

KONTEKST:

Potrebno utvrditi slučajeve mučenja i nečovečnih postupanja prema pritvorenicima u sirijskim pritvorskim objektima, u cilju analize i donošenja odluke u konkretnom slučaju, a povodom zahteva za azil lica poreklom iz Sirije, prema izjavi iznetoj na zahtevu za azil i usmenoj raspravi;

PITANJE: Mučenja i nečovečna postupanja prema pritvorenicima u sirijskim pritvorskim objektima

ODGOVOR:

Mučenja u pritvorskim objektima širom Sirije su široko rasprostranjena.^{1 2 3 4} Odrasli muškarci, ali i žene i deca izlažu se torturi i različitim oblicima mučenja i zlostavljanja u pritvorskim jedinicama.^{5 6 7} Izveštaji različitih organizacija potvrđuju znatno povećanje slučajeva zlostavljanja i mučenja od strane pripadnika Sirijskih vlasti od početka protesta u Siriji u martu 2011. godine.^{8 9 10 11}

Mučenja pritvorenika su počinjena od strane policajaca i službenika različitih bezbednosnih i obaveštajnih službi, a naročito se ističu Obaveštajna služba vazduhoplovstva,

¹ UK Border Agency: Syria Country of Origin Information (COI) Report, 15 August 2012 - http://www.ecoi.net/file_upload/1226_1345464874_coir-syria-ukba-12-08-15.pdf, str 58

² Amnesty International: Annual Report 2012 The state of the world's human rights, Syria/Torture and other ill-treatment - <http://www.amnesty.org/en/region/syria/report-2012>

³ US Department of State: Country Report on Human Rights Practices for 2011/Torture and other cruel, inhuman, or degrading treatment or punishment, Syria, 24 May 2012 - http://www.ecoi.net/local_link/217667/324297_en.html

⁴ UN Committee against torture: 48th Session, Geneva, 7 May to 1 June 2012 - Alternative report of the international commission of jurists (ICJ) in response to the request by the Committee against torture for a special report by the Syrian Arab Republic pursuant to article 19(1) of the Convention against torture and other cruel, inhuman or degrading treatment or punishment, April 2012/Executive Summary - http://www.ecoi.net/file_upload/1788_1340204880_icj-syria-cat48.pdf

⁵ International Federation for Human Rights: Bashar al Assad: criminal Against Humanity – Report of human rights violations committed in Syria. March – July 2011 - <http://www.fidh.org/IMG/pdf/reportsyria2807eng.pdf>, str 15

⁶ US Department of State: Country Report on Human Rights Practices for 2011/Torture and other cruel, inhuman, or degrading treatment or punishment, Syria, 24 May 2012 - http://www.ecoi.net/local_link/217667/324297_en.html

⁷ BBC News Mid-East: Syria ex-detainees allege ordeals of rape and sex abuse, 25 September 2012 - <http://www.bbc.co.uk/news/world-middle-east-19718075>, pristupljeno 24. decembra 2012.

⁸ UK Border Agency: Syria Country of Origin Information (COI) Report, 15 August 2012 - http://www.ecoi.net/file_upload/1226_1345464874_coir-syria-ukba-12-08-15.pdf, str 60

⁹ US Department of State: Country Report on Human Rights Practices for 2011/Torture and other cruel, inhuman, or degrading treatment or punishment, Syria, 24 May 2012 - http://www.ecoi.net/local_link/217667/324297_en.html

¹⁰ Amnesty International: Deadly Reprisals, deliberate killings and other abuses by Syria's armed forces/Introduction, June 2012 - <http://www.amnesty.org/en/library/asset/MDE24/041/2012/en/30416985-883b-4e67-b386-0df14a79f694/mde240412012en.pdf>

¹¹ UN Committee against torture: 48th Session, Geneva, 7 May to 1 June 2012 - Alternative report of the international commission of jurists (ICJ) in response to the request by the Committee against torture for a special report by the Syrian Arab Republic pursuant to article 19(1) of the Convention against torture and other cruel, inhuman or degrading treatment or punishment, April 2012/Executive Summary - http://www.ecoi.net/file_upload/1788_1340204880_icj-syria-cat48.pdf

Vojna obaveštajna služba, Generalna obaveštajna uprava, Državna bezbednost, Uprava političke bezbednosti.^{12 13}

Svedočenja onih koji su bili žrtve, ali svedoci mučenja drugih tokom pritvora, potvrđuju da su bili podvrgnuti teškom batinjanju, neretko palicama i kablovima, kao i elektrošokovima.^{14 15}

¹⁶ Takodje, bila im je uskraćivana hrana, voda i san.^{17 18} Zatvorenici su često bili primoravani da borave u prenatrpanim ćelijama.^{19 20 21}

Jedna od metoda mučenja koju su sprovodile vojne i bezbednosne snage u pritvorima je i seksualno nasilje, kao i psihičko nasilje, koje uključuje pretnje seksualnim nasiljem, protiv samih pritvorenika ili njihovih porodica.^{22 23 24 25} Nekim zatvorenicima je više puta prećeno da će biti silovani pred svojim porodicama i da će njihove žene i ćerke biti silovane.^{26 27 28}

¹² UN Committee against torture: 48th Session, Geneva, 7 May to 1 June 2012 - Alternative report of the international commission of jurists (ICJ) in response to the request by the Committee against torture for a special report by the Syrian Arab Republic pursuant to article 19(1) of the Convention against torture and other cruel, inhuman or degrading treatment or punishment, April 2012/Executive Summary - http://www.ecoi.net/file_upload/1788_1340204880_icj-syria-cat48.pdf

¹³ Alkarama: Crimes against Humanity in Syria, systematic torture to Quell public dissent, 20 April 2011 - http://www.ecoi.net/file_upload/1788_1340204565_alkarama-syria-cat48.pdf str 10

¹⁴ UK Border Agency: Syria Country of Origin Information (COI) Report, 15 August 2012 - http://www.ecoi.net/file_upload/1226_1345464874_coir-syria-ukba-12-08-15.pdf, str 59

¹⁵ Human Rights Watch: Torture Archipelago-Arbitrary Arrests, Torture and Enforced Disappearances in Syria's Underground Prisons since March 2011 - <http://www.hrw.org/sites/default/files/reports/syria0712webwcover.pdf>, str 18

¹⁶ UN Committee against torture: 48th Session, Geneva, 7 May to 1 June 2012 - Alternative report of the international commission of jurists (ICJ) in response to the request by the Committee against torture for a special report by the Syrian Arab Republic pursuant to article 19(1) of the Convention against torture and other cruel, inhuman or degrading treatment or punishment, April 2012/Executive Summary - http://www.ecoi.net/file_upload/1788_1340204880_icj-syria-cat48.pdf

¹⁷ UK Border Agency: Syria Country of Origin Information (COI) Report, 15 August 2012 - http://www.ecoi.net/file_upload/1226_1345464874_coir-syria-ukba-12-08-15.pdf, str 59

¹⁸ Human Rights Watch: Torture Archipelago-Arbitrary Arrests, Torture and Enforced Disappearances in Syria's Underground Prisons since March 2011 - <http://www.hrw.org/sites/default/files/reports/syria0712webwcover.pdf>, str 15 i 16

¹⁹ UK Border Agency: Syria Country of Origin Information (COI) Report, 15 August 2012 - http://www.ecoi.net/file_upload/1226_1345464874_coir-syria-ukba-12-08-15.pdf, str 59

²⁰ Human Rights Watch: Torture Archipelago-Arbitrary Arrests, Torture and Enforced Disappearances in Syria's Underground Prisons since March 2011 - <http://www.hrw.org/sites/default/files/reports/syria0712webwcover.pdf>, str 14

²¹ Alkarama: Crimes against Humanity in Syria, systematic torture to Quell public dissent/3.1 Individual Cases of Torture, 20 April 2011 - http://www.ecoi.net/file_upload/1788_1340204565_alkarama-syria-cat48.pdf

²² UK Border Agency: Syria Country of Origin Information (COI) Report, 15 August 2012 - http://www.ecoi.net/file_upload/1226_1345464874_coir-syria-ukba-12-08-15.pdf, str 59

²³ Human Rights Watch: Torture Archipelago-Arbitrary Arrests, Torture and Enforced Disappearances in Syria's Underground Prisons since March 2011 - <http://www.hrw.org/sites/default/files/reports/syria0712webwcover.pdf>, str 19

²⁴ UN General Assembly: Report of the independent international commission of inquiry on the Syrian Arab Republic, 23 November 2011 - http://www.ohchr.org/Documents/Countries/SY/A.HRC.S-17.2.Add.1_en.pdf, str 14

²⁵ UN Committee against torture: 48th Session, Geneva, 7 May to 1 June 2012 - Alternative report of the international commission of jurists (ICJ) in response to the request by the Committee against torture for a special report by the Syrian Arab Republic pursuant to article 19(1) of the Convention against torture and other cruel, inhuman or degrading treatment or punishment, April 2012/Executive Summary - http://www.ecoi.net/file_upload/1788_1340204880_icj-syria-cat48.pdf

²⁶ UK Border Agency: Syria Country of Origin Information (COI) Report, 15 August 2012 - http://www.ecoi.net/file_upload/1226_1345464874_coir-syria-ukba-12-08-15.pdf, str 60

²⁷ US Department of State: Country Report on Human Rights Practices for 2011/Torture and other cruel, inhuman, or degrading treatment or punishment, Syria, 24 May 2012 - http://www.ecoi.net/local_link/217667/324297_en.html

²⁸ UN General Assembly: Report of the independent international commission of inquiry on the Syrian Arab Republic, 23 November 2011 - http://www.ohchr.org/Documents/Countries/SY/A.HRC.S-17.2.Add.1_en.pdf, str 14

Neka od svedočenja potvrđuju da su muškarci u pritvorima bili terani da budu goli, da su udarani po genitalijama i da su im davani elektrošokovi po genitalijama,^{29 30 31 32} kao i da su primoravani na oralni seks ili su im po genitalijama gašene cigarete.^{33 34 35}

Takodje, postoje svedočenja o tome da su muškarci bili silovani od strane pripadnika obezbedjenja pritvorske jedinice, neki čak palicama.^{36 37} Takodje, postoje svedočenja o silovanju veoma mladih dečaka tokom pritvora.^{38 39 40 41}

Brojni izveštaji potvrđuju postojanje žrtava mučenja koji su tokom pritvora umrli.^{42 43 44}
⁴⁵ Ukupno se procenjuje da je oko 200 ljudi, koji su bili uhapšeni u vezi sa demonstracijama tokom 2011. godine, umrlo u pritvoru.^{46 47} Njihova tela su imala prepoznatljive tragove mučenja,^{48 49 50 51} kao što su modrice, posekotine i opekotine.^{52 53}

²⁹ UK Border Agency: Syria Country of Origin Information (COI) Report, 15 August 2012 - http://www.ecoi.net/file_upload/1226_1345464874_coir-syria-ukba-12-08-15.pdf, str 59

³⁰ Human Rights Watch: Syria – sexual assault in detention, 15 June 2012 - http://www.ecoi.net/local_link/219519/326490_en.html, pristupljeno 03. novembra 2012.

³¹ Human Rights Watch: Torture Archipelago-Arbitrary Arrests, Torture and Enforced Disappearances in Syria's Underground Prisons since March 2011 - <http://www.hrw.org/sites/default/files/reports/syria0712webwcover.pdf>, str 26

³² US Department of State: Country Report on Human Rights Practices for 2011/Torture and other cruel, inhuman, or degrading treatment or punishment, Syria, 24 May 2012 - http://www.ecoi.net/local_link/217667/324297_en.html

³³ UK Border Agency: Syria Country of Origin Information (COI) Report, 15 August 2012 - http://www.ecoi.net/file_upload/1226_1345464874_coir-syria-ukba-12-08-15.pdf, str 59

³⁴ US Department of State: Country Report on Human Rights Practices for 2011/Torture and other cruel, inhuman, or degrading treatment or punishment, Syria, 24 May 2012 - http://www.ecoi.net/local_link/217667/324297_en.html

³⁵ UN General Assembly: Report of the independent international commission of inquiry on the Syrian Arab Republic, 23 November 2011 - http://www.ohchr.org/Documents/Countries/SY/A.HRC.S-17.2.Add.1_en.pdf, str 14

³⁶ UK Border Agency: Syria Country of Origin Information (COI) Report, 15 August 2012 - http://www.ecoi.net/file_upload/1226_1345464874_coir-syria-ukba-12-08-15.pdf, str 60

³⁷ Human Rights Watch: Syria – sexual assault in detention, 15 June 2012 - http://www.ecoi.net/local_link/219519/326490_en.html, pristupljeno 03. novembra 2012.

³⁸ UK Border Agency: Syria Country of Origin Information (COI) Report, 15 August 2012 - http://www.ecoi.net/file_upload/1226_1345464874_coir-syria-ukba-12-08-15.pdf, str 60

³⁹ US Department of State: Country Report on Human Rights Practices for 2011/Torture and other cruel, inhuman, or degrading treatment or punishment, Syria, 24 May 2012 - http://www.ecoi.net/local_link/217667/324297_en.html

⁴⁰ UN General Assembly: Report of the independent international commission of inquiry on the Syrian Arab Republic, 23 November 2011 - http://www.ohchr.org/Documents/Countries/SY/A.HRC.S-17.2.Add.1_en.pdf, str 14

⁴¹ BBC News Mid-East: Syria ex-detainees allege ordeals of rape and sex abuse, 25 September 2012 - <http://www.bbc.co.uk/news/world-middle-east-19718075>, pristupljeno 24. decembra 2012.

⁴² UK Border Agency: Syria Country of Origin Information (COI) Report, 15 August 2012 - http://www.ecoi.net/file_upload/1226_1345464874_coir-syria-ukba-12-08-15.pdf, str 60

⁴³ Amnesty International: Annual Report 2012 The state of the world's human rights, Syria/Deaths in custody - <http://www.amnesty.org/en/region/syria/report-2012>

⁴⁴ International Federation for Human Rights: Bashar al Assad: criminal Against Humanity – Report of human rights violations committed in Syria. March – July 2011 - <http://www.fidh.org/IMG/pdf/reportsyria2807eng.pdf>, str 18

⁴⁵ Human Rights Watch: Torture Archipelago-Arbitrary Arrests, Torture and Enforced Disappearances in Syria's Underground Prisons since March 2011 - <http://www.hrw.org/sites/default/files/reports/syria0712webwcover.pdf>, str 28

⁴⁶ Amnesty International: Annual Report 2012 The state of the world's human rights, Syria/Deaths in custody - <http://www.amnesty.org/en/region/syria/report-2012>

⁴⁷ UK Border Agency: Syria Country of Origin Information (COI) Report, 15 August 2012 - http://www.ecoi.net/file_upload/1226_1345464874_coir-syria-ukba-12-08-15.pdf, str 65

⁴⁸ UK Border Agency: Syria Country of Origin Information (COI) Report, 15 August 2012 - http://www.ecoi.net/file_upload/1226_1345464874_coir-syria-ukba-12-08-15.pdf, str 61

⁴⁹ Amnesty International: Annual Report 2012 The state of the world's human rights, Syria/Deaths in custody - <http://www.amnesty.org/en/region/syria/report-2012>

⁵⁰ International Federation for Human Rights: Bashar al Assad: criminal Against Humanity – Report of human rights violations committed in Syria. March – July 2011 - <http://www.fidh.org/IMG/pdf/reportsyria2807eng.pdf>, str 18

Samo neki od ljudi koji su umrli od posledica mučenja tokom pritvora su: Gajat Matar (Ghayath Mattar), koji je uhapšen 6. septembra 2011. godine u mestu Sahnaya i posle 4 dana njegovo telo je vraćeno njegovoj porodici, sa jasnim tragovima mučenja; takodje Fadh Ali Adnan (Fahd Ali Adnan) je uhapšen 31. jula 2011. godine u mestu Badran Printers i posle 3 dana je podlegao povredama zadobijenim mučenjem u pritvorskoj jedinici.⁵⁴

Deca su takodje žrtve mučenja tokom pritvora, u nekim slučajevima čak i do smrti.^{55 56 57 58} Deca koja su svedočila o zlostavljanju koje su preživela potvrđuju da su redovno bili prebijani, kao i vezivani za ruke i noge, ostavljeni vezani da vise, nekada obešeni čak i za genitalije.⁵⁹

Tela dvojice dečaka - trinaestogodišnjeg Hamzeh Ali al Katiba (Hamzeh Ali Al Khatib) i petnaestogodišnjeg Tamer Mohamed al Šaria (Thamer Mohammed Al Shari), su vraćena njihovim porodicama sa tragovima mučenja kojima su bili izloženi tokom pritvora.⁶⁰

Žene su žrtve posebno teškog zlostavljanja tokom pritvora i najčešće su izložene seksualnom nasilju u pritvoru.^{61 62 63 64} Sve bivše pritvorenice koje su bile žrtve seksualnog zlostavljanja u pritvoru, posvedočile su da nisu primile medicinsku ni psihološku pomoć u zatvoru. A samo jedna od 10 bivših zatvorenica posvedočila je da je primila medicinsku pomoć zbog seksualnog zlostavljanja nakon puštanja iz pritvora.⁶⁵

Cilj mučenja pritvorenika je dobijanje informacija, prinudnih “priznanja” kao i kažnjavanje i terorisanje onih koji su osumnjičeni za suprotstavljanje Vladi.^{66 67 68} Mnogima su

⁵¹ Human Rights Watch: Torture Archipelago-Arbitrary Arrests, Torture and Enforced Disappearances in Syria's Underground Prisons since March 2011 - <http://www.hrw.org/sites/default/files/reports/syria0712webwcover.pdf>, str 30

⁵² UK Border Agency: Syria Country of Origin Information (COI) Report, 15 August 2012 - http://www.ecoi.net/file_upload/1226_1345464874_coir-syria-ukba-12-08-15.pdf, str 61

⁵³ Human Rights Watch: Torture Archipelago-Arbitrary Arrests, Torture and Enforced Disappearances in Syria's Underground Prisons since March 2011 - <http://www.hrw.org/sites/default/files/reports/syria0712webwcover.pdf>, str 30

⁵⁴ Alkarama: Crimes against Humanity in Syria, systematic torture to Quell public dissent/3.1 Individual Cases of Torture, 20 April 2011 - http://www.ecoi.net/file_upload/1788_1340204565_alkarama-syria-cat48.pdf

⁵⁵ UK Border Agency: Syria Country of Origin Information (COI) Report, 15 August 2012 - http://www.ecoi.net/file_upload/1226_1345464874_coir-syria-ukba-12-08-15.pdf, str 59

⁵⁶ Amnesty International: Annual Report 2012 The state of the world's human rights, Syria/Deaths in custody - <http://www.amnesty.org/en/region/syria/report-2012>

⁵⁷ UN General Assembly: Report of the independent international commission of inquiry on the Syrian Arab Republic, 23 November 2011 - http://www.ohchr.org/Documents/Countries/SY/A.HRC.S-17.2.Add.1_en.pdf, str 13

⁵⁸ Alkarama: Crimes against Humanity in Syria, systematic torture to Quell public dissent/3.1 Individual Cases of Torture, 20 April 2011 - http://www.ecoi.net/file_upload/1788_1340204565_alkarama-syria-cat48.pdf

⁵⁹ Alkarama: Crimes against Humanity in Syria, systematic torture to Quell public dissent/3.1 Individual Cases of Torture, 20 April 2011 - http://www.ecoi.net/file_upload/1788_1340204565_alkarama-syria-cat48.pdf

⁶⁰ Alkarama: Crimes against Humanity in Syria, systematic torture to Quell public dissent/3.1 Individual Cases of Torture, 20 April 2011 - http://www.ecoi.net/file_upload/1788_1340204565_alkarama-syria-cat48.pdf

⁶¹ UK Border Agency: Syria Country of Origin Information (COI) Report, 15 August 2012 - http://www.ecoi.net/file_upload/1226_1345464874_coir-syria-ukba-12-08-15.pdf, str 139

⁶² Human Rights Watch: Syria – sexual assault in detention, 15 June 2012 - http://www.ecoi.net/local_link/219519/326490_en.html, pristupljeno 03. novembra 2012.

⁶³ Human Rights Watch: Torture Archipelago-Arbitrary Arrests, Torture and Enforced Disappearances in Syria's Underground Prisons since March 2011 - <http://www.hrw.org/sites/default/files/reports/syria0712webwcover.pdf>, str 34

⁶⁴ BBC News Mid-East: Syria ex-detainees allege ordeals of rape and sex abuse, 25 September 2012 - <http://www.bbc.co.uk/news/world-middle-east-19718075>, pristupljeno 24. decembra 2012.

⁶⁵ Human Rights Watch: Syria – sexual assault in detention, 15 June 2012 - http://www.ecoi.net/local_link/219519/326490_en.html, pristupljeno 03. novembra 2012.

⁶⁶ UK Border Agency: Syria Country of Origin Information (COI) Report, 15 August 2012 - http://www.ecoi.net/file_upload/1226_1345464874_coir-syria-ukba-12-08-15.pdf, str 62

bile vezane oči, a ponekad su imali i lisice na rukama, pa su tako bili primoravani da priznaju zločine, i to otiskom palca na priznanjima, koje bi im eventualno bilo samo pročitana od strane oficira.⁶⁹ Svedočenja potvrđuju da su im se pripadnici službi bezbednosti i pritvorski čuvari tokom mučenja rugali na račun toga što su protivnici predsednika Asada.⁷⁰ Svedočenja potvrđuju i da su pritvorenici terani da izjavljuju da je predsednik Bašar al-Asad njihov bog.^{71 72}

Neki od pritvorskih objekata gde su mučenja i zlostavljanja pritvorenika sprovedjena su objekti Vazduhoplovstva u Damasku, objekti Vojne obaveštajne službe u Jisr Al Shughour-u, objekti Vojne obaveštajne službe i Političke bezbednosti u Idlib-u i Al Ladhqiyyar-u i obaveštajni objekti u Tartus-u.⁷³ kao i u vojnoj bolnici u Homsu,⁷⁴ i u Centru Obaveštajne službe vazduhoplovstva u Al Mazza aerodromu, nadomak Damaska.⁷⁵

KOMENTAR/ZAKLJUČAK:

Mučenja u pritvorskim objektima širom Sirije su veoma rasprostranjena pojava. Uhapšeni pritvorenici izloženi su različitim surovim oblicima fizičkog i prisičkog zlostavljanja, torture i nečovečnog postupanja od strane pripadnika snaga bezbednosti i službenih lica i čuvara tih objekata. Torturi su izloženi muškarci, žene i deca, najčešće oni koji su smatrani za protivnike aktuelne vlade i predsednika Bašara al-Asada.

⁶⁷ Amnesty International: Annual Report 2012 The state of the world's human rights, Syria/Torture and other ill-treatment - <http://www.amnesty.org/en/region/syria/report-2012>

⁶⁸ Human Rights Watch: Torture Archipelago-Arbitrary Arrests, Torture and Enforced Disappearances in Syria's Underground Prisons since March 2011 - <http://www.hrw.org/sites/default/files/reports/syria0712webwcover.pdf>, str 18

⁶⁹ UK Border Agency: Syria Country of Origin Information (COI) Report, 15 August 2012 - http://www.ecoi.net/file_upload/1226_1345464874_coir-syria-ukba-12-08-15.pdf, str 59

⁷⁰ BBC News Mid-East: Syria ex-detainees allege ordeals of rape and sex abuse, 25 September 2012 - <http://www.bbc.co.uk/news/world-middle-east-19718075>, pristupljeno 24. decembra 2012.

⁷¹ UK Border Agency: Syria Country of Origin Information (COI) Report, 15 August 2012 - http://www.ecoi.net/file_upload/1226_1345464874_coir-syria-ukba-12-08-15.pdf, str 61

⁷² UN General Assembly: Report of the independent international commission of inquiry on the Syrian Arab Republic, 23 November 2011 - http://www.ohchr.org/Documents/Countries/SY/A.HRC.S-17.2.Add.1_en.pdf, str 14

⁷³ UK Border Agency: Syria Country of Origin Information (COI) Report, 15 August 2012 - http://www.ecoi.net/file_upload/1226_1345464874_coir-syria-ukba-12-08-15.pdf, str 60

⁷⁴ UK Border Agency: Syria Country of Origin Information (COI) Report, 15 August 2012 - http://www.ecoi.net/file_upload/1226_1345464874_coir-syria-ukba-12-08-15.pdf, str 61

⁷⁵ Alkarama: Crimes against Humanity in Syria, sistematic torture to Quell public dissent/3.1 Individual Cases of Torture, 20 April 2011 - http://www.ecoi.net/file_upload/1788_1340204565_alkarama-syria-cat48.pdf