

Ayat al-Rifa'i: A Young Woman Victimized by her Family and the Law

جد القسيمة ، محمد محي الدين الرفاعي
أعمام والدها ، مأمون وياسين الرفاعي
والد القسيمة ، محمد ياسر الرفاعي
أعمام القسيمة ، نبيل وأحمد ومحمد وعبد القادر الرفاعي
أخوال القسيمة ، موفق وسعيد وعبد الله وخالد وكثيري ومحمد صلاح وأحمد الشابي
زوج القسيمة ، غيات الحموي
والسد زوجها ، أحمد الحموي
أبناء أعمامها ، غيات وأحمد، عبيد محي الدين ومحمد ومطابق وساريّة ورشوان
ويوسف وعبد الرحمن ومعاذ وجود وبراء ومصطفى ومحمد الرفاعي
أبناء أخوالها ، حسان ومحمد ومحمود وأحمد وساريّة وفهد وعادل وعمر
ومعمار ومهله ومحمد سراج الشابي
أبناء عماتها ، محمد نور ترك ومحمد وزين وناصر وعبد الله الصعدي
أبناء خالاتها ، محمد مازن ويوسف عيني وجابر وصامر وفؤاد الشابي
ومحمد جهاد البلداني
شقيق زوجها ، محمد الحموي

وعصوم آل الرفاعي والشابي والحموي

ويلسداني ودوقاني وعيني وصعدي وترت

يتعاون اليهو بعينها من الرضا والتسوية بقضاياهم التي وقدره وقلة فقهناهم الغالية

المرحومة بآلته تعالى

أشابة آيات الرفاعي

أنتها المدنية صباح يوم الأحد الرابع في ٢٩ جمادى الأولى ١٤٤٢
كانون الثاني ٢٠٢٢ وسيتم جثمانها الطاهر من مشفى المجتهد
عليها عقب صلاة ظهر يوم الأحد الرابع ٢ كانون الثاني ٢٠٢٢
في نابت الأنصاري بالخاصة ثم توري التراب في مقبرة عين توما الجديدة
الفرسنة الجمعة ولله الأمر والتولية

لتعازي بدار جسد هيا أبو نبيل الرفاعي

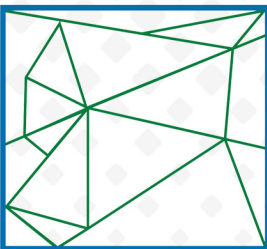
الدمحادييل ، سوق الخضرة ، جانب قرن الوفاء

ألفظ ٢ كانون الثاني ٢٠٢٢ من الساعة (٥ حتى ٧) مساءً

ألفظ ٢ كانون الثاني ٢٠٢٢ من الساعة (٦ حتى ٨) عصرًا

عزلة طباعة - قهوة مرة - قراء قرآن وموائد - حفرة سماح
مركز موجهة - شارع رامي - جانب دائرة النفوس - ٢٠٢٢ ٢٢٢٢٢٢

سوريون
من أجل
الحقيقة
والعدالة
Syrians
For Truth
& Justice



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To eliminate violence against Syrian women, legislators must pass laws addressing all types of gender-based violence, including physical, psychological, sexual, economic, and political violence

On 7 November 2022, the First Instance Criminal Court in Damascus issued an appealable verdict in the viral case of [Ayat al-Rifa'i](#)—a young Syrian woman murdered by her husband, father, and mother-in-law.

On New Year's Eve in Damascus's Al-Moujtahed neighborhood, 19-year-old [Ayat al-Rifa'i](#) was brought to a Damascus hospital unresponsive. Ayat's husband and his parents beat her until she lost consciousness. Without medical attention, she died in her room. Her killing went viral on social media, with the hashtag "the_right_of_Ayat_al-Rifai circulating soon after the Syrian government's Ministry of the Interior published details of her killing. Months after the perpetrators were arrested, the courts have reached a verdict.

Relaying the details of the verdict, on 8 November, *al-Watan*, a local newspaper affiliated with the Syrian government (SG), [reported](#) that: "the First Instance Criminal Court in Damascus issued a seven-year prison sentence against Ayat Al-Rif'ai's husband and his father. The court convicted both of the beating that led to her death. Additionally, the court ordered them to pay personal compensation of 15 million Syrian pounds (SYP) to Ayat's family. Moreover, the court ordered the release of the husband's mother, sufficing with time she spent on remand."

For a comment on the court sentence, the newspaper interviewed the First Attorney General, Muhammad Adib al-Mahayni, who elaborated on the process of legal characterization applied to Ayat's case. Al-Mahayni highlighted that the elements of the crime perpetrated by Ayat's husband and her father-in-law are consistent with those of beating leading to death, not manslaughter, stressing that the court made the ruling in alignment with the law and due procedure. He added that the victim's family is entitled to appeal before the Court of Cassation within 30 days.

Notably, the tragic fate of Ayat swept social media in January 2022, urging a response from the Syrian Ministry of Interior. In a [Facebook post](#) on 4 January 2022, the ministry revealed that Ayat was brought dead to the al-Mujtahid Hospital in Damascus on 31 December 2021 and explained that her parents filed a claim against their daughter's husband, saying he and his family beat and ill-treated her.

Additionally, the ministry said that Ayat's husband and his parents confessed to the constant use of violence against the victim to discipline her.¹ They also admitted that the father-in-law had bit the victim twice on the day she died, using two different canes, one of which had steel pins at one end, while the husband hit her head against the wall and left her unconscious in the room.

The ministry added that the perpetrators attempted to revive Ayat an hour later. When she did not respond, they took her to the hospital. However, she was already dead when she arrived, according to the statement of the emergency doctor.

Locating Ayat's Murder within Syrian Laws

The [Penal Code No. 148 of 1949](#) distinguishes between the crime of *al-Katel al-Qassd* (manslaughter) mentioned in Article 533 and the crime of *al-Izza al-Mufddi li-al-mout* (harm leading to death) mentioned in Article 536, with the difference lying in the criminal intent. The

¹ For the full confession of the convicts, see the video published by *al-Watan* newspaper on 6 January 2022. <https://www.youtube.com/watch?v=iz5Pp801cXU>

intent refers to the perpetrator's resolve or determination to commit the act despite knowing that it is a crime.

Article 533 stipulates: "Whoever willfully commits homicide shall be punished with hard labor from fifteen to twenty years."

For its part, Article 536 stipulates:

"1- Whoever unwillingly causes the death of a person by beating, violence, force, or any other intentional act, shall be punished with hard labor for at least five years;

2- The penalty shall not be less than seven years if the act is associated with one of the cases stipulated in the two previous articles."²

Notably, while they identify varying degrees of homicide, Syrian laws do not designate specific laws to domestic violence. The Penal Code lacks articles specific to domestic and gender-based violence, resulting in the fact that acts under both types are not regarded as criminalizing *per se* unless they fall within the domain of Articles 544 and 529. These two articles inscribe punishment particularly against actions that cause pregnant women to miscarry.

No Justice for the Victims of Domestic Violence

The murder of Ayat, who was willfully subjected to violence and battered by her partner and his family, is but an episode in the continuing suffering of several Syrian women and girls, who struggle in the throes of domestic violence.³

Notably, this vicious circle is maintained by the insufficiency of criminal codes, which fail to address domestic violence as an independent crime. Domestic violence is often treated as an element on the spectrum of punishable acts of violence. There are several articles in the Syrian Penal Code that prohibit and criminalize beating (including Articles 540, 541, 542, 543), but none are designated for violence or abuse perpetrated against women.

The insufficiency of existing legal frames extends beyond the lack of clear texts that criminalize gender-based violence, affecting the application. The violence-related available texts limit the judges' powers to make decisions or order measures that might bring justice to women subjected to domestic violence. For instance, judges are obliged to dismiss domestic violence charges when the claimant withdraws her complaint, even if a medical report shows she has been subjected to harm. Similarly, the judge has to dismiss the case should the medical report

² The previous two articles are:

Article 534, which prescribes "hard labor for life if homicide is committed for an inferior reason; or to prepare for, facilitate or implement a misdemeanor; or to facilitate the escape of the instigators, perpetrators, or accomplices of that misdemeanor or help them escape punishment; or to gain benefits; or the victim is an employee performing his/her duties; or is an under-15 juvenile; or is committed against two persons or more; or is accompanied by acts of torture or cruelty."

Article 535 pushes for a severer penalty for homicide, even prescribing the death penalty in some cases, including "willful homicide; homicide committed in preparation for, to facilitate, or implement a crime; or to facilitate the escape of the instigators, perpetrators, or those involved in that crime, or protect them from punishment, or when it is committed against one of the offender's ascendants or descendants."

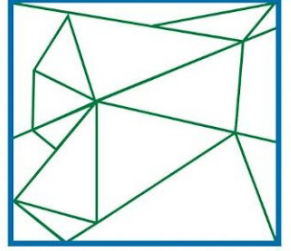
³ "Syria: 185 Cases of 'Honor Killing' since 2019", STJ, 25 November 2022 (Last visited: 8 December 2022). <https://stj-sy.org/en/syria-185-cases-of-honor-killing-since-2019/>

indicate that the harm inflicted on the victim does not render her incapable of working for over 10 days.

In this context, the court's decision in Ayat's case remains unfair to the victim and disproportionate to the outcome of the violence practiced on her, despite the fact that it was issued by the court in accordance with the applicable law and due procedures.

Recommendations

- Passing a law to eliminate violence against Syrian women, covering all types of gender-based violence, whether physical, psychological, sexual, economic, or political.
 - Setting up preventive measures, such as directing the Syrian Ministry of Health to develop programs to train medical staff on detecting, evaluating, and raising awareness about violence against women.
 - Establishing domestic violence units within the criminal security forces to handle related complaints, such as those found by the [Tunisian Law No. 58 of 2017](#) on the elimination of violence against women.
 - Lifting the Syrian State's reservations to [CEDAW](#) (the Convention on the Elimination of All Forms of Discrimination against Women).
 - Adopting a comprehensive approach to issues of violence against women to combat the various forms of violence across Syria and protect the victims.
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About Us:

Syrians for Truth and Justice (STJ) is a nonprofit, nongovernmental organization monitoring human rights violations in Syria. Founded in 2015, STJ has been based in France since 2019.

STJ is an impartial and independent Syrian human rights organization operating across Syria. Our network of field researchers monitor and report human rights violations occurring on the ground in Syria, while our international team of human rights experts, lawyers, and journalists gather evidence, examine emerging patterns of violations, and analyze how violations break domestic Syrian and international law.

We are committed to documenting violations of human rights committed by all parties in the Syrian conflict and elevating the voices of all Syrians victimized by human rights violations, regardless of their ethnicity, religion, political affiliation, class, and/or gender. Our commitment to human rights monitoring is founded on the idea that professional human rights documentation meeting international standards is the first step to uncovering the truth and achieving justice in Syria.



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