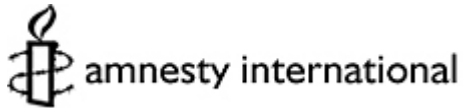


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Syria: Arbitrary detentions and blatantly unfair trials mar PYD fight against terrorism

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The Democratic Union Party (PYD)-led autonomous administration in northern Syria is using a crackdown against terrorism and the armed group calling itself the Islamic State (IS) as a pretext to unlawfully detain and unfairly try peaceful critics and civilians believed to be sympathizers or members of alleged terror groups, said Amnesty International.

Researchers interviewed 10 detainees at two prisons run by the PYD-led autonomous administration, during a fact-finding mission to northern Syria.

Some had been arbitrarily detained for periods of up to a year without charge or trial. Those who did face trials said they suffered from lengthy pre-trial detention and that proceedings were blatantly unfair. They were denied basic rights including the right to defend themselves, to see the evidence against them, and access to a lawyer and their family.

"The PYD-led autonomous administration cannot use their fight against terrorism as an excuse to violate the rights of individuals in areas under their control," said Lama Fakhri, Senior Crisis Advisor at Amnesty International.

"Resorting to such heavy-handed tactics in the name of security such as locking up suspects based on their views or tenuous affiliations without evidence is only likely to backfire and does nothing to improve security. Regardless of the alleged crime, detainees' basic rights to a fair trial and freedom from arbitrary arrest should be upheld."

The PYD-led autonomous administration has run parts of northern Syria since 2014 after the withdrawal of Syrian government forces. It has its own police force, courts, prisons and laws.

The area under the control of the PYD-led administration has been subject to regular assault by IS. In addition to targeting Asayish and YPG (forces under PYD control) security positions, IS has directly targeted civilians in areas under the control of the PYD-led government, killing, displacing, and abducting residents.

In 2014 the administration passed a new counter-terrorism law that they have used to detain and prosecute terrorism suspects.

As a de-facto governing body the PYD-autonomous administration is obliged to respect international human rights law and international humanitarian law including with regard to the prohibition on arbitrary detention and the obligation to ensure fair trials.

Many detainees interviewed however have been arrested for acts that are not recognized criminal offences, and often with no evidence of criminal wrongdoing against them. Some detainees were never told of the charges against them or brought before a public prosecutor or judge. Out of five detainees convicted on terrorism grounds interviewed four said they had been sentenced after grossly unfair trials without any substantiated evidence of their guilt.

Arbitrary detentions

A number of detainees told Amnesty International that they were detained on a whim, with scant evidence, as retribution for peacefully opposing or criticizing the PYD authorities or perceived affiliations with terrorist groups.

Fahed, 65, an Arab detainee from Hasakeh city, who was detained for two months with three of his sons, told Amnesty International that Asayish - local police - detained them because relatives of his daughter-in-law were affiliated with IS, even though he said he had no dealings or connection with the group.

In another case, Omar, 30, an Arab from Hasakeh, said he was detained for nearly a month and accused of being a terrorist because his name resembled that of a wanted man. No other evidence against him was presented, he told Amnesty International. Omar said that more than a dozen other Arab men he knew from Hasakeh had been detained on suspicion of terrorist activity and held for about 15-20 days before being released because there was no evidence against them.

Malek, 35, an Arab man from Raqqa, told Amnesty International that he was accused of terrorism, but that the only evidence against him consisted of Facebook posts criticising the PYD that were not threatening or violent.

Asayish forces have also used the counter-terrorism law to detain and prosecute Kurdish opposition groups critical of the PYD. The Syrian Democratic Kurdish Party (PDK-S), a Kurdish opposition party, told Amnesty International that 12 members of their party in Afrin, also under the control of the PYD-led administration, have been arbitrarily detained in 2014 and sentenced for committing terrorist acts without any substantiated evidence.

Amnesty International calls on the PYD-led autonomous administration to end arbitrary arrests and release all detainees who are held unlawfully. Arrests should not be conducted without a warrant or to stop crimes in progress. Arbitrary arrests contravene the administration's own Social Contract, a constitutional document adopted in January 2015, guaranteeing the right to not be arbitrarily detained.

All detainees accused of terrorism interviewed by Amnesty International said that their conditions of confinement in the central prisons were adequate. Researchers observed that prison cells were not overcrowded and were well equipped with beds, adequate lighting, and bathroom facilities. Detainees did not allege that they were ill-treated or tortured in the central prisons visited. They said that they received three meals per day, were allowed to spend at least an hour per day in the prison courtyards, were provided access to medical treatment when needed, and entitled to one family visit per week and one phone call per week.

Two prisoners however described poor conditions and ill-treatment in an Asayish pre-trial detention facility in Amouda, a town in northeastern Syria near the Turkish border. Mohamad (names have been changed to protect interviewees) was held in Amouda for six months from August 2014. He said that he shared an underground cell with 12 other people. He was not allowed to shower for the first month, or to go outside or see the sun. He was also verbally abused by prison guards because he used to live in an IS controlled area.

"The prison guards humiliated me because I was accused of being a supporter of the Islamic State. They told me that I deserve worse than being locked up in an underground cell," he said. Another detainee held at the same facility and interviewed separately said he had suffered the same ill-treatment and abuse.

Prolonged pre-trial detention and blatantly unfair trials

Several detainees told Amnesty International that they were held in pre-trial detention for periods up to one year without trial. Some said that they were never formally charged and never saw a public prosecutor, or went to court.

One such example was Safwan, a foreign national who had been detained for nearly a year when he spoke to Amnesty International without ever having been charged, seeing a public prosecutor, or appearing before a judge. According to the PYD's own regulations pre-trial detainees should be held for a maximum of 72 hours before being charged by a public prosecutor and being transferred to a central prison to await trial.

One detainee, Issam, told Amnesty International he was abducted by IS on his way to Raqqa and forced to give them the location of a YPG checkpoint. "I turned myself into the Asayish on time for them to prevent the attack. I might be guilty but I expected a fair trial," he said. Instead he spent six months in pre-trial detention, was not informed of the charges against him before being sentenced to seven years in prison and seven years in exile. "I was sentenced in a room by a judge without a lawyer or the chance to defend myself," he said.

Mohamad, who was detained in August 2014 also described an unfair trial. "The interrogator told me that I was innocent and will be released in 15 days...Instead, I was sentenced to 10 years in prison after seeing a judge for 10 minutes. The judge refused to show me the evidence they had against me," he said.

In one case, a civilian detainee was prosecuted before a military court.

Despite claims by Ciwan Ibrahim, Director of the Asayish, that detainees are granted access to a lawyer and that their families are notified of their whereabouts after arrest and allowed to visit them once investigations are complete (usually in about a month), many detainees said their request for a lawyer had been ignored and they were deprived from communicating with their families for months. Only one detainee interviewed said that he had a lawyer.

"It is clear that many detainees have faced grossly unjust trials in a serious violation of their rights. Everyone should have the right to defend themselves before fair courts. Instead of trampling all over people's rights in the name of security and counterterrorism the PYD-led administration should ensure that the rights of detainees are respected," said Lama Fakih.

All detainees should promptly appear before a judge be informed of the charges against them and granted access to a lawyer and their families. Civilians should never be prosecuted before military courts.

Background

Amnesty International visited two central prisons in Qamishli and Malikiya under the control of the PYD-led administration's police force, the Asayish in August 2015. At both facilities researchers were able to speak to detainees of their choice and interview them separately without any prison officials present.

There are around 125 prisoners detained in three central prisons in the Jazira canton: Qamishli, Derbasiyah and Malikiya, according to Abeer Mohamad Khaled, the Director of Prisons for the Asayish. Ciwan Ibrahim, Director of the Asayish, told Amnesty International that there up to 400 detainees held by the Asayish across all three cantons under PYD control.

In 2014, the PYD along with a series of smaller political parties established an autonomous administration in three primarily Kurdish cantons in northern Syria: Afrin, Jazira (in Hasakeh governorate) and Ain al-Arab (Kobani). The PYD-led administration has its own police force, courts, prisons, ministries and laws. The PYD also formed an army, the People's Protection Unit (YPG), primarily responsible for protecting Kurdish held territory and for running military courts.

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