Division

Commander: Maj. Gen. Mohamed Ali Durgham

Areas of operation:

- Damascus governorate (Mo'adamiyeh, Daraya, Zamalka, Harasta, al-Tal)
- Homs governorate (Rastan)
- Daraa governorate (Daraa city, Nawa)

Sub-units:

Name	Commander	Locations	Specific allegations of human rights abuses against unit
42 nd Brigade	Maher al-Assad (brother of President al-Assad and <i>de facto</i> commander of 4 th Division).		
154 th Regiment	Brig. Gen. Jawdat Ibrahim Safi	Mo'adamiyeh, Douma, Abasiyeh, Domer	Arbitrary arrests, killing of unarmed protesters
555 th Airborne Regiment	Brig. Gen. Jamal Yonnes	Mo'adamiyeh, Daraya, Qabun, Zamalka, April operation in Nawa	Shooting at unarmed protesters; arbitrary arrest and beatings; destruction of property

5th Division

Commander: Maj. Gen. Suheil Salman Hassan

Areas of operation:

- Daraa city and surrounding towns

Sub-units:

Name	Commander	Locations	Specific allegations of human rights abuses against unit
12 th Brigade	Brig. Gen. Mohsin Makhoulf	Al-Herak	Killing of unarmed protesters
15 th Brigade			
112 th Brigade			
132 nd Brigade	Brig. Gen. Ahmed Yousef Jarad	Daraa city	Killing of unarmed residents
175 th Regiment			

9th Division

Sub-units:

Name	Commander	Locations	Specific allegations of human rights abuses against unit
76 th Brigade		Al-Tal	Killing of unarmed protesters

18th Division

Areas of operation:

- Homs governorate (Talbiseh, Rastan)

Sub-units:

Name	Commander	Locations	Specific allegations of human rights abuses against unit
60 th Brigade		May invasion of Rastan	
120 th Brigade		May invasion of Rastan	
134 th Brigade	Brig. Gen. Yousef Ismail	Talbiseh, May invasion of Rastan	Shooting at unarmed protesters; arbitrary arrests; looting
167 th Brigade	Brig. Gen. Ali Mohamed Hamdan	May invasion of Rastan	Shooting of unarmed residents

Special Forces

Deputy: Maj. Gen. Fo'ad Hamoudeh

Sub-units:

Name	Commander	Locations	Specific allegations of human rights abuses against unit
35 th Regiment	Maj. Gen. Ramadan Mahmoud Ramadan	Banyas, April 25 operation in Daraa	Killing of unarmed protesters
41 st Regiment		April 25 operation in Daraa	
45 th Regiment	Maj. Gen. Ghassan Afif	Banyas and surrounding towns (Markab), Idlib, Homs	Arbitrary arrests; shooting at unarmed residents
46 th Regiment		Idlib (from June 22), Hama	
47 th Regiment		Hama, April 25 operation in Daraa	
53 rd Regiment		Banyas, Markab	

Intelligence Agencies

There are four main intelligence agencies in Syria:

- The Department of Military Intelligence (*Shu'bat al-Mukhabarat al-'Askariyya*);
- The Political Security Directorate (*Idarat al-Amn al-Siyasi*);
- The General Intelligence Directorate (*Idarat al-Mukhabarat al-'Amma*); and
- The Air Force Intelligence Directorate (*Idarat al-Mukhabarat al-Jawiyya*).

In theory, the National Security Bureau oversees the four intelligence agencies. In practice, however, the agencies operate with a high degree of autonomy, answerable mainly to President Bashar al-Assad.

Given the secretive nature of the Syrian intelligence agencies, it is very difficult to verify information about their structure and commanders. The information below has been included only when confirmed by two or more defectors. Nevertheless, the exact structure

of the agencies and the identity of their commanders might be clarified as more information comes to light.

The four main intelligence agencies have regional branches in the governorates and main cities, in addition to central branches.

All of the main intelligence agencies have been implicated in the killing of unarmed protesters and the arbitrary arrest and torture of detainees.

National Security Bureau

Key Officials:

Name	Comments
Hisham Bakhtiyar	Director

Department of Military Intelligence (Shu'bat al-Mukhabarat al-'Askariyya)

Central branches:

- Military Investigative Branch
- Palestine Investigative Branch (235)
- Communications Security and Surveillance Branch (211)
- Security Branches (291, 292, 293)

Key Officials:

Name	Comments
Maj. Gen. Abdul Fatah Kudsiyeh	Director
Maj. Gen. Rustam Ghazali	Head of Damascus Regional Branch
Col. Louai Ali	Head or Deputy of Daraa Regional Branch
Brig. Gen. Suheir Ramadan	Head of Suwayda Regional Branch. Until replaced by Wafiq Nasser
Wafiq Nasser	Head of Suwayda Regional Branch; assumed position after Brig. Gen. Ramadan

Air Force Intelligence Directorate (Idarat al-Mukhabarat al-Jawiyya)

Central Branches:

- Investigative Branch
- Special Operations Branch

Key Officials:

Name	Comments
Maj. Gen. Jamil Hassan	Director
Maj. Gen. Abdulsalam Fajer Mahmoud	Head of Investigative Branch
Maj. Gen. Ghassan Ismail	Head of Special Operations Branch
Col. Suheil Hassan	Head of Operations Branch
Col. Qusay Mihoub	Officer from Damascus; sent to Daraa at the beginning of protests to oversee operations there.

General Security Directorate (Idarat al-Amn al-Amm)

(Often referred to by its old name, “State Security”)

Central branches:

- Investigative Branch (285)
- Information Security Branch (255)
- Internal Branch (251)
- External Branch (300)

Key Officials:

Name	Comments
Maj. Gen. Ali Mamlouk (Mamluk)	Director
Maj. Gen. Ghassan Khalil	Head of Information Security Branch (255)
Col. Hafez Makhlof	Head of Internal Branch (251)
Brig. Gen. Ahmed Dibe	Head of Daraa Regional Branch

Political Security Directorate (Idarat al-Amn al-Siyasi)

Central branches:

- Investigative Branch (“al-Feiha”)

Key Officials:

Name	Comments
Mohamed Dib Zeitoun	Director
Brig. Gen. Makhmoud al-Khattib	Head of Investigative Branch
Brig. Gen. Mohamed Heikmat Ibrahim	Head of Operations Branch
Atif Najib	Head of Daraa Regional Branch when protests broke out in March; later removed
Brig. Gen. Nasser Al-Ali	Replaced Atif Najib as Head of Daraa Regional Branch

Appendix 2: Military Terminology

Units of the Armed Forces

English-language equivalent	Appr. number of troops	Arabic transcription	Arabic
Corps	50,000	Failaq	فيلق
Division	15,000	Firqa	فرقة
Brigade	5,000-7,000	Liwa	لواء
Regiment	3,000-4,000	Fawj	فوج
Battalion	50-500	Katibeh	الكتيبة
Company	10-50	Seriyeh	السرية
Platoon	10-50	Faseileh	فصيلة
Squad	9-10	Jamaha	جماعة

Military Ranks:

English-language equivalent	Arabic transcription	Arabic
Field Marshal	Mosheer	مشير
General	Fareeq Awal	فريق أول
Lieutenant General	Fareeq	فريق
1 st Imad	Imad Awal	عماد أول
Imad	Imad	عماد
Major General	Liwa	لواء
Brigadier General	Amid	عميد
Colonel	Aqeed	عقيد
Lieutenant Colonel	Moqaddam	مقدم
Major	Ra'ed	رائد
Captain	Naqeeb	نقيب
1 st Lieutenant	Molazim Awal	ملازم أول
Lieutenant	Molazim	ملازم
Sergeant	Raqeeb	رقيب
Corporal	Areef	عريف

“By All Means Necessary”

Individual and Command Responsibility for Crimes against Humanity in Syria

Since the beginning of anti-government protests in March 2011, Syrian security forces have killed more than 4,000 protesters, injured many more, and arbitrarily arrested tens of thousands across the country, subjecting many of them to torture in detention. The security forces have committed these abuses as part of a widespread and systematic attack against the civilian population, which means they therefore constitute crimes against humanity.

Based on interviews with more than 60 defectors from Syria’s armed forces and intelligence agencies, this report focuses on the individual and command responsibility of Syrian military commanders and intelligence officials for these crimes. Human Rights Watch names commanders and officials who gave both direct and standing orders to use lethal force against the protesters as well as to unlawfully arrest, beat, and torture the detainees. The report concludes that senior military and civilian leadership, including President Bashar al-Assad and the heads of the intelligence agencies, bear command responsibility for violations committed by their subordinates to the extent that they knew or should have known of the abuses but failed to take action to stop them.

Given Human Rights Watch’s conclusion that crimes against humanity have been committed in Syria, the pervasive climate of impunity for security forces and pro-government militias, and the grave nature of many of their abuses, Human Rights Watch believes that the United Nations Security Council should refer the situation in Syria to the International Criminal Court (ICC).

Syrian security forces in Homs, one of the cities hardest hit in the government’s crackdown on protesters.

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