

“YOU WANT FREEDOM? THIS IS YOUR FREEDOM”: RAPE AS A TACTIC OF THE ASSAD REGIME

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In March 2011, demonstrations erupted in the southern city of Deraa after a dozen schoolboys were arrested and tortured for painting anti-government graffiti on a wall. This event is considered as the spark that triggered the Syrian uprising, which turned into a protracted war marked daily by excruciating violence. According to the widely believed narrative, when family members went to enquire about the fate of the arrested boys, a security official replied: *‘Forget your children. Go make more children. If you don’t know how, bring your wives and we will show you.’*¹ Whether true or not, this story made an impact and fuelled the existing anger against the regime. Meanwhile, from the very beginning of the revolution, in people’s minds, the threat of sexual abuse lingered.

In its attempt to crush the revolution and remain in power, the Assad regime has resorted to every possible tactic, from torture to enforced disappearance, and from indiscriminate bombings to the use of chemical weapons.² Sexual violence against women, and especially rape, has been no exception. Massive harassment of female prisoners, sexual assaults and repeated rapes have become part of the repressive arsenal of the Syrian government as it started to feel under threat. Still, sexual violence committed by pro-regime forces has been little documented and has not raised attention.

Addressing sexual violence within the UN agenda on Women, Peace and Security (WPS), the UN Secretary General estimated that it ‘has been a characteristic of the Syrian conflict from its inception’³ and further

noted in April 2016 that ‘sexual violence continues to be systematically used as a tactic of warfare, torture and terrorism’⁴ in Syria. Meanwhile, developing the WPS agenda, Security Council Resolution 1820 established the necessity to protect women from sexualised violence in conflict and Resolution 2242 highlighted that conflict resolution needs to include measures to ensure women’s protection and to fight sexual violence. Yet, the Security Council has neither discussed nor taken meaningful action on sexual violence committed by pro-government forces in Syria. Instead, the debate has tended to concentrate on violence committed by extremist and terror groups. For instance, the disproportionate attention of political leaders and media on Yazidi women and ISIS’s crimes convey the wrong impression that sexual violence was committed only by one party to the conflict

– to the utter dismay of survivors of violence committed by the regime.

Sexual violence against Syrian women by the regime has been overlooked mainly because very few survivors dare to speak out. In any culture and any conflict, reporting sexual violence is sensitive and entails risks. In the Syrian case, the fear is even more entrenched. In the Syrian patriarchal society, the honour of a family is closely linked to women. Sexual abuse of a woman brings shame to the family and to the entire community. Many former detainees – whether raped or not were rejected by their families. The protracted conflict, stigma, lack of access to survivors and fear of retaliation explain why this aspect of the repression has been largely under-reported.

Still, the pattern of sexual crimes reveal that pro-regime security forces have been committing rapes in the midst of the conflict, intentionally and strategically, in circumstances and facilities under their authority and have moreover been targeting specific women. As rape has certainly not been opportunistic (besides a few exceptions), understanding how the government has been instrumentalising sexual violence militarily and politically enables us to grasp the regime's strategy to defeat and subjugate the opposition using sectarian discourse. Sexual crimes have been part of the regime's policy of repression and display some common patterns and a degree of organisation, which raises the issue of the responsibility of high-level officials.

- 1 Joe Sterling, "Daraa, the spark that lit the Syrian flame", CNN, 1 March 2012, <http://edition.cnn.com/2012/03/01/world/meast/syria-crisis-beginnings/>.
- 2 United Nations Joint Investigative Mechanism, *Third report of the Organization for the Prohibition of Chemical Weapons*, S/2016/738, 24 August 2016.
- 3 *Report of the Secretary-General on Conflict-Related Sexual Violence*, 23 March 2015, S/2015/203.
- 4 *Report of the Secretary-General on Conflict-Related Sexual Violence*, 20 April 2016, S/2016/361.

This research is based on more than 70 interviews with 20 survivors of rape, dozens of former detainees, dozens of doctors, lawyers, activists and humanitarian workers, as well as three defectors from the regime security apparatus. From March to November 2016, interviews were conducted in person in Turkey,

Lebanon, and Jordan, or on Skype, alongside Syrian translators. Three additional interviews with survivors were excluded because they seemed exaggerated or false. Names of people referred to by their first names only have been changed to protect their safety. Some other specific information has been withheld in order to protect their anonymity.

Syrian people living in refugee camps were not considered for this study, because authorisations are difficult to obtain, which complicated the access. Most importantly, the camp setting is not an environment that is safe and private enough to interview survivors without taking the risk of harming them. De facto, this excludes from the research a segment of the population, most likely the most economically vulnerable ones. Because of a lack of access to people from the southern governorates, this research doesn't reflect experience of women from the south. Witnesses and survivors were met through a wide network of activists and social workers.

While the number of actual survivor testimonies might seem modest, given the high sensitivity of the topic and the current context with the on-going conflict, and the absence of support for abused women, it is extraordinarily challenging to convince survivors to talk. The testimonies provide, however, consistent information. This paper should thus be considered as a starting point for further research.

The below contains graphic descriptions of sexual violence.

1. RAPE, A HIDDEN CRIME OF THE REGIME

As the contestation escalated and turned more violent, the Syrian government intensified its repression against civilians actively involved with the opposition, as well as against people perceived to be associated with it. Over the months, a pattern appeared as sexual violence occurred in



detention centres, during military operations conducted by the pro-regime forces, at checkpoints, or after kidnappings by pro-government militias. While the scale and the geographical locations are difficult to assess precisely, especially since the conflict is still on-going, rapes appear to have been the most frequent from late 2011 to 2013, in disputed areas such as the Damascus suburbs, and in central and coastal governorates. Security forces have been targeting women perceived as supporting the revolution, whether they have or not in fact, and whose male relatives have been involved in anti-government activities. Rapes have been committed by pro-regime security forces, whether intelligence agents, soldiers or paramilitary.

Detention centres

According to an estimate by United Nations investigators, Syrian security forces detain tens of thousands of people at any one time.⁵ Testimonies show that sexual crimes have been taking place in detention centres run by intelligence agencies. Detainees have sometimes been transferred to civilian prisons, prior to their release. But no rape has been reported there, according to testimonies and to the main Syrian and international human rights monitors.

According to former detainees' testimonies, women frequently faced harassment and degrading treatment with a sexual dimension while in custody. During searches or interrogations, women frequently reported that guards touched them all over the body, including on the breast and on the bottom. In some instances, guards subjected detainees to cavity searches. During interrogations, guards explicitly threatened women with rape in order to scare them.

Sexual crimes have been perpetrated at different levels and under various circumstances. According to survivors' accounts, even though rape was not used as a technique of torture during questioning



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to directly coerce confessions (except in one case), assaults were related to the investigation process and took place in several cases in the interrogation room. Most of the time, women were not raped during the interrogation itself. Sexual assaults were perpetrated occasionally before, and more often between questioning sessions, in order to pressure the detainees. As a matter of fact, several survivors recounted being raped several times over a few weeks. The purpose of perpetrators was clearly to terrorize women, to conquer resistance and thus force them to talk. When women didn't confess anything, they were in several instances raped at the end of the interrogation process, seemingly as retaliation. Yasmin, a student detained at the end of 2012 at the Branch 235 or Palestine Branch in Damascus. She was raped four times in between interrogation sessions. *'After two hours, I was feeling very weak. He took me to a normal room on the sixth floor. He laid me down on bed, tied my hands, (...) he raped me in a painful and harsh way, like a monster. I started crying. He said: 'Are you going to speak? See how strong I am?'* It happened three times.'

In several instances, the head of the branch or an intelligence agent ordered guards to rape a detainee. Two women recounted separately being brought to the branch director's office, where they were assaulted. Ghalia was arrested at the end of 2013, as she was inquiring about her husband who had been detained for taking part in demonstrations. The interrogators used Ghalia to pressure her husband to reveal names of alleged accomplices. The director ordered one of the guards to rape her. 'He

5 UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, A/HRC/31/68, 11 February 2016, <http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-31-68.pdf>.

came close to me, took off my clothes and raped me. I don't know how other guards reacted around us. It felt like I was out of this world.' Later on, in the most humiliating way, the director ordered the guards and Ghalia to imitate a pornographic movie that was on display on television in the room. Both guards raped her, one of them by using a wooden stick. Rape was also a way for the head of the branch to assert authority. For instance, Hind was raped as a punishment for breaking the rules. After being questioned, she was taken back to her cell, which she shared with five observant Muslim Sunni women. Altogether, they started praying, which is forbidden in intelligence prisons. The guards, who saw them through video surveillance, burst into the cell and took Hind and two other women to the office of the director. One by one he raped them.

In addition, lower rank agents perpetrated rapes that often took place in a detainee's cell when she was alone. Assaults could also happen in hallways when a guard was escorting a detainee from her cell to another room. Two survivors reported gang rapes. Noor, a student from a coastal city, was detained in several branches in late 2012. At the Military Intelligence Branch in Tartus, after four days of interrogation and severe torture, as she was falling asleep, four agents entered her cell. *'One of them tied me up and suspended me from the ceiling. The first guard raped me in this position. Then he left the room and the others raped me. One said: 'Damn Islam! We want to rape all Sunnis girls!'* After the third one raped me, I fainted.' In several cases, survivors recounted being raped by anal or oral penetration, which women perceived as an additional humiliation. Perpetrators also sometimes used objects such as wooden stick or electric sticks. Several survivors said that their rapists acted brutally on purpose and enjoyed inflicting extra pain.

These assaults usually had severe consequences for the health of the women. Maryam, a student who was pregnant, was

raped at the Air Force Intelligence Branch in Damascus. *'I was in so much pain and I was afraid for the baby. I was bleeding. I was transferred to the military hospital 601, in Mezze. I had a miscarriage.'* Two women reported becoming pregnant after being raped during their detention. This is what happened to Ghalia. After she told the doctor of the prison, a guard gave her four pills that terminated the pregnancy. The other woman gave birth after she was released. In addition to the psychological trauma, most survivors have suffered from infections, gynaecological inflammation and have had very limited, if any, access to medical treatment.

Military operations

From late 2011, facing opposition territorial gains and increasing militarisation, the regime engaged in a violent fight for its survival. Across the country, the Syrian army, assisted by brutal and feared pro-regime militias called *Shabbiha*, conducted military operations and raids on pro-opposition neighbourhoods. Accounts of widespread rapes during these operations have circulated but it has been extremely challenging to corroborate them and the scope of the crimes. In many instances, local residents were killed during these offensives and the few who survived fled abroad. However, the picture that emerged from survivors indicates a common pattern. Aiming at retaking the control of a neighbourhood and clearing it from opposition fighters, pro-regime armed forces usually targeted all the families living in a delimited area. They usually raided houses, often separating men from women, and reportedly raped women in several instances before killing most of residents.

The central and mixed governorate of Homs was one of the focuses of the raids carried by the regime forces. Pro-regime militias committed rapes during the massacre of Al Houla (Homs governorate), the first

large-scale massacre. On 25 May 2012, the *Shabbiha* attacked Al Houla, and reportedly killed more than 100 people, a majority of which were women and children in their homes.⁶ Al Houla is predominantly Sunni and is surrounded by Shia and Alawite villages. On that day, after a demonstration, clashes between pro-regime forces and anti-government armed groups erupted. Shortly after, the *Shabbiha* started raiding homes. Fawziya, a 41-year old resident from Taldou, part of Al Houla, was at her home with 27 relatives who escaped the fighting nearby. Four militiamen entered, shouting '*Oh Ali, Oh Hussein*'.⁷ '*We came to take revenge from Alaa*', one of them added, alluding to a militia member who was killed in the clashes earlier. As all members of the family were gathered in the same room, they obliged Fawziya and her 21-year old daughter, Reham, to take their clothes off. One of the *Shabbiha* first raped Reham, forcing her father to watch. '*We want to take your honour*' said one of the armed men. As Fawziya pled with the militiamen to spare her family, another man raped her anally. The assault was so brutal that Fawziya had three broken ribs. '*You're Sunni, you're Muslim, we want to eat your flesh*' Fawziya last heard before fainting. The men thought she was dead, which is why she eventually survived. When Fawziya woke up, she realised that the *Shabbiha* had killed most of her relatives. Only four girls and one of her cousins survived because they were assumed dead. Since she was unconscious, she doesn't know if other female relatives were raped before being murdered.

In the same way, brutal operations took place in the opposition strongholds in the city of Homs, dubbed 'the capital of the revolution', such as Jobar, Khalidyeh, or Karm al-Zeitoun. Early 2012, Syrian Army soldiers reportedly raided houses in Jobar. One of the survivors told her sister in law, Um Ammar, that the soldiers took the men outside of the houses and kept the women and children inside. Um Ammar's sister in law was raped by a soldier along

with seven women in their twenties. The survivor reported that the seven women were killed, along with ten children.⁸

Smaller scale security operations also put women at risks. A Lebanese therapist, Aya Mhanna, collected testimonies of survivors from Homs while working with them through an NGO in Beirut, Lebanon. She met two sisters: Salwa, 20 years old, and Saheha, 18 years old. In early 2013, five men wearing civilian clothes stormed their house in Homs city because they were looking for two of their brothers who were members of the armed opposition. First, the men beat the women. Then, two men grabbed each sister and held them, as two others raped each of the women. Similarly, an aid worker from Damascus assisted a doctor when she examined two teenagers of 13 and 14 years old who were pregnant. The girls said they had been raped during an operation by the Syrian army in Khalidyeh neighbourhood in Homs city. As the soldiers were searching houses and looking for weapons, they took many women living on the street inside the houses and reportedly raped them. Other journalists and doctors recounted consistent stories from military operation in Homs city, in 2012-2013, when women and teenage girls (in one case a 10 or 11-year-old girl), were raped in their houses while their family members were killed. Similar operations were conducted in 2012 in Damascan suburbs such as Darayaa and Douma. The repetition of sexual crimes under the same operational mode in various areas during military operations targeting the opposition indicates that rapes were part of these attacks.

6 Oral Update of the Independent International Commission of Inquiry on the Syrian Arab Republic A/HRC/20/CRP.1, 5-11, <http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColSyria/OralUpdateJune2012.pdf>.

7 Ali, who is revered by Alawites, is the son-in-law of the Prophet Mohammad and Hussein is Ali's son.

8 The survivor is still in Syria and could not be directly interviewed without compromising her security.

Checkpoints

Pro-regime forces have been setting up many checkpoints in any location deemed sensitive. These checkpoints are manned by the Syrian military or by *Shabbiha*. They have been searching women, looking for any evidence of support for the opposition such as medicine, large amounts of money, media equipment, amongst other things. One activist said that women were afraid to cross checkpoints in the dark without a male relative, fearing harassment. Two women recounted being raped at checkpoints in the outskirts of Damascus. On an evening in late 2012, Amal, a 26-year old aid worker from Eastern Ghoutta, an opposition stronghold in the outskirts of Damascus, was going home from her office in the capital. She was carrying painkillers and disinfectant for a neighbour, but the soldiers who searched her believed it was for opposition members. A soldier then drove Amal to an unknown building, where he questioned her about the medicine. He insulted her and beat her. Then he removed her hijab and her long black manteau, a traditional coat. He tore the rest of Amal's clothes apart. *"Ask the Free Syrian Army to protect you! They want to kill us, they want to rape our women"*, the soldier said. Then he penetrated her, orally and anally. Many aid workers and journalists recounted cases of sexual abuses or rape at checkpoints across the country, targeting women because of assumed support for the opposition or because of the area they lived in.

Kidnappings

At the beginning of the conflict, *Shabbiha* and other pro-regime militias frequently kidnapped women, as the expression of animosity between communities or as part of a grim tit for tat with the opposition after earlier abduction. Especially frequent in Homs governorate, they most often targeted women from Sunni pro-opposition neighbourhoods.

In Damascus in mid-2012, Doctor Ahmad was called by a colleague working for a relief organisation. He needed help to treat nineteen girls and women from Homs who had just been released as part of an exchange deal between *Shabbiha* and an opposition armed group. They had been abducted by *Shabbiha* in retaliation of the kidnapping of an Alawite officer. Dr Ahmad, his colleague and a female gynaecologist took them to a discrete and empty house. The women, aged from 14 to 28 years old, were terrified. The gynaecologist established that some women had been raped several times and that three were pregnant – including the 14-year old girl. They eventually had abortions in secret. Soon after, one of the women committed suicide. While this case of mass kidnapping seems rather unusual, journalists and aid workers from Homs reported many cases of women who had been abducted and raped.⁹ Zeinab, a journalist from Homs, noted that kidnappings were very frequent from mid-2011 until late 2012, when the opposition was more attentive to security in areas it controlled. Zeinab interviewed a dozen of girls, who were abducted on the street or in taxis and taken to a neighbourhood under regime control. They were kept there until their family paid a ransom. Two-thirds of the girls told Zeinab that they had been raped during this time.

Scale and occurrence

Assessing the precise prevalence of rapes is tremendously challenging because of the women's reluctance to speak and because of the lack of access. Based on information collected, it is impossible to conclude that sexual violence by regime forces is a mass phenomenon. However, survivors and witness testimonies indicate that rapes occurred repeatedly. Most survivors, and many former detainees, witnessed rapes of other women. Some saw it in front of their own eyes or saw women who had just been raped, while others talked with cellmates who said they had suffered a similar experience. Um Ammar was detained in Homs Military Intelligence Branch in

⁹ This is corroborated by several UN reports such as: UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, A/HRC/21/50, 16 August 2012 – Annex IX, para.23, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-50_en.pdf.

December 2012. When she came back to her cell after being raped, her co-detainees tried to comfort her. One said *'Be strong, what happened to you happened to us before.'* Each of the eleven women detained in Um Ammar's cell said several men raped them. Altogether, survivors reported several dozens of cases of rape in their immediate surroundings. In addition, doctors, human rights activists, journalists and aid workers reported over a hundred and thirty cases of rape that survivors directly told them about.

Most of the reported sexual crimes took place between the end of 2011 and the end of 2014, with a peak in 2012, and comparatively fewer cases in 2014. In an exceptional case, a woman said she was raped a few weeks after the start of the revolution, on 5 April 2011 while being detained for taking part in a demonstration. This suggests that rapes have been following the trend of the conflict. From late 2011 to 2013 the frontlines were extremely fluid. In 2012, the opposition gained significant ground in the north, the northwest and in the south, before fighting intensified as the regime struggled for its survival. In 2013, the regime counter-offensive, supported by foreign fighters, started bearing fruits. Each camp's territory overall became more defined and the pro-government forces largely stopped conducting raids in opposition neighbourhoods. They were thus rarely in contact with civilians supporting the opposition. Crimes such as the ones committed in Homs governorate in 2012 were less likely to take place. Since 2014, the regime has overall regained the upper hand. The perpetration of sexual violence therefore seems concomitant with the most disputed and uncertain phases of the conflict. Rapes seem to have been more frequent when the regime felt the most under threat and used every means to retain power. While the frequency of sexual violence may have decreased in 2015 and 2016, borders have been closed down and it has been difficult for survivors to escape Syria and to share their stories.

Sexual crimes have been committed more frequently when the regime was at its most fragile, as well in the areas that it was the most afraid to lose. These places have been the most contested first politically and then militarily, and territory has usually been split between communities. Detainees were frequently transferred from detention centres in a governorate to the capital. Cases have been most frequently reported at Branch 235 or the Palestine Branch in Damascus, Branch 215 or the Military Intelligence Branch in Damascus, and the Military Intelligence Branch in Homs. More broadly, rapes have been committed in prisons in Damascus, Homs, Hama, Latakya, Tartous. These match areas where the regime felt undermined because of the support gathered by the opposition. Later on, fighting raged in Damascus and the central governorates. Prisoners in Damascus came from cities or neighbourhoods that have been supporting largely the opposition and have been predominantly Sunni, such as Eastern Ghoutta or Daraya. Similarly, many checkpoints have been set up on the edge of opposition strongholds surrounded by areas loyal to the regime that needed to be contained. Sexual violence taking place at these crossing points corresponds with anti-government areas. For instance, survivors reported being raped at Khadijye checkpoint next to Al Qadam, Damascus, and at An Nour checkpoint next to Eastern Ghoutta. Residents of Eastern Ghoutta, in the outskirts of Damascus were largely considered as "terrorists" by the regime. Beyond political affiliation, these areas are predominantly inhabited by middle or lower class Sunni and, except in the Damascus area, are often surrounded by or close to Alawites districts.



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This has entailed communitarian tensions and a feeling of being demographically under pressure among the pro-regime constituency. In the same way, military operations involving rapes mainly took place in Homs governorate, and around Damascus, which have been restive and a priority in the regime's fight. Conversely, rapes have been reported to a markedly lesser degree in the eastern and northern governorates.

Survivors

Women of any age can be assaulted, from 10 years old to 60 years old, according to witnesses. However, despite a handful of cases under 18 and few over 45, the majority of the survivors have been in their twenties and in their thirties, which corresponds with the age of many people involved with the opposition. The vast majority of survivors have clearly been observant Sunni, wearing hijab.¹⁰ One Christian woman reported being raped and she stands as an exception, along with another woman who was an atheist. Another survivor was also detained with two Alawite women who said they had been raped. Women assaulted during kidnappings or military operations were all Sunni as well. For instance, the nineteen women kidnapped by *Shabbiha* in Homs and treated by a doctor in Damascus were all Sunni women wearing hijab. The regime security forces undoubtedly have been targeting women based on their political affiliation, whether proven or suspected. Women have been arrested merely for having a picture of the revolution flag on their phones, for participating in demonstrations, or for being involved in opposition activities as associated with aid relief, medical support, journalism, and similar. Hind, who joined the protests from the beginning, demonstrated and distributed leaflets to encourage people to join the movement. In mid-2012, intelligence agents, the *moukhabarat*, arrested her at the university. Pro-regime forces also pursued women whose relatives belonged to political opposition or to the Free Syrian Army (FSA), the anti-government moderate armed group, even if they didn't take part

themselves in political activity. For example, Maryam, who was not an activist, was arrested shortly after her husband defected from the Syrian army. Before raping her, during the interrogation, a guard showed her a list of "terrorists". Her name appeared on it and was underlined. Salwa and Saheha, the sisters from Homs, were raped as security forces were looking for their brothers, two FSA members.

Likewise, women have also been targeted according to the area they came from, as explained above. These areas have been predominantly Sunni and pro-opposition. Several activists pointed out that educated women from well-known families or with connections within the government, journalists and high profile activists have been treated carefully in prison. Intelligence agents have probably been avoiding assaulting women able to denounce sexual violence publicly. According to several testimonies, the regime security forces seem to have been trying to spare women from the centre of Damascus and to treat them comparatively better. In its strategy to consolidate the support of the Damascus *bourgeoisie* and in order to avoid an uprising in the heart of the capital, the pro-regime forces have been selecting the population they attacked. Similarly, people from Aleppo were relatively spared in order not to alienate wealthy Sunni industrialists.

Perpetrators

According to testimony, the overwhelming majority of men committing rapes have been State forces¹¹, namely intelligence agents and soldiers, as well as *Shabbiha*, even though they sometimes wear civilian clothes or a uniform that women can't recognise. Their ranks vary and survivors have often not been able to identify them. In several cases, mid-level members of the security forces or the head of the prison committed rapes. The remaining acts were perpetrated by lower level security agents. In two separate accounts, Lubna and Noor described how an agent ordered his

10 Veil covering the head and the neck.

11 See for general data on sexual violence by state forces Dara Kay Cohen and Ragnhild Nordas, "Sexual Violence in Armed Conflict: Introducing the SVAC dataset, 1989–2009", *Journal of Peace Research* 51(3) (2014), 418–428.

subordinates to rape them as he did. In other cases, several perpetrators were involved, even though not at the same time. Several survivors noted that their rapist was Alawite, either because of his name, dialect or accent. Lubna noticed that the officer who raped her was wearing a bracelet with Shiia names, a medallion with the sword of the Prophet Ali (the son-in-law of the Prophet Mohammad who is revered by Alawites), and a badge from Sayeda Zaynab shrine (a holy Shia shrine close to Damascus). This does not imply that all perpetrators were Alawites. For example, one survivor, Lama, reported that the guard who raped her at the Political Security Branch in Latakya in May 2013 and who was from her village, was Sunni.

Some videos allegedly indicate the involvement of Syrian army soldiers in rapes. A doctor and an activist said they saw pictures of naked women and videos of rapes when they checked the phone of captured Syrian army soldiers. In September 2012 in a northern neighbourhood of Damascus, Dr Ahmad treated a Syrian army soldier who had been captured by a FSA member. Dr Ahmad saw seven videos of the soldier raping different women, in a building close to a checkpoint operated by the Syrian army. The member of the FSA recognised the women. One was his sister and the six other were his neighbours. He noticed that their hijab had been removed, which constituted an additional offense for the women. *'They were fully naked, their hands tied up in their back. I could hear a voice in the background, which was probably the man filming the video, encouraging the soldier during the rape'* said Dr Ahmad. This shows that far from being isolated events, several men were involved in these assaults, and they didn't happen by accident since men decided to keep a memento of it. Yet, it must be noted that guards didn't unanimously approve of rapes and a few tried to help the detainees. One of the detainees recounted seeing a guard crying during interrogation after he heard several women saying they had been raped. He said: *'How can they do that?'*

In addition to the cases in which mid-level or high-level agents have been directly involved, the overwhelming majority of rapes have been committed in the full knowledge of other members of the security forces since men have often been participating in or have witnessed rapes. Or in one case, a guard took women to the director's office, knowing the women would be exposed to at least some punishment. Therefore, most of the time, the director of the branch knew or should have known about the crimes that were committed in his prison.

2. RAPE AS A TACTIC OF WAR

In Syria, pro-regime forces have been resorting to rape as a tactic and as a weapon to directly attack and weaken the opposition. The UN Security Council considers sexual violence as a tactic of war when it is used to *'humiliate, dominate, instil fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group.'*¹² Rape has

12 UN Security Council Resolution 1820 (2008), S/RES/1820.

Zainab Bangura, the UN Secretary-General's Special Representative on Sexual Violence in Conflict, with a child in Syria



also been serving the political strategy of the Syrian regime, in contributing to the repression of people and to shaping the conflict. In addition, by applying a sectarian discourse to sexual violence, the regime has been indicating its ultimate will to force to submission the groups that rose against it. Meanwhile, the international community has failed to protect Syrian women from sexual violence and has not taken any meaningful action against such crimes.

The political use of sexual violence

As the testimony of survivors suggests, rape has served as a weapon to attack Syrian people perceived as pro-opposition by humiliating women and damaging communities, and by punishing and taking revenge on people involved with the opposition. Rapes have also constituted a tactic to achieve military and political goals. Pro-regime security forces have been resorting to sexual crime to repress opponents and to escalate tensions. In addition, the sectarian discourse surrounding sexual violence reveals the ultimate goal of the regime to assert its domination and to subjugate the opposition.

Because of the shame and the social stigma associated with sexual violence in the Syrian culture, rape has caused grave humiliation to survivors.¹³ *'There is nothing worse in our culture'* a defector from the regime said. By extension, the humiliation of women spills over to her family, and her community. *'In Syria, honour is associated with women. So, in order to humiliate a community, the regime targeted women'* explained an activist. Whether in detention centres or at home, as it happened to Fawziya in Al Houla, some women were raped in front of family members. In addition, parents or husbands of survivors often rejected women once they were released from jail. When Maryam was released, her husband who lived in a different city called her and asked her if she had been assaulted. She admitted she had been. Her husband disappeared

and she never saw him again. *'For me, it feels like the whole society rejected me,'* Maryam said. In the most extreme cases, survivors committed suicide. Sema Nassar, a Syrian SGBV expert, documented two cases of women who had being raped and who committed suicide after their families rejected them.

Sexual violence in the Syrian conflict has also been used as a tool of retaliation. Most of the times, rape has clearly been aiming at punishing women for their suspected involvement in the revolution. Implicitly, it has conveyed the message that this was the price to pay. A director of the Political Security Branch in Homs told a defector: *'The men have orders to take revenge on those vandals and to avenge their community. As long as those terrorists are against the State, everything is allowed to punish them.'* Women were raped after being arrested for carrying medicine, or for helping or treating FSA members. *'You want freedom? This is your freedom!'* several intelligence agents told survivors. In the same way, being from an opposition stronghold amounted to a stand against the government and triggered retaliation. Women were raped not as individuals, but as a part of a group.¹⁴ Safa was arrested for taking pictures during a demonstration in Latakya in May 2012. During her detention, guards threatened her: *'You're a woman from the coast. People there supported the revolution from the beginning. We will rape you!'* They didn't follow through with this threat, but it shows that for these guards, association with early supporters of the revolution legitimised rape. Rapes were also directly aimed at taking revenge for attacks by armed opposition, whether true or suspected. This was explicit in the Al Houla massacre: *'We came to take revenge for Alaa'*, a Shabbiha said, referring to a fellow militiaman. A defector from the State Security Branch in Homs heard intelligence agents talking after protesters tore down a statue of Hafez al Assad in the city of Rastan in April 2011. *'We will fuck all the women from Rastan'* one agent said. As another one was protesting, the first one

13 Khuloud Alsaba and Anuj Kapilashrami, "Understanding Women's Experience of Violence and the Political Economy of Gender in Conflict: The Case of Syria", *Reproductive Health Matters*, 24 (2016), 5–17.

14 This appears to illustrate collective targeting as discussed in Elisabeth Jean Wood, "Sexual Violence During War: Variation and Accountability", in *Collective Violence and International Criminal Justice: An Interdisciplinary Approach*, ed. Alette Smeulers (Antwerp: Intersentia, 2010).

replied: *'Do you think we will let the regime fall down? We will fuck all the women to punish them!'*

Rape has also been a powerful instrument to terrorize people. Marcell Shehwaro, an activist from Aleppo, was threatened: *"If you continue your activities with terrorists, we're going to fuck you."* Rumours quickly spread early in the revolution that women ran the risk of being sexually abused. By scaring women and their families, the regime aimed at deterring female activists from playing a growing role in the opposition. According to activists, sexual violence also played a role in the radicalisation and the militarisation of the conflict. This served the regime by shifting the narrative from peaceful demonstrations, and it justified harsh repression. Finally, most of the survivors of rape eventually left the country. After their release, women were too afraid to be arrested again and too ashamed to stay. In this way, the government has progressively emptied the country from moderate opponents. As the insurgency turned more radical, this confirmed the regime's self-fulfilling prophecy that it was fighting extremists.

In parallel, the Syrian government has sought to increase antagonism between communities, not only to mobilise and solidify the support from minorities, but also to frame the conflict as a fight between Alawites and Sunnis instead of a struggle for democracy. It is important to note that the dynamic of the revolution was not primarily sectarian. Indeed, the Syrian revolution was not a Sunni uprising, even if its supporters have been predominantly Sunni.¹⁵ Still, sexual violence has targeted the affiliation to the Sunni group.

The sectarian dimension appeared when pro-government security forces targeted and identified the other camp as the "enemy". In detention centres, guards almost always forcibly removed women's headscarves. In the State Security Branch 40 in Damascus, a detainee heard: *"Go beat these women wearing headscarves"*. Security forces also



The men have orders to take revenge on those vandals and to avenge their community. As long as those terrorists are against the State, everything is allowed to punish them.

Source: A director of the Political Security Branch in Homs told a defector

frequently insulted women in relation to God or to being Sunni. One detainee was forced to say *"I'm a Sunni bitch"*, by a guard at the Air Force Intelligence Branch in Damascus in October 2013. Most significantly, in several instances, guards told women they raped them because they were Sunni. Noor, who was raped repeatedly, was told in both the Palestine Branch in Damascus and in the Military Branch in Tartous: *"We want to rape all Sunnis girls"*. In the Military Intelligence Branch in Homs, the investigator told Um Ammar after raping her: *"We did this to you because you're Sunni."* In the same way, Hind and one of her cellmates were explicitly assaulted for performing prayer in their cell. The director of the General Intelligence Branch in Damascus told Hind: *"You know prayer is not allowed in prison. You know I can change you from a virgin to lady"*. And then he raped her. This targeting has applied outside as well. Kidnappings were aimed mostly at Sunni women. And during raids, security forces targeted Sunni neighbourhoods. For instance, Al Houla in Homs governorate, where the first large-scale massacre happened, is predominantly Sunni, as are Eastern Ghoutta, Jobar, Baba Amr or Khalidieh. As Jacques Semelin argues, stigmatising "the other" as radically different fuels the violence of repression.¹⁶ Here, identifying Sunni people as the enemy and as a threat mobilises pro-regime forces and becomes a self-justification for more violence against them. In addition, the vast majority of supporters of the regime, who stem from Alawite community or other minority groups, have felt numerically endangered in mix areas. As the regime engaged in a fight for

15 Emile Hokayem, *Syria's uprising and the Fracturing of the Levant* (Abingdon: Routledge for the International Institute for Strategic Studies, 2013).

16 Jacques Semelin, *Purify and Destroy: The Political Uses of Massacre and Genocide* (New York, NY: Columbia University Press, 2007).



Rapes seem to have been more frequent when the regime felt the most under threat and used every means to retain power.

its survival, the conflict became increasingly shaped according to an “us” against “them” view. It appears clearly that raping Sunni women has amounted to assaulting the whole community. Sexual violence has thus been a way to assert sectarian domination over women and the opposition as well as to impose political power on them. In this regard, the sentence guards have kept repeating while abusing women *“You want freedom, this is your freedom”* has been fully realised. Opponents have not managed to obtain freedom and the regime has been firmly committed in subduing them.

Rape, a widespread and systematic attack?

Consistent accounts have shown that sexual crimes have belonged to a general policy of repression, and they have displayed common patterns as well as some degree of organisation. Even though there is no evidence that officials in Damascus have ordered rapes directly, it is unlikely they have not been aware of the crimes that have been committed. Meanwhile, the repressive policy has created a context conducive to rapes, which has fit into local dynamics.

First of all, sexual violence has always occurred in a repressive context, whether during detention or military operations aimed at fighting the rebellion. The evidence shows that rapes have been committed repeatedly in a large number of different detention facilities, at least between 2011 and 2014, as the regime arrested and detained arbitrarily thousands of people across the country. Guards explicitly threatened detainees with rape and assaulted them to pressure them or punish them, which demonstrates

the link between sexual violence and the repressive goal of security forces. Similarly, when soldiers or militiamen raped women during military operations, this was part of the attack against their adversaries and their relatives. Thus, rape can be considered as part of a general policy from the authorities.

Second, a regular pattern stands out from survivors’ accounts regarding sexual crimes in prison. Women were raped alone, most of the time in relation to the interrogation process, by agents or guards watching them, in order to force them to confess or to retaliate against them. In addition, the repeated occurrences of rapes in houses during military operation, in 2012, and in different places in Homs province and in Damascus suburbs, also suggest a regular pattern, as detailed previously.

Third, women’s testimonies revealed some degree of organisation and planning in detention facilities. In several instances, a doctor treated survivors when rape had severe consequences on their health. Maryam was even transferred to the military hospital 601, in Mezze, Damascus, for a proper surgery. There, a doctor removed her dead foetus. All the other survivors were treated in a room in the prison, with a bed and some medical equipment. Women said that doctors seemed used to treating similar cases and didn’t look surprised. Ghalia was treated for severe haemorrhage after being gang raped. The doctor told her: *“Please, if you have something to say, say it. Many women died because of rapes. You might also become pregnant. So please, say what you have to say.”* A few weeks later, after telling a guard that she might be pregnant, Ghalia saw a doctor again for a blood test. He didn’t tell her she was pregnant but he prescribed what she discovered were abortive pills. It shows doctors not only knew that some detainees were brutally raped, but also that one of their missions was to treat the result of savage assaults. This leads to the conclusion that security forces organised medical care to deal with the consequences of what they inflicted

on detainees. In addition, survivors and witnesses reported that guards distributed contraceptive or emergency pills in fall 2013 in the Palestine Branch in Damascus and in June 2014 in the State Security Branch in Deir Ezzor. At the Palestine Branch, cellmates told Suhair that guards gave them pills and told them *"If you don't want children, take this"*. In the same way, Malina, who stayed for a few days at the State Security Branch in Deir Ezzor, recounted that guards distributed a pill to her and her cellmates every day. The availability and distribution of contraceptive pills in a detention centre requires a minimum of anticipation and planning. In addition, Yasmin recounted that when she was raped at the Palestine Branch in November 2012, the agent used Vaseline. These elements indicate that rapes followed a regular pattern that involved some degree of organisation and were part of a broader state policy of widespread repression against the civil population.

Rape and other forms of sexual violence committed during an armed conflict violate the laws of war. Rape by state agents is considered torture, as established by international criminal courts.¹⁷ Under the Rome Statute, rape constitutes a war crime and can constitute a crime against humanity if it is part of a widespread or systematic attack on civilians. Therefore, sexual violence in Syria could be prosecuted as war crimes and crimes against humanity.¹⁸

The fact that sexual crimes have not been opportunistic and fit a policy raises the crucial issue of the degree of responsibility of high-ranking officials: whether they gave orders, at which level and how explicitly. At the prison level, as described previously, in several instances, directors or agents led or ordered their subordinates to rape women. Between interrogation sessions, the interrogator forced Ghalia to watch a pornographic movie in his office with two guards. Then he said: *"I want this movie to come true. If you play it well, I'll give you each one month of holiday."* Ghalia said the guards were reluctant at first. *"If you don't*

want to do it, go away and I'll ask two other agents to do it," the commander added. As demonstrated earlier, in most cases, agents knew about rapes and often several perpetrators were present during the assault, whether in prison or in homes. According to a defector from the regime, in early 2012, a judge encouraged several detainees to file a complaint for rape in the Military Police Branch of Homs. This complaint was never processed and the judge received threats. Similarly, when Maryam dared to report having being raped, her claim was dismissed. *"The interrogator said that a member from the Air Force Intelligence would never touch a terrorist."* Later on, after being tortured during an interrogation session, Maryam was taken to the office of the director of the Air Force Intelligence Directorate, Lieutenant General Jamil Hassan. She had bruises on her face and blood was coming from the lower part of her body. *"Don't tell me that you were raped, or somebody touched you, or that you were tortured. I want to hear something that can be useful for my report,"* he said. It was obvious that Maryam had been tortured and she thinks that the director knew about the rape. *"I don't want that this woman to die here. Take her to the hospital"* he ordered finally. Lt. Gen. Hassan probably expected to hear allegations of rape. Yet, he didn't investigate a possible crime committed under its authority even though he should have. Thus, he could be held accountable for Maryam's rape under the doctrine of command responsibility, according to which a commander is liable for crimes committed by individuals under his control. Lt. Gen. Hassan, as the head of Air Force Intelligence Directorate, is one of the most powerful men in Syria. It is thus difficult to believe that he would have turned a blind eye to acts that the President would have not tolerated.

No information indicates that high-level officials in Damascus ordered rapes. Still, several defectors who served in different departments in Homs governorate said that from mid-2011, the directors of intelligence branches in Homs received instructions from

17 International Criminal Tribunal for Rwanda, *The Prosecutor v. Jean-Paul Akayesu*; International Criminal Tribunal for the Former Yugoslavia, *The Prosecutor v Furundžija*.

18 UN Human Rights Council, *Report of the Independent International Commission of Inquiry on the Syrian Arab Republic*, A/HRC/22/59, 5 February 2013.

Damascus. They were told to do *“whatever you want”*. This sentence was repeated like a leitmotiv. It implicitly allowed the security forces to commit any crimes. A member of the intelligence in Homs told a defector: *“We received orders to do whatever we want, it means girls are endangered now.”* Mahmoud worked in state institutions in Homs in 2011-2012. A member of the intelligence told him that the head of the Homs Military Security Branch said: *“Go fuck their female relative, do whatever you want, no one will be held accountable.”* Similarly, Fadel Tlass, who served as an investigator in the State Security Branch in Homs city until March 2012, heard a high-ranking official of the branch saying: *“Bashar al Assad thanks you for your efforts, (...) he wants you to do whatever you can to make the regime powerful and stand against the revolution.”* It appears credible that this consistent information regarding Homs applies to other governorates, since similar crimes were committed in other areas and they took place in the context of a nationwide repressive policy. Besides, the chain of command regarding *Shabbiha* appears unclear as little is known about the functioning of their leadership structure. They don't fall under any official body's control and they enjoy a large degree of autonomy.

While the President or high level security officials probably didn't give explicit orders, the green light to rein in the uprising by all means necessary provided intelligence regional directors and army commanders with flexibility in repressing the population. Thus, it appears that sexual violence fits into local dynamics. The decision to resort to sexual violence (or tolerate it) seems to have fallen under the regional level or even the branch and military unit level, especially as local directors have had a lot of leeway. As Semelin shows, local actors may take initiatives to implement violence, especially when there is impunity.¹⁹ The disparity among regions and the fact that rape seemingly happened less often in the east and in the north of the country for instance confirms this framework.

Finally, the Syrian security apparatus is characterised by a strong hierarchy and an effective chain of command from the national to the local level. The commanding control is definitely in the hands of the President. And the fact that sexual violence was committed in so many branches, various checkpoints and during military operations nationwide, indicates that acts were not isolated or uncontrolled, but rather tolerated by line management. Thus, it seems unlikely that officials in Damascus were unaware of these crimes. Generally, the determination of the regime and the permissive context of impunity constituted favourable conditions to commit sexual crimes. In addition, the UN Commission of Inquiry mentioned sexual violence in most of its reports, but the government never announced an investigation into the allegations. Therefore it is plausible to assume that the regime tacitly tolerated sexual crimes. Last, not ordering rapes doesn't exonerate officials at the highest levels. Under the doctrine of command responsibility, commanders may be prosecuted where they know or should have known of the abuses and failed to take action to stop them.²⁰

The failure to implement the Women Peace and Security agenda

Among the daily atrocities committed in Syria, sexual violence has largely been ignored. It has only been mentioned in the reports of the Commission of Inquiry and in the annual Secretary General reports on conflict-related sexual violence. References to sexual violence, or even to the WPS agenda have constantly been left out or removed from drafts during negotiations of Security Council resolutions.²¹ Over almost six years, the Council has only condemned sexual violence once in a declaration, with a strong focus on crimes perpetrated by ISIS.²² Even though civil society has tried to raise the issue, the UN and the countries supporting Syrian parties to the conflict have failed to take any meaningful action. An opportunity to implement the WPS agenda

19 Semelin, *Purify and Destroy*.

20 Last March, the International Criminal Court convicted the former vice-president of the Democratic Republic of Congo, Jean-Pierre Bemba, for crimes against humanity and war crimes, for rapes its troops committed because it was established Bemba had effective authority and control over the forces. See International Criminal Court, *The Prosecutor v. Jean-Pierre Bemba Gombo*.

21 Security Council Report, *Women, Peace and Security : Sexual Violence in Conflict and Sanctions*, April 2013, <http://www.securitycouncilreport.org/cross-cutting-report/women-peace-and-security-sexual-violence-in-conflict-and-sanctions.php>.

22 Security Council Press Statement on sexual violence in conflict in Middle East, 28 August 2015, SC/12030, <http://www.un.org/press/en/2015/sc12030.doc.htm>.

and to protect women, which is one of its priorities, has clearly been missed. Resolution 1960 encourages the monitoring of sexual violence and the “focused engagement” with parties suspected of such violence, including targeted sanctions. Yet, none of these options have been explored and the Syrian regime has escaped sanctions. The United Nations only supported the Syrian Ministry of Social Affairs to establish a women and child protection unit to respond to sexual and gender-based violence.²³ Similarly, the Special Representative of the Secretary-General on Sexual Violence in Conflict, Zainab Bangura, did not denounce abuses nor took any concrete action, even though she visited detention centres of the Syrian regime in April 2015. Instead, she has focused on and repeatedly denounced sexual crimes committed by ISIS, standing in line with most countries’ interests. Indeed, countries supporting the Syrian regime don’t want it to be blamed, and countries belonging to the US-led coalition against ISIS consider that the priority is crimes committed by terrorists. More broadly, the inaction of the UN reflects its general passivity and helplessness regarding the crimes of the regime. While the Syrian government barred access to prisons, the reaction to egregious abuses such as torture and death in detention centres²⁴ has been limited, as the UN was careful not to jeopardise its agencies’ access to Syria. The UN has also been encouraged by country members to focus on ISIS crimes. One can only wonder about the potential deterrence effect that a monitoring team on the ground may have had.

In addition, the failure to take action also reflects the extent to which the realisation of the WPS agenda lies on states.²⁵ At the national level, they are in charge of implementing gender-sensitive measures and reforms. And during conflicts, states are responsible for protecting their populations. This is why when a state refuses to take any measures, or becomes the major perpetrator of violence, there are few alternatives allowing pursuing the WPS agenda. Meanwhile, at the UN level, states

retain significant power and cannot be easily circumvented. The constant deadlock at the Security Council because of conflicting interests since the beginning of the war in Syria also illustrates how difficult it is to take action. If a permanent member decides to protect a state, the Security Council is paralysed, which underlines the necessity to reform the veto power. It demonstrates that the implementation of the WPS agenda during conflicts has been too state-centric. More actors should be involved at various levels, leading to shared responsibility. This could be conducive to advancing the prevention of and the protection from sexual violence. Meanwhile, a shift of mentality is needed, so that states commit truly to stand by the WPS agenda and don’t use it as a bargaining chip, or don’t consider it as a bonus ultimately easily expendable in negotiations. Finally, the Syrian case also highlights that the WPS agenda needs to be further developed and that concrete measures need to be elaborated, taking into account the specific context, such as total obstruction by a government which is responsible for violence against women.

23 Report of the Secretary-General on Conflict-Related Sexual Violence, 23 March 2015, S/2015/203.

24 *A report into the credibility of certain evidence with regard to Torture and Execution of Persons Incarcerated by the current Syrian regime*, prepared for Carter-Ruck and Co. Solicitors of London.

25 Paul Kirby and Laura J. Shepherd, “The Futures Past of the Women, Peace and Security Agenda”, *International Affairs* 92(2) (2016), 373-392.

CONCLUSION

The scope and the pattern of rapes bring an additional perspective to the dynamic of the Syrian conflict. Sexual violence against women has been used as a tactic in the war and has been an integral part to the regime policy of subjugation of the opposition. Therefore, sexual crimes must be taken into account in future political negotiations. They need to be acknowledged, alongside the suffering of survivors. While stigma requires sensitive rehabilitation programmes, acknowledgment of trauma and the central position of women can be translated into the political field, by giving women key positions in the leadership and by integrating their perspective to rebuild Syria. After the failure to prevent and protect Syrian women from sexual violence, the best opportunity to implement the WPS agenda is to focus on accountability and to involve women in a future peace process. UN Security Council Resolutions 1889 and 2122 stress the need to strengthen women's participation during all stages of peace building. Peace agreements prove to be more successful if women sit at the negotiation table.²⁶ This need for participation appears even more acute since Syrian women have been directly targeted in the conflict. And given the strategic nature of the sexual crimes, they will need to be addressed as a political issue in any peace settlement. Until now, Syrian women haven't been well represented in previous peace conferences, but it is essential to include them in order to lead to political reform.²⁷

In addition, perpetrators of rape and their commanders must be held accountable in order to show that sexual violence is not an inevitable by-product of war. Resolution 2106 "stresses the need for the exclusion of sexual violence crimes from amnesty provisions". Indeed, ending impunity is central in preventing sexual violence. Most of the women interviewed do feel vengeful. They, of course, want their rapists to be punished, even by death in some cases. While some survivors are totally disillusioned with justice, some believe in accountability, but only within an international framework. "I want this man to stand before a court, but an international one, because there is no justice in Syria," said Lama, the woman who was detained in Latakya. Justice for survivors of sexual violence has proved elusive most of the time.²⁸ Therefore, the crimes committed in the Syrian conflict must be an opportunity to set an example regarding the fight against impunity for sexual crimes. Finally, dissociating a political settlement from justice leads to a deadlock. There is no lasting peace without accountability. As Lama concluded: "The victims can't live with their killers. But if there is justice in the future, we will be able to live together again."

26 Radhika Coomaraswamy et al., *Preventing Conflict, Transforming Justice, Securing the Peace: A Global Study on the Implementation of United Nations Security Council Resolution 1325* (New York: UN Women, 2015).

27 Lisa Davis, "ISIL, The Syrian Conflict, Sexual Violence and the Way Forward: Syrian Women's Inclusion in the Peace Processes", *NYU International Law and Politics* 48(4) (2016), 1157-1190.

28 Sahla Aroussi, "Women, Peace and Security: Addressing Accountability for Wartime Sexual Violence", *International Feminist Journal of Politics* 13(4) (2011), 576-593.

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