

## **UN Communication against Syrian Arab Republic**

Dear Sir or Madam,

My name is Jian Badrakhan, born in Damascus on the 12.09.1973. I am a Syrian national. I am currently doing research for a PhD at the Institute of International Law at the University of Bonn in Germany.

Last year the government of Syria has shown new versions in the field of the violation of human rights, although Syria the signed anti-torture convention, about the implementation of guaranteed rights in this convention is nothing to see.

Until last year the government always used its old methods for the systematic violation of human rights and the suppression of minorities in general, and the suppression of the Kurds in particular.

Some former political prisoners report on the cruelty of the torture in the Syrian prisons. Political prisoners have in the Syrians prisons, no rights. The prisoners are remand for many years without legal proceedings in custody. They do not have the right to be defended by lawyer. In few cases the prisoners may be represented by lawyer, but only after some months or years after their arrest.

The wife or the partner of the political prisoner does not know in the first months or years whether their children or the husband is alive. They do not have any access to him. A right to visit prisoners does not exist in Syria.

Up to 2004 and exactly after the 12. 03. 2004 got the government of Syria a new dimension in their systematic and massive violations of human rights, a dimension of the horror and cruelty.

The new cruelty was against the Kurdish minority in Syrian Kurdistan and in the big cities in Syria and was embodied in three forms:

### **- A shooting order on unarmed demonstrators:**

Due to the killing of some Kurds in Qamishlo many Kurds go demonstrating against the procedure of the police and the secret service men against the Kurds. In order to stop these demonstrations the mayor von Alhasaka Mr. Salim Daabul orders to shoot at the demonstrators.

His order reads as follow:

From cause of the unexpected meeting safety committee of the Friday of this monthly under participation of the head of the provincial government von Alhasake and the director/conductor of the safety departments in the district the following is decided:

1. Resistance against the destruction machinery in our peaceful city in district Alhasake and immediate shooting at the ringleaders and inciter of races unrests and all those, which want to destroy unit of the Arab Syrian earth.

2. Arrest everyone, who does not obey the law from older from ten to sixty years.
3. The safety departments notice their in accordance with safety tasks the state of emergency laws.

Remain treasure and ammunition for the homeland and the party

a head of the provincial government in Al Hasaka president executive committee

Dr. Salim Kabbul

### **- Kurds were tortured up to death:**

After the massacres of Qamishlo and the mass arrest of Kurds a new tragedy began for the arrested people. The arrested people were already tortured by the police during the arrest. Judicial arrest order did not exist. The people were arrested by secret service and brought directly in torture cellars. Neither parents nor the member of the families of the arrested people did know where their arrested people are. They were afraid to ask about them. The people did not get any news about their members until releasing them or at getting their dead body.

Following people and others were tortured till death:

1. Ferhad Mihemed Ali: from Qamishlo. He was killed in Al Hasaka prison on 08.04.2004.
2. Ehmed note Kenco: from Serê kaniyê. He was arrested between the 12 and 17 March 2004. He died to 03.08.2004 at the age of 36 years old. Mr Kenco was released on 23.07.2004. After 10 days is he died in follow of his injuries which he had to suffer by the torture in the prison.
3. Ehmed Husseinn Hesenn: father of 4 children. He was arrested on the 13.07.2004. He is from Al Hasaka. His brother was on the 02. 08. 2004 informed about his death.
4. Hussein Hemiko Naso: from Afrîn.
5. Khero Birjis Jindo: (soldier) He is from a village next to Amûdê.
6. Dhiaa Addin Nouri Nasr Abdin: (soldier) He is from Maashôqê, a village around Tirbespî in the Kurdish area in Syria.
7. Qasem Ahmed: (Soldier) he is from Dêrîk.
8. Hussein Khalil Hasan: (soldier) he is from Amûdê.
9. Badee Chilo: (soldier) he is from Amûdê.
10. Henan Bekir Diko: he is from Afrîn. He was delivered naked to his parents and was still alive. After 10 days of his release he died in follow of his injuries. (See the attached letter from his cousin describing his case).

### **- The assassination of Kurdish personalities:**

The religious Islam scholer Sheikh Mouhammad Maashouq Al Khaznawi was kidnapped on 10 May Wednesday evening in Damascus from the restaurant Rabua by unknowns. Thousands Kurds

demonstrated for the release of the Scheikhs. The police said to his children that they will hear good message after few days over their father. After few days the corpse of the Sheikhes Maashouk was found in province Al Hasaka.

Sheikh Maashouq was respectable religious personality in the Kurdish and in the Arab society. His family “Al Khaznawi family” leads the Naqshbandiya School (an Islamic school since centuries). The murdered Sheikh believed devoutly that an Islamic scholar have to stand for the human rights and the rights of the people; the way must be however peaceful. It could do many his followers believe in the peaceful way of the implementation of the human rights. Furthermore he convinced that the civil society in Syria and in Syrian Kurdistan that the human rights activists as well as the Islamic scholars are able to work together and that the Islam in the opinion of the Sheikh Maashouq is not against the democracy and the implementation of the human rights.

With this conviction, Sheikh Mashouq before his assassination had travelled to Europe, and met with the representative of other religions, in order to strengthen the dialogue between the religions and the cultures.

In accordance with his interpretation e.g.:

- 1 Women do not have to carry a headscarf; they can carry it if they want; and the headscarf is not an important affair in the Islam.
- 1 Killing of civilian people by the suicide bomber by the self called holy fighter is forbidden in accordance with Islamic science and the killers are accounted as murder. (قتل نفس)

#### **- The case of Masud Hamed:**

*Masud Hamed* is a student at the University of Damascus, department of journalism. He was arrested without apparent reason by the political security guard in the examination hall of his faculty on July 24th 2003. His fate is unclear; however, presently *Masud Hamed* is imprisoned in the “Adra” prison of Damascus.

These acts committed by Syrian governmental agencies constitute violations of the following human rights:

- 1 Violation of the right to life according to Article 3 of the Universal Declaration of Human Rights of December 10<sup>th</sup> 1948 and Article 6 para. 1 of the International Covenant on Civil and Political Rights of December 19<sup>th</sup> 1966.
- 2 Violation of Article 5 of the Universal Declaration of Human Rights of December 10<sup>th</sup> 1948 and Art. 6 para. 1 of the International Covenant on Civil and Political Rights of December 19<sup>th</sup> 1966. Prohibition of torture or cruel, inhuman or degrading treatment.
- 3 Violation against Article 9 of the Universal Declaration of Human Rights of December 10<sup>th</sup> 1948 and Art. 9 of the International Covenant on Civil and Political Rights of December 19<sup>th</sup> 1966. Prohibition of arbitrary arrest, detention or exile.
- 4 Violation against Article 10 of the Universal Declaration of Human Rights of December 10<sup>th</sup> 1948 and Article 9 para. 3 of the International Covenant on Civil and Political Rights of

December 19<sup>th</sup> 1966. Right for anyone arrested or detained on a criminal charge to be brought promptly before a judge or other officer authorized by law to exercise judicial power and entitlement to trial within a reasonable time or to release.

5 Violation against Article 14 subsections (3) lit. b, c, d. the International Covenant on Civil and Political Rights of December 19<sup>th</sup> 1966. According this Art. Everyone who accused because of a punishable action has minimum guaranties.

Lit. b) guarantee a sufficient time and opportunity to the accused for the preparation of his defence and to contact with a defender of his choice.

Lit. c) according the provision a judgement must result without inadequate delay.

Lit. d) guarantees the right to the accused to be present at the procedure and defend themselves or let defend by a defender of his choice.

6 Violation against the right to peaceful assembly: Article 21 of the International Covenant on Civil and Political Rights of December 19<sup>th</sup> 1966.

7 Violation against the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 18 December 1992 which asserts “States shall protect the existence and national or ethnic, cultural, religious or linguistic identity of the minorities within their respective territories and shall encourage the establishment of conditions conducive to the promotion of such identity.”

The protection of existence of minorities includes their physical existence, their continued existence on the territories on which they live, and their access to the material resources required to maintain their existence on those territories. Protection of their existence goes beyond the duty not to destroy or deliberately weaken minority groups: “It also requires respect for and protection of their religious and cultural heritage essential to their group identity.

The human rights situation became worst and worst. The legal system in Syria has collapsed and the people, particularly the Kurdish minority, live without minimum protection of the law and the state organs.

The Kurds are suffering from a consistent pattern of gross violations of human rights and fundamental freedoms. I therefore reach for the available international mechanisms that stand for the protection of human rights.

People as the major of Al Hasaka, Dr. Salim Kabbul, who did not hesitate to be a “mayor of death” of many Kurds must be called to account. The Syrian government and the perpetrators must be asked for the massacre of Qamishlo and arrested Kurds who were killed in the prisons of Syria.

An intervention of the United Nations is the only suitable way to exert pressure on the Syrian government and to stop human right violations and more death and assassinations of Kurds and others in Syria. The victims -or in their fatality their relatives- must be compensated by the Syrian government. These events, and particularly the massacre of Qamishlo, the assassination of Sheikh Maashouq Al Khaznawi, torturing prisoners until death, must not be continued or repeated because the cohabitation of different ethnic groups and their relationships in Syria could be damaged by it. The investigation is of crucial importance because the systems of justice in Syria punishes with

intimidation and torture anyone who tries to vindicate their rights.

Please do not hesitate to contact me for further information.

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