

**Complainant:**

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Dear Sir or Madam,

my name is Jian (Hasan) Badrakhan, born in Damascus on September 12<sup>th</sup>, 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.

This communication raises issues of systematic human rights violations by the government of Syria and its organs against individuals belonging to the Kurdish minority in Syria.

The Syrian Arab Republic is a member to the following relevant international human right agreements:

- International Covenant on Economic, Social and Cultural Rights (since January 3<sup>rd</sup> 1976).
- International Covenant on Civil and Political Rights (since March 23<sup>rd</sup> 1976).
- International Convention on the Elimination of All Forms of Racial Discrimination (since May 21<sup>st</sup> 1969).
- Convention on the Rights of the Child (since August 14<sup>th</sup> 1993).
- and is under an obligation to respect the Universal Declaration on Human Rights of December 10<sup>th</sup> 1948.

In general, violations of human rights and fundamental freedoms in Syria have increased in this and in the last year. Peaceful demonstrators, students and also children were injured in their individual rights, arrested and murdered through the government and its police, military, para-military and secret services.

The following cases reflect the poor human rights situation and the overall lack of enforcement on different levels.

**1. The cases of *Marwan Osman and Hasan Saleh*:**

The two men belong to the Kurdish minority and were arrested on November 15<sup>th</sup> 2002 after having taken part in a political demonstration in Damascus on November 10<sup>th</sup> 2002. On that day, Kurds demonstrated in front of the Syrian parliament. The president of the Syrian parliament *Abdul Qader Qadura* and the chairperson of the Baath party/section Damascus wanted to speak with two people from the mass, that were ready to represent the opinion of the demonstrators. *Mahmud Osman* and *Hasan Saleh* went into the Parliament on behalf of the demonstrators and represented their demands accordingly.

In essence, they demanded better protection of human rights for the Syrian Kurdish minority and action against discrimination by the Syrian government. The secession of the Syrian Kurdistan was not raised.

Both were brought in front of the Supreme Security Court of the State on July 27<sup>th</sup> 2003. Their lawyer *Anuar Albuni*, Esq. requested an adjournment of the hearing in order to be able to take insight into the relevant complaint files and to have the opportunity to meet his clients alone.

The Court rejected the petition and accused the defendants of a conspiracy to separate a part of the Syrian territory and to annex it to a foreign country.

The defendants denied these allegations and insisted that they only demanded human rights for the Kurdish minority in Syria. Further, the Court accused the defendants of membership in a secret and forbidden party although in Syria no law exists concerning political parties which would allow a prohibition in membership.

On February 22<sup>nd</sup> 2004 the defendants were judged guilty and were each sentenced to one year and two months of imprisonment. However, they were freed because they had been on remand for more than one year and two months. Many representatives of foreign states and organizations participated at the negotiation.

## **2. The cases of *Khalil Moustafa* and *Hasan Moustafa*:**

*Khalil Moustafa*, the son of *Mohammad Scharif*, a Kurd from the town of Kobani (or Ainul Arab), situated north-east of Aleppo was arrested in Aleppo by the military security guard on August 8<sup>th</sup> 2003. He died shortly thereafter. According to a medical opinion he died of severe physical injuries on August 10<sup>th</sup> 2003. He was buried in Aleppo on August 16<sup>th</sup> 2003 at about 9 o'clock. A burial in his village was not allowed by the authorities.

Informants maintain that *Khalil Moustafa* died of torture. According to his parents' statement his corpse was dishonoured and mutilated.

Up to now, his brother *Hasan Moustafa* remains imprisoned in consequence of these events.

## **3. The cases of *Mohamed Moustafa* (lawyer in Qamishlo), *Salar Saleh*, *Amer Morad*, *Khaled Mohamed*, *Ali Husen*, *Ramadan Hozan*, *Mohamed amine Ibrahim* (student) and *Mohamed Sharif Farman*:**

Approximately 200 children accompanied by their parents belonging to the Kurdish minority have demonstrated near the UNICEF building in Damascus on June 25<sup>th</sup> 2003, the world children day. The partly stateless children carried posters that called for the restitution of the Syrian citizenship. Furthermore, they demanded to be taught in the Kurdish language in school since they do not understand Arabic. The police stopped all demonstrators and beat many children with truncheons in order to prevent them reaching the UNICEF building. The police arrested seven of the parents and their companions.

Not much is known about their fate. Seven prisoners are at the moment in the "Adra" prison in Damascus.

## **4. 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 24<sup>th</sup> 2003. His fate is unclear, however, presently *Masud Hamed* is imprisoned in the "Adra" prison of Damascus.

Most Kurdish prisoners are accused of the following reproaches:

- According to § 306 of the Criminal Code, providing for punishment because of an affiliation with a union, that was established to threaten the existence of the State.
- According to Article 3 lit. e. in connection with Article 4 lit. c. from the legislative decree from 1965 No. 6, providing for punishment because of a resistance to the goals of the revolution and to cause tumult through distribution of wrong news and to weaken the public's trust in the goals of the revolution.

### **5. The killings of Qamishlo:**

This case concerns killings of several persons belonging to the Kurdish minority in Syria. Coverage of these events can be found on the enclosed CD-Rom.

On March 12<sup>th</sup> 2004 a soccer game of between the Kurdish team Al-Cihad (white jersey) from Qamishlo and the Arabic team Al-Fetua (blue jersey) from the city Deir El Zor was to take place in the city of Qamishlo, situated in the north eastern Syrian province Heseke.

With approval of the province governor, the Syrian secret service and the local country council, an armed group of civilian Arabs harassed the Kurdish population on the streets of Qamishlo with pro Saddam Hussein shouts and anti-Kurdish slogans before the soccer game began. The group continued its provocation in the soccer stadium before the game began by pelting the Kurdish visitors with stones and beating with sticks. The security forces watched the scene without intervening. Only later did the intervention of the police and the security forces take place: Police and security forces beat the Kurdish visitors and shot at them.

This can be seen on the enclosed CD-Rom:

Path: 1-stadium-starts: With the Kurdish mass attempt to escape, many people were heavily injured, and as is reported, partly deadly. The Syrian police imprisoned numerous Kurds. According to my information, nobody from the Arabic group was imprisoned.

This event had an effect on all areas with a strong Kurdish population, for example, the cities Amude, Afrin, Derik and Kobani as well as the Kurdish quarters of Aleppo and the capital Damascus. This can be seen on the enclosed CD-Rom.

Path: 4- Demonstration. Also in these cities thousands Kurdish protestors took to the streets in order to protest against the action of the Syrian security forces and to lament their dead persons in Qamishlo. During the confrontation with the security forces hundreds of people have been injured and several died. Also, in these regions the Syrian police and armed Baathists attacked the protesting crowd. Again there were numerous injured and dead persons on Kurdish side.

In the province Heseke the government armed the Arabic tribes against the Kurds. The Arabic tribe "Shammar" refused to get armed and attack their Kurdish neighbours. They didn't want to destroy a historically grown Arabic-Kurdish neighbourhood.

Due to the killings in Qamishlo and the following events numerous Kurdish students were thrown out of the University, were arrested and tortured. Due to my information, the arrested Kurds from the different cities were tortured so roughly that two of them died. They were buried near Afrin in presence of their parents and the secret service. A burial rite or the presence of further relatives and friends was forbidden.

At least four witnesses and victims of such torture (who escaped to Europe) gave me their approval to testify you to these torture events. They are willing to report personally on the life and the

treatment in Syrian captivity and about the torture methods used.

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

- 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.
- 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.
- 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.
- 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.

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.

- Violation against the right of freedom of expression: Article 19 para. 1 of the International Covenant on Civil and Political Rights of December 19<sup>th</sup> 1966.
- 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.

The human rights system in Syria has collapsed and the people, particularly the Kurdish minority, live without the protection of the law and the state organs. Syria suffers from a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

I therefore reach for the available international mechanisms that stand for the protection of human rights.

An intervention of the United Nations is the only suitable way to exert pressure on the Syrian government and to stop human right violations. The victims -or in their fatality their relatives- must be compensated by the Syrian government and the perpetrators must be called to account. These events, and particularly the massacre of Qamishlo, must not be continued or repeated because the

cohabitation of different ethnic groups and their relationships in Syria could be damaged by it. .

I am available to you for further information.

M. iur. Comp. Jian (Hasan) Badrakhan

June 2004