

Schnellrecherche der SFH-Länderanalyse vom 10. September 2015 zu Syrien: Reflexverfolgung

Frage an die SFH-Länderanalyse:

- Inwiefern sind Menschen in Syrien gegenwärtig von Reflexverfolgung betroffen?

Die Informationen beruhen auf einer zeitlich begrenzten Recherche (Schnellrecherche) in öffentlich zugänglichen Dokumenten, die uns derzeit zur Verfügung stehen.

1 Inwiefern sind Menschen in Syrien gegenwärtig von Reflexverfolgung betroffen?

Reflexverfolgung ist ein vertrautes politisches Instrument. Das irische *Refugee Documentation Centre* veröffentlichte am 26. März 2013 eine Übersicht zur Reflexverfolgung in Syrien. Darin wird mit Verweis auf eine Reihe unterschiedlicher verlässlicher Quellen von zahlreichen Fällen berichtet, in denen Personen aufgrund ihrer familiären Zugehörigkeit Opfer zielgerichteter Verfolgung wurden. Demnach setzten die syrischen Behörden bereits vor 2011 regelmässig Oppositionelle unter Druck, indem ihre Familienangehörigen Repressionen ausgesetzt wurden. Seit dem Ausbruch des Bürgerkriegs habe diese Strategie zusätzlich an Gewicht gewonnen.

Familienangehörige verhaftet und gefoltert. Im selben Bericht des irischen *Refugee Documentation Centre* wird von Familienangehörigen berichtet, die von den Sicherheitskräften verhaftet und gefoltert wurden, um Oppositionelle zu erpressen oder zur Aufgabe zu zwingen. Auch Kinder sollen von den Massnahmen betroffen gewesen sein, die sich zum einen gegen Angehörige bewaffneter Gruppierungen, zum anderen aber auch gegen politische Aktivistinnen und Aktivisten, Regierungskritiker und -kritikerinnen, wie auch gegen Mitglieder von Menschenrechtsgruppen richteten. Die meisten Verhaftungen wurden im Geheimen und auf Befehl eines der Sicherheitsapparate durchgeführt. Dabei fehlte in vielen Fällen eine offizielle Begründung für die Verhaftung, häufig handelte es sich um willkürliches Vorgehen.

Reflexverfolgung findet weiterhin statt. Sowohl das Assad-Regime wie auch andere Konfliktparteien wandten und wenden dieses Vorgehen auch nach dem Erscheinen des oben genannten Berichts weiterhin systematisch an, wie aus einer Reihe jüngerer Publikationen hervorgeht.

In den jüngsten Protection Considerations des *United Nations High Commissioner for Refugees* (UNHCR) zu Syrien vom 27. Oktober 2014 wird darauf hingewiesen, dass eine ganze Reihe von Bürgerkriegsparteien (z.B. Armee, regierungsfreundliche Milizen, regierungsfeindliche Gruppierungen, sowie ISIS) diese Strategie verfolgen. So werden ganze Familien, Stämme, religiöse und ethnische Gruppen, sowie Städte und Dörfer zum Ziel von Vergeltungsaktionen. Der UNHCR-Bericht hält explizit fest, dass diese Dynamik der Reflexverfolgung eine ganz entscheidende Charakteristik des anhaltenden syrischen Konflikts darstellt. Betroffen sind dem-

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nach beispielsweise Familienangehörige von mutmasslichen Protestierenden, Aktivistinnen und Aktivisten, Mitgliedern von Oppositionsparteien und bewaffneten regierungsfeindlichen Gruppierungen, Dienstverweigerern und Überläufern. Laut *UNHCR* sind Fälle bekannt, in denen es durch Reflexverfolgung zu willkürlichen Festnahmen, Isolationshaft, Folter und anderen Misshandlungen, sexueller Gewalt, sowie standrechtlichen Hinrichtungen kam.

Der Bericht von *Human Rights Watch* zur Menschenrechtssituation in Syrien vom 29. Januar 2015 weist ebenfalls darauf hin, dass die syrischen Sicherheitskräfte Familienangehörige von gesuchten Personen festnehmen, um diese dazu zu bewegen, sich den Behörden auszuliefern. Auch Kinder seien von diesen Massnahmen betroffen.

In seinem Länderbericht 2014 zur Menschenrechtspraxis in Syrien vom 25. Juni 2015 schildert das *US Department of State* (USDOS) eine Reihe von Vorfällen, in denen Zivilpersonen aufgrund ihrer Familienzugehörigkeit verfolgt, verhaftet oder gefoltert wurden. Insbesondere Frauen wurden dabei regelmässig Opfer sexueller Gewalt. Familienangehörige von Oppositionellen waren ausserdem von der Beschlagnahme ihres Privateigentums betroffen.

Am 13. August 2015 veröffentlichte der *UN Human Rights Council* seinen jüngsten Bericht zur Lage in Syrien. Demgemäss werden von den syrischen Behörden weiterhin gezielt Familienangehörige gesuchter Personen festgenommen. Der Bericht weist auf die besondere Gefährdungslage von Frauen hin. Deren Gefangennahme werde zur gezielten Demütigung nicht nur der Frauen selber, sondern auch ihrer männlichen Verwandten eingesetzt.

Ireland: Refugee Documentation Centre, 26. März 2013:

«A report published by the Damascus Center for Human Rights Studies, in a section titled "Enforced disappearances, arbitrary arrests and detentions", states:

"Over the past decades and in particular in the 1980's and 1990's, security bodies carried out waves of arrests, detaining hundreds of suspects and their relatives for long periods of time. Cases of enforced disappearances could last a few months, or several years. According to the information received, on occasion, some suspects were even unlawfully executed." (*Damascus Center for Human Rights Studies (2010) Alternative Report to the Syrian Government's Initial Report on Measures taken to Fulfil its Commitments under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, p.22*)

In a section titled "Unexplained deaths under torture and deterrence of families to look for truth" this report states: "The number of people who have died in Syria under torture is unknown, first and foremost due to the difficulty of accessing such information, but also because the security apparatus threatens the detainee's family, telling them they will meet the same fate if they speak of the torture." (*ibid, p.24*)

A Human Rights Watch report on the arrest of the wives of detained suspected Islamists states: "On July 31, State Security, one of Syria's numerous security agencies, seized Yusra al-Husayn at her house and took her into detention. She is the wife of Jihad Diab, a detainee at the US military base at Guantanamo Bay. Four days later, State Security detained Raw`a al-Kilani from her house. Raw`a is married to Ziad al-Kilani, who was detained by Syrian Air Force Intelligence in April 2004 and is currently facing trial before the Supreme State Security Court (SSSC), a special court that is exempt from standard rules of criminal procedure and evidence, on charges of membership in an association 'created to change the economic or social structure of the state' through terrorist acts. Ziad is currently detained in Sednaya prison. Around the time Raw`a was arrested, State Security also detained Bayan, the wife of Ahmad Saleh `Ali, from her house. Security services arrested Ahmad in June 2005." (Human Rights Watch (17 August 2008) Syria: Wives of Islamist Suspects Detained, Whereabouts Unknown)

In an article published by the Institute for War & Peace Reporting an exiled opposition activist states: "The Assad regime has a **long history of targeting the families of opposition activists as a way of pressuring them to stop their activities, and this tactic has become even more crucial since the start of the uprising.**" (Institute for War & Peace Reporting (9 September 2011) Syria Activist Fears Family Targeted)

The author of this article also states: "There are a number of instances of **family members being arrested and tortured in order to blackmail opposition activists**, especially in places like Hama, where we believe children as young as a year old have been held hostage by security forces." (ibid)

The 2013 Human Rights Watch report on Syria, in a section titled "Arbitrary Arrests, Enforced Disappearances, Torture, and Deaths in Custody", states: "In some instances activists reported that **security forces detained their family members, including children, to pressure them to turn themselves in.**" (Human Rights Watch (31 January 2013) World Report 2013 – Syria)

The 2012 US Department of State country report on Syria, in a section titled "Arbitrary Arrest", states: "In effect until April 19, the Emergency Law authorized the government to conduct preventive arrests and overrode constitutional and penal code provisions against arbitrary arrest and detention, including the need to obtain warrants. After the Emergency Law was technically lifted, security forces continued their previous practices and, in fact, arrested more individuals arbitrarily. There were also several reports that **the security services would arrest relatives of a wanted person to pressure that individual to surrender. Warrants and court orders were rarely issued or presented before an arrest.** Most detentions were made secretly at the order of one of the security branches. Arbitrary and false arrests were common, and detainees had no legal redress. Often the authorities cited no reasons for arresting civilians." (US Department of State (24 May 2012) Country Reports on Human Rights Practices for 2011 – Syria, p.8)

In a section titled "Arbitrary Interference with Privacy, Family, Home, or Correspondence" this report states: "**The government actively targeted and arbitrarily**

arrested the family members of government critics and human rights groups.

On August 30, air force intelligence agents seized Yassin Ziadeh, the brother of exiled activist Radwan Ziadeh. Activists reported that the government targeted Yassin due to his brother's criticisms of the regime. At year's end Yassin continued to be held incommunicado at an unknown location and had not been charged. Composer Malek Jandali's parents were killed in their home in Homs in retaliation for Jandali's activities in the United States. There were unconfirmed reports that security personnel forced prisoners to watch relatives being tortured to extract confessions." (ibid, pp.11-12)

An Amnesty International briefing document, in a section titled "From Shooting Peaceful Demonstrators to Air Bombardments and Ballistic Missiles Strikes Against Civilians", states: "As the conflict spread, **Syrian armed forces and pro-government militias carried out destructive incursions in town and villages, where they extrajudicially executed captured opposition fighters, their relatives and other civilian residents, and burned and vandalized residents' homes and businesses.**" (Amnesty International (14 March 2013) Syria: Government Bombs Rain on Civilians, p.2)

A UN Human Rights Council report, in a section titled "Enforced disappearance" (paragraph 80), states: "There were multiple reports of enforced disappearance committed by Government forces and affiliated militia. No information was provided to families who enquired about their relatives' whereabouts. **Relatives of some detainees who approached officials were themselves arrested, justifying a fear in others who might undertake similar enquiries.**" (UN Human Rights Council (5 February 2013) Report of the independent international commission of inquiry on the Syrian Arab Republic, p.14)

An Amnesty International urgent action alert on the arrest of a mother and her children states: "Mahmoud Hamada, aged 10 and Osama Hamada, aged 8, were arrested from their home in Aqraba, in the suburbs of Damascus on 15 May 2012, along with their mother Malika al-Khateeb who is six months pregnant. Five other family members present in the house at the time were also arrested: they are the children's grandfather Mahmoud Rida Hamada; grandmother Samiya al-Jad; uncle Mohamed Hamada; aunt Noor al-Habyan; and cousin Adam Hamada, aged 3. Following the arrests, several of the town's elders went to ask for their release at the Air Force Intelligence branch in al-Mezzeh neighbourhood of Damascus, but were told **the family would only be released if Malika al-Khateeb's husband, Said Mahmoud Hamada, hands himself in to the authorities.** Said Mahmoud Hamada is reportedly accused by the Syrian authorities of 'belonging to a terrorist group', and is currently in hiding." (Amnesty International (1 June 2012) Mother And Children Held Incommunicado)

An urgent appeal from the World Organisation Against Torture on the arrest of a human rights activist states: "The Observatory has been informed by reliable sources about the arbitrary arrest and incommunicado detention of Mr. Mazen Naji, a college student also known as Abu Hamza al-Shami, a member of the Syrian Network for Human Rights and an activist in the Syrian peace movement who has been monitoring human rights violations occurring within the country, as well as

four of his relatives.” (World Organisation Against Torture (OMCT) (18 February 2013) Syrian Arab Republic: Incommunicado detention of Mr. Mazen Naji)

This appeal also states: “The agents also put pressure on Mr. Naji's family members, trying to get them to make contact with other activists. Mr. Naji's father and sister Ms. Islam Naji were also arrested for questioning and have not since returned home. On January 21, 2013, Ms. Naji's husband and his father went to the security branch to find out what had happened to their relatives and have also not returned since then.” (ibid)» Quelle: Ireland: Refugee Documentation Centre, Syria: Information regarding the government targeting of family members of persons who have been arrested and tortured or who have been killed due to their opposition to the government, 26. März 2013: www.refworld.org/docid/51825b694.html.

UNHCR, 27. Oktober 2014:

«Impact of Conflict and Violence on the Civilian Population within Syria

*12. A particular feature of the conflict has been that **different parties to the conflict frequently impute a political opinion or affiliation to larger groups of people, including families, tribes, religious or ethnic groups or whole towns, villages or neighbourhoods.** As such, members of a larger entity have, without individually having been singled out, become the targets for repercussions by different actors, including government and progovernment forces, ISIS and anti-government armed groups, for reason of real or perceived support to another party to the conflict. According to consistent reports, **whole communities which are perceived to be holding a particular political opinion or affiliation in relation to the conflict have become the target of aerial bombardments, shelling, siege tactics, suicide attacks and car bombs, arbitrary arrest, hostage-taking, torture, rape and other forms of sexual violence, and extra-judicial executions.** The perception of sharing a political opinion or affiliation in relation to the conflict is often based on little more than an individual's physical presence or origin in an area, or his/her ethnic, religious or tribal background. **The risk of being harmed is very real and is in no way diminished by the fact the person concerned may not be targeted for or exposed to harm on an individual basis.** (...)*

*Reports consistently describe the targeting of family members and other persons affiliated with those who are opposing or are perceived to be opposing the government. As such, **family members (examples relate to spouses, children including minor children, siblings, parents and also members of the extended family) of, for example, (real or perceived) protestors, activists, members of opposition parties or armed opposition groups, defectors and draft evaders, have reportedly been targeted for arbitrary arrest, incommunicado detention, torture and other forms of ill-treatment, including sexual violence, as well as summary execution. Neighbours, colleagues and friends have also reportedly been targeted.** In cases in which a wanted government opponent, or person perceived to be a government opponent, cannot be found, **security forces reportedly turn to arresting and/or abusing members of his/her family, including children, either as a form of retribution for the wanted person's opposition activities or defection, to obtain information about his/her whereabouts, or as a means to force***

the wanted person to turn him/herself in or to confess to the charges brought against him/her. In particularly grave instances, entire families related to members of the opposition or defectors have reportedly been arrested or extra-judicially executed, for example during house searches. (...)

Assessing Individual Asylum Claims

26. While the majority of Syrians and others leaving the country remain in the region, the numbers of individuals who arrive in countries further afield and seek international protection are increasing. Their claims need to be assessed in fair and efficient procedures. UNHCR considers that most Syrians seeking international protection are likely to fulfil the requirements of the refugee definition contained in Article 1A(2) of the 1951 Convention relating to the Status of Refugees, since they will have a well-founded fear of persecution linked to one of the Convention grounds. **For many civilians who have fled Syria, the nexus to a 1951 Convention ground will lie in the direct or indirect, real or perceived association with one of the parties to the conflict.** In order for an individual to meet the refugee criteria **there is no requirement of having been individually targeted in the sense of having been “singled out” for persecution which already took place or being at risk thereof.** Syrians and habitual residents of Syria who have fled may, for example, be at risk of persecution for reason of an imputed political opinion because of who controls the neighbourhood or village where they used to live, or because they belong to a religious or ethnic minority that is associated or perceived to be associated with a particular party to the conflict. (...)

Risk Profiles

28. Where claims of asylum-seekers who have fled Syria are considered on an individual basis in accordance with established asylum or refugee status determination procedures, **UNHCR considers that persons with any of the profiles below, or a combination thereof, are likely to be in need of international protection in the sense of the 1951 Convention, unless, of course, exclusion clauses would apply (see para 29). Family members or persons otherwise closely associated with persons in any of the profiles below are, depending on the individual circumstances of the case, also likely to be in need of international refugee protection.** Where relevant, particular consideration needs to be given to any past persecution to which applicants for international protection may have been subjected.

The profiles listed here are not necessarily exhaustive; they are based on information available at the time of writing. Hence, a claim should not automatically be considered as without merit simply because it does not fall within any of the profiles identified here.

- Persons opposing or perceived to be opposing the government, including, but not limited to, members of political opposition parties; protestors, activists and others perceived to be sympathizing with the opposition; members of anti-government armed groups, or persons perceived to be members of anti-government armed groups; draft evaders and deserters from the Armed Forces; Government and Ba'ath

Party officials who abandoned their positions; family members and affiliates of persons opposing or perceived to be opposing the government; and civilian inhabitants of urban neighbourhoods, towns and villages perceived to be opposing the government.

- Persons supporting or perceived to be supporting the government, including, but not limited to, government officials and members of government-affiliated parties; members and perceived members of government and pro-government forces and civilians perceived to be collaborating with government or pro-government forces; family members of persons supporting or perceived to be supporting the government; and civilian inhabitants of urban neighbourhoods, towns and villages perceived to be supporting the government.

- Persons opposing, or believed to oppose, ISIS in areas under its de facto control.

- Persons opposing, or believed to oppose, anti-government armed groups in areas under their de facto control.

- Persons opposing, or believed to be opposing, the PYD/YPG in areas under their de facto control.

- Certain professionals, in particular journalists and other media professionals, citizen journalists; doctors and other health professionals; human rights defenders; humanitarian workers; artists; and businessmen and industrialists.

- Members of religious groups, including Sunnis, Alawites, Ismailis, Twelver Shi'ites, Druze, Christians, and Yezidis.

- Persons Perceived as Contravening Shari'a Law in areas under control of extremist Islamist groups.

- Members of minority ethnic groups, including Kurds, Turkmen, Assyrians, Circassians, and Armenians.

- Women, in particular women who are victim of or at risk of sexual violence, early and forced marriage, domestic violence, "honour crimes" or trafficking.

- Children, in particular children who are at risk of detention or have previously been detained; children victims of or at risk of underage and forced recruitment, sexual and domestic violence, child labour, trafficking, and systematic denial of access to education.

- Individuals of diverse sexual orientation and/or gender identity and intersex individuals.

- Palestine Refugees from Syria.» Quelle: UN High Commissioner for Refugees (UNHCR), International Protection Considerations with regard to people fleeing the Syrian Arab Republic, Update III, 27. Oktober 2014, S. 6-15:

www.refworld.org/docid/544e446d4.html.

Human Rights Watch, 29. Januar 2015:

«Syrian security forces continue to detain people arbitrarily, regularly subjecting them to ill-treatment and torture, and often disappearing them using an extensive network of detention facilities throughout Syria. Many detainees were young men in their 20s or 30s; but children, women, and elderly people were also detained. In some instances, individuals reported that **security forces detained their family members, including children, to pressure them to turn themselves in.** On August 30, the Syrian Network for Human Rights, a local monitoring group, estimated that **85,000 people were currently being held by the government in conditions that amount to enforced disappearance.**» Quelle: Human Rights Watch, World Report 2015 - Syria, 29. Januar 2015: www.refworld.org/docid/54cf837c15.html.

US Department of State, 25. Juni 2015:

«The UN Commission of Inquiry on Syria (COI) reported the number of forced disappearances remained high. The vast majority of disappearances reported by activists, human rights observers, and international NGOs appeared to be politically motivated. The regime targeted critics, specifically medical personnel, antigovernment protesters, their families, and associates (see section 1.g.). The COI reported government forces engaged in mass arrest campaigns leading to the enforced disappearance of fighting-age men in areas that fell under their control, particularly following the seizure of Yabroud in March and the truces in Assal al-Ward in April and the city of Homs in May. The COI noted further that the families of disappeared persons were often afraid to approach authorities to inquire about the whereabouts of their relatives; those who did so faced systematic refusal by authorities to disclose information about the fate of disappeared individuals. The October 23 UN Security Council report on the implementation of UN Security Council Resolution 2165 noted 27 UN national staff members were detained or missing. (...)

In addition to physical torture, the SNHR also reported 14 methods of psychological torture, including threatening prisoners with death; forcing prisoners to witness the death, rape, or torture of other prisoners; offending or denigrating the prisoner's religious beliefs; and **threatening family members (in particular female family members) with rape.**

The COI reported that beginning in 2011, security forces subjected detainees to mistreatment in military hospitals, often obstructing medical care or exacerbating existing injuries as an abuse and interrogation technique. There were multiple reports of deaths in custody at the Mezzeh airport detention facility, Military Security Branches 215 and 235, and Sednaya Prison. **Authorities consistently directed families of detainees seeking information to the Qaboun Military Police and Tishreen Military Hospital.** In most cases authorities did not return the bodies of deceased detainees to their families. Authorities reportedly buried many victims in the Najha cemetery. Various NGOs, including HRW, AI, and the SNHR, continued to report widespread instances of rape and sexual abuse, including of minors. The COI reported receiving reports of interrogators raping and sexually abusing male

detainees held in Branch 285 of the General Directorate of Intelligence in Damascus. A June HRW report noted that military intelligence officials in Tartus and Air Force Intelligence officials in Mezze, Damascus, raped female political activists held in their custody. An April SNHR report and June al-Jazeera television report featuring interviews with women formerly held in state prisons and detention facilities included similar findings.

There continued to be a significant number of exceptionally brutal cases of abuse of children by the regime. The COI noted regular reports of detention and torture of children under age 13 in government detention facilities. **Officials reportedly targeted and tortured children because of their familial relations, or assumed relationships, with political dissidents, members of the Free Syrian Army (FSA), and activist groups.** The UN special representative for children and armed conflict reported that child detainees, largely boys, including those as young as age 14, suffered similar or identical methods of torture practiced on adults, including electric shock, beatings, stress positions, threats, and acts of sexual assault. **According to witnesses a number of children continued to be held to compel parents and other relatives associated with opposition fighters to surrender to authorities.** (...)

According to the media and activists, **the regime seized the property and assets of opposition figures, including those who participated in the January and February Geneva II negotiations between the regime and opposition elements, and arrested members of their families.** (...)

«Arbitrary Arrest: Security forces continued their previous practices and increased arbitrary arrests, but detainees had no legal redress. **Reports continued of security services arresting relatives of wanted persons to pressure individuals to surrender.** Police rarely issued or presented warrants or court orders before an arrest. The security branches secretly ordered many detentions. Freedom House reported the government continued to respond to opposition protests in government-held areas with gunfire, mass arrests, and torture. In areas under government control, security forces engaged in arbitrary arrests. For example, the COI reported mass arrests of men of fighting age in the cities of Yabroud, following its seizure by government forces in March; Assal al-Ward, following the April truce; and Homs, following the May truce. The COI also noted that authorities arbitrarily arrested men and boys over age 12 at some checkpoints. Arbitrary and false arrests were common, and detainees had no legal redress. Often authorities cited no reason for arresting civilians.» (...)

Physical Abuse, Punishment, and Torture: The government and its affiliated militias consistently engaged in physical abuse, punishment, and torture of both opposition members and civilians. **Government agents targeted individuals with previous ties to foreign governments that favored the opposition; family members and associates of such individuals also were targeted.** Government officials abused prisoners and detainees, as well as injured and sick persons, and raped women and men as a tactic of war. For example, **reports of government-sponsored sexual violence included rape of women at checkpoints, transfer of women to jails to**

be raped in front of detained husbands (sometimes followed by attacks on detained husbands), incidents of mass rape, and the gang rape of women by security forces. Additionally, according to the COI, the "Caesar photographs" smuggled out of the country early in the year by a former regime photographer documented the torture and severe malnourishment of more than 11,000 deceased detainees between 2011 and 2013.» Quelle: United States Department of State, 2014 Country Reports on Human Rights Practices – Syria, 25. Juni 2015:
www.refworld.org/docid/559bd53712.html.

UN Human Rights Council, 13. August 2015:

«41. Consistent with previously documented patterns, men – particularly those with identification cards showing them to be from restive areas – are arbitrarily arrested by Government forces. This happened most frequently at checkpoints in Government-controlled areas of Damascus and Aleppo cities, as well as on the main routes linking Damascus and Dara'a governorates. Countless men remain detained due to activities relating to their exercise of freedom of expression or assembly. **Others appear to have been detained to pressure family members wanted by the authorities**, rendering their detention unlawful. (...)

50. **Women have also been targeted because of their familial links, actual or assumed, with male members of opposing warring parties.** For the belligerents, the very act of detaining a woman, with all the risks to her person that this implies, appears **designed to humiliate not only the woman, but also – and arguably, primarily – her male relatives.**» Quelle: UN Human Rights Council, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, 13. August 2015, S. 8-9: www.refworld.org/docid/55e955344.html.