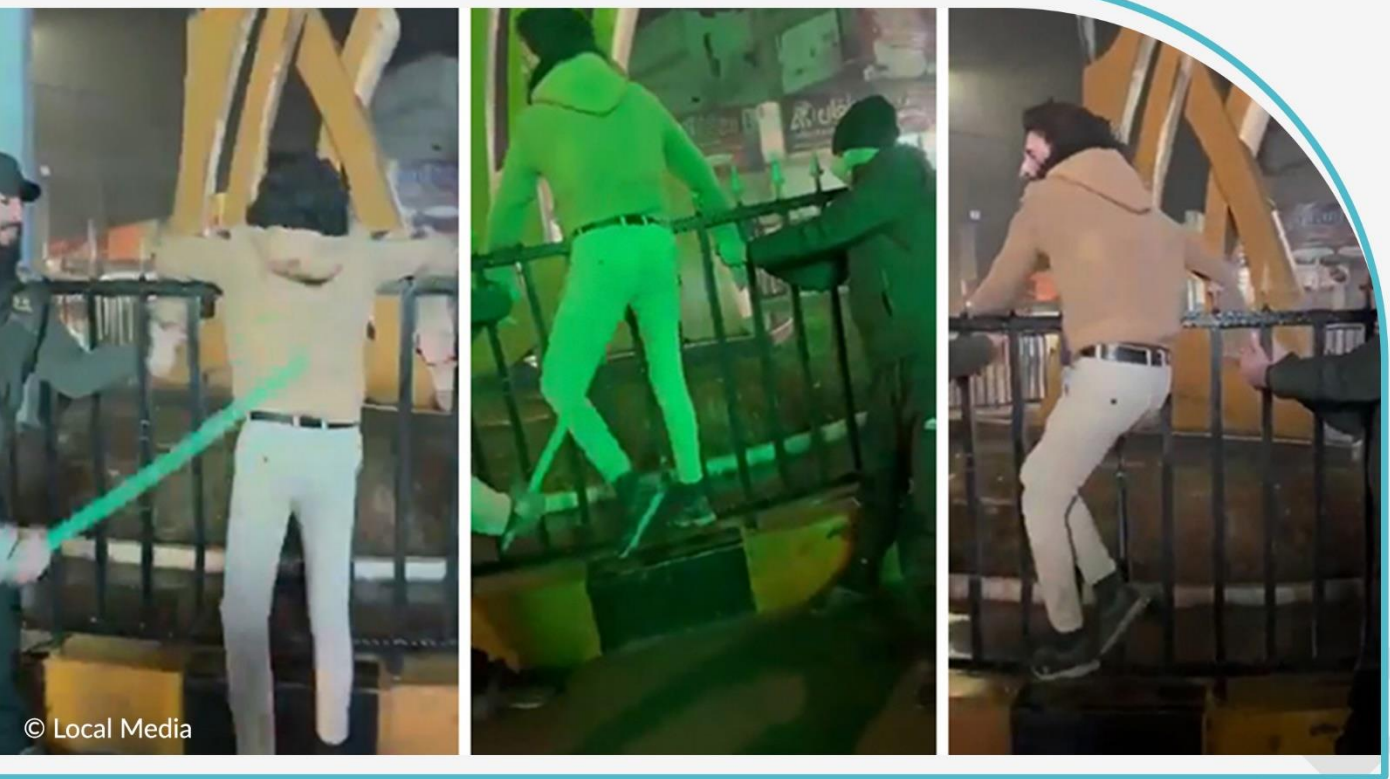


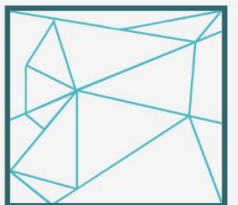
## Northwest Syria: Fighters Flog a Man for “Insulting God”



■ This violation is a continuation of Islamist militias' attempts to force their extremist ideologies on areas they control and a breach of multiple human rights under domestic and international laws

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## Northwest Syria: Fighters Flog a Man for “Insulting God”

*This violation is a continuation of Islamist militias' attempts to force their extremist ideologies on areas they control and a breach of multiple human rights under domestic and international laws*

In December 2023, a young man was filmed while being flogged in a public square in al-Bab city, Aleppo’s northern countryside. The flogging “sentence” was carried out by fighters affiliated with the Liberation and Building Movement (LBM), which operates under the banner of the Türkiye-backed Syrian National Army (SNA).

Bringing to mind the practices of the Islamic State (IS), the [video](#)—re-posted by local media after going viral on Facebook—shows the victim restrained and pinned against a fence at al-Center Roundabout in downtown al-Bab by two men, and brutally hit with a plastic rod on his back by a third. The third man could also be heard saying, **“This is the punishment for those who insult God”**.

Witnesses and sources informed of the incident told Syrians for Truth and Justice (STJ) that the young man, who hails from al-Bukamal city in Deir ez-Zor’s countryside, was punished without trial. This violation against the young man is one manifestation of the rampant lack of rule of law in the territories under the SNA’s military control.

Notably, the SNA operates under the mantle of the Syrian Interim Government (SIG), an offshoot of the Syrian Opposition Coalition (SOC). The SIG runs the region administratively, overseeing its legal and judicial affairs. However, the SNA-affiliated armed groups continue to infringe on the SIG’s legal and judicial powers and the multiple rights they supposedly protect, including the residents’ right to a fair trial.

In 2023, for instance, a commander of the SNA’s 3<sup>rd</sup> Corps [attempted to storm](#) A’zaz Courthouse, assaulted a judge there, and kidnapped his toddler after the court granted his ex-wife custody of their little girl while preventing him from seeing the child for five consecutive months.

For this report, STJ interviewed two sources from al-Bab city, located in so-called Euphrates Shield strip. One is a media activist who narrated how the incident unfolded. The other is a Military Police officer who recounted how the de facto authorities handled the situation, highlighting that “accountability” processes in the region are often bound by the armed groups’ regionalist loyalties and religious ideologies rather than the law.

## How the Incident Unfolded

Laith,<sup>1</sup> a media activist in al-Bab city, narrated that Ismail—the young man subjected to flogging—had a heated altercation with a young woman he loved during a TikTok livestream on 22 December 2023. The young woman expelled Ismail from the joint Live and blocked him. Ismail went into a frenzy and started to **“spew curses, reviling Islam and Muslims.”**

An hour after the livestreaming, several gunmen from a sub-group within the Jayish al-Sharqiya/Army of the East, an affiliate of the LBM, headed to Ismail’s home, led by their commander, known by the name Maimati. The gunmen took Ismail from his house and brutally beat him all the way to al-Center Square, where they flogged him in front of passers-by.

Laith noted that the commander, Maimati, hails from al-Mayadin city in Deir ez-Zor’s eastern countryside, adding that several of Ismail’s family members are affiliated with the LBM. He stressed that the gunmen who flogged Ismail are deemed relatives and thus consider the problem a family matter. Therefore, they believe they are **“entitled”** to punish him themselves to prevent outsiders **“from interfering in the [family affair] or attempting to bring him to court.”**

Half an hour after the flogging, Maimati’s armed group handed over Ismail to the LBM. At the latter’s security center, Ismail’s head was shaved, and he was filmed again while interrogated.

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<sup>1</sup> The source opted for a pseudonym during an online interview on 21 January 2024.

In the interrogation video,<sup>2</sup> when asked why he said such insults, Ismail responds, “**I was not in my right mind**”. The cameraman can then be heard explaining that Ismail was now being held by the SNA’s 1<sup>st</sup> Corps at the LBM’s security center, threatening to “**make [him] an example to all those who have no shame.**”

## Unrest Follows in the City

After Ismail was flogged, people in al-Bab city circulated a sound recording by a resident called S. H. In the voice note, S. cursed Ismail and his family, demanding that Ismail be killed as the sentence he truly deserves for what he did.

Reacting to the insults in the recording, Laith said Maimati’s group attacked S.’s shop in al-Novouteh Street, fired their rifles, and demanded that S. “surrender himself.” During the attack on the shop, the situation spiraled out of control, threatening to thrust the city into a “regionalist” dispute. Laith added:

“Locals from al-Bab city gathered [in front of the shop] to calm the situation and prevent it from developing into clashes. S. H. appeared before the people to ease the tensions and justify his actions. However, Maimati’s group attacked and beat him. The situation escalated then, and the two sides—al-Bab city residents on the one hand and people from Deir ez-Zor and al-Bukamal city on the other hand—started to rally. The Military Police intervened to calm the two sides and ordered the assembling groups to disperse.”

Laith added that after the commotion in front of S.’s shop, a meeting was held at the Military Police headquarters, attended by dignitaries from al-Bab and Deir ez-Zor and relatives of S. and Maimati. The meeting ended after S. and al-Bab’s delegation apologized to Deir ez-Zor’s people for the abuse they suffered, and Ismail was handed over to the Civil Police to be tried for “**insulting the Muslim nation.**”

## The Armed Groups Disrupt Civil Peace

Abu Maher,<sup>3</sup> an officer with the local Military Police, told STJ that al-Bab is home to a large number of internally displaced people (IDPs). They sought refuge in the city in mid-2018 after they fled Rif Dimashq (Damascus’s Countryside), al-Qalamoun, Homs’s countryside, Deir ez-Zor, Daraa, and the suburbs of al-Bab city itself. Due to the mixed demographics, Abu Maher said that “**a state of regionalism**” has emerged in the city.

Elaborating on the regionalist trends in the city and how they influenced the population’s reaction to the TikTok incident and ensuing flogging, Abu Maher said that the different IDP communities in the city, as well as locals, want to maintain their independence, govern their affairs autonomously, and aspire to “overpower” other communities. He added:

“Al-Bab locals believe they are entitled to [rule the community] because they are indigenous to the city and reject the practices of the people from other areas [IDPs], who seek autonomy in decision-making or self-governance. This remains the most critical issue. For instance, when the armed group raided [the house] of the young man who insulted God and flogged him right on the street, and later the other LBM armed group re-arrested him, shaved his head, and filmed him, al-Bab city’s locals [took to the streets and held the slogan \*Babiyeh\*](#) (Al-Bab belongs to al-Bab). They meant that only al-Bab’s people had the right to arrest and discipline the young man. [The protests]

<sup>2</sup> STJ managed to obtain a copy of the video after it was taken down from the internet.

<sup>3</sup> The source opted for a pseudonym during an online interview on 30 January 2024.

were organized after the man from al-Bab, [S.], offended the young man from al-Bukamal, who insulted God.”

Notably, the “regionalist sentiments” that occasionally grip the city do not entirely originate from its mixed population and are often urged by the practices of the armed groups that came with the IDPs to the area. These armed groups tend to exploit the IDP communities they are affiliated with and use them in their disputes with other groups. Abu Maher said, **“With every problem that arises, we struggle with regionalist divisions and factional alignments. People from the same region might even turn against each other based on their factional affiliations.”** He added:

“S. H. is not merely a civilian who owns a shop in al-Bab city. He is in charge of the local people’s committees of the SNA’s al-Hamza/al-Hamzat Division. He often stirs trouble on behalf of the al-Hamza/al-Hamzat Division. He had attacked media workers and fighters from other factions and organized protests, also on behalf of the division. Therefore, he surely must have insulted the young man, Ismail, at direct orders from Seif Abu Baker, [the division’s general commander], to spur a conflict with people from [Deir ez-Zor’s eastern countryside and thus with Jaysh al-Sharqiya/Army of the East].”

## The Armed Groups Play the Judge

In al-Bab city, the armed groups have established a monopoly over the role of the judiciary and continue to inflict punishment on “offenders” at their whims, showing no regard to the judiciary nor to its subsidiary institutions, including the military and civil police, which indeed played only minor roles in managing the TikTok crisis. Abu Maher emphasized this reality, adding that:

“Should insulting God be a punishable crime, it then falls within the jurisdiction of the Civil Police. However, the Civil Police did not take action. Furthermore, when contacted to intervene, they said no party had filed an official complaint against the young man. Therefore, they did not consider themselves obliged to address the issue. Their reaction primarily stems from their fear of the armed groups.”

Simultaneously, Abu Maher added, the Military Police only played the intermediary. It sought to reconcile the disputing parties and merely asked for handing the young man over to the Civil Police:

“The [Military Police] said the young man is not a militant, nor is there a military side involved in the case to consider it under its jurisdiction. They considered the case [a factional affair], and, thus, the concerned armed group is responsible for punishing people from the area where they come and has already intervened [to resolve the situation]. However, when locals from al-Bab took to the street with arms, enticed by the al-Hamza/al-Hamzat Division and the Sultan Murad Division, [the Military Police] were forced to intervene and prevent the crisis from exploding. So, they asked the LBM to hand over the young man to the Civil Police in preparation for trial.”

Speaking about the “accountability” measures the young man was subjected to, Abu Maher said:

“To be honest, God is insulted dozens of times on the streets every day by civilians and militants, and this goes unnoticed, as there is no law that punishes this. However, [the LBM] reacted in such a way, arrested the young man, and humiliated him extensively because this incident happened on TikTok and because there is undeniable extremism

within the LBM ranks—a large segment of its members are Salafists and even could be considered as IS advocates.”

Abu Maher emphasized that flogging as a punishment was a “calculated choice” made by several LBM members, who are pressing for **“the implementation of the Islamic Sharia rulings the way they were enforced by IS in Deir ez-Zor, Raqqa, and other areas it controlled.”**

The “flogging” incident constitutes a continuation of the armed groups’ relentless attempts at imposing their extremist ideologies on the local communities in their territories of control. Most importantly, the penalty breaches several of the defendant’s rights under both domestic and international laws.

Flogging as a punishment is a form of torture prohibited by international law. For instance, Article 5 of the 1948 Universal Declaration of Human Rights stipulates that “[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”. The provisions of this article are underscored by Article 7 of the 1966 International Covenant on Civil and Political Rights.

For its part, the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment prohibits torture entirely, stressing that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability, or any other public emergency, an order from a superior officer or a public authority may be invoked as a justification for torture.

Within this perspective, the prohibition of torture is a jus cogens rule in international law. Furthermore, torture is one of the practices prohibited during armed conflict under contractual<sup>4</sup> and customary<sup>5</sup> international humanitarian law that is binding on all parties. The prohibition also covers cruel, inhuman, and degrading treatment, as well as outrages upon personal dignity. Notably, this prohibition pertains to practices against all individuals, whether civilians or militants.

The SIG and affiliated institutions and entities claim they are implementing the Syrian laws in force before 2011 in their areas of control.<sup>6</sup> However, there is no text in the Syrian laws that provides for the punishment of flogging. Therefore, this “punishment” cannot be applied based on the legal rule, “There is no crime and no punishment without law.” Moreover, the Syrian constitutions, both the versions of 1973 and 2012,<sup>7</sup> prohibit torture and degrading treatment. Furthermore, Article 391 of the Syrian Penal Code stipulates a prison sentence of three months to three years against whoever subjects another to torture or hardship. Also, 2022 Law No. 16 prohibits all methods and forms of torture and stipulates severe penalties for perpetrators of this act.

Presuming the acts committed by Ismail are within the scope of Article 462 of the Syrian Penal Code, which criminalizes acts that involve disdain or contempt for religious rituals, his punishment must be imprisonment for two months to two years. In connection, the court is obliged to apply the minimum penalty—two months—if there are no reasons to exceed it, such

<sup>4</sup> Article 3 common to the four Geneva Conventions of 1949.

<sup>5</sup> Article 90 of the ICRC Study on Customary Rules of International Humanitarian Law.

<sup>6</sup> See paragraph 70 of the report by the Independent International Commission of Inquiry on the Syrian Arab Republic, dated 31 January 2019. Available from:

<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F40%2F70&Language=E&DeviceType=Desktop&LangRequested=False>

<sup>7</sup> Article 28 of the 1973 Constitution and Article 53 of the 2012 Constitution.



as the repetition of the offense. Moreover, the competent criminal court, not an armed group, is the one that has the power to apply the punishment in case the crime is proven by an irrevocable judicial decision. Additionally, the defendant has the right to a fair, public, and impartial trial, as stipulated in Article 10 of the Universal Declaration of Human Rights and Article 14 of the International Covenant on Civil and Political Rights. Moreover, international humanitarian law in Article 3 common to the four Geneva Conventions of 1949 prohibits the passing and execution of sentences without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees.

Considering the aforementioned domestic and international legal frameworks and presuming there is a law that identifies Ismail’s act as a “crime” and defines the penalty for such a crime, the execution of the sentence while depriving him of the conditions discussed above amounts to a war crime under the Rome Statute of the International Criminal Court. For the passing and execution of sentences to meet the requirements of international humanitarian law, the court must be able to provide guarantees of independence and impartiality. Guarantees to a fair trial are established in international human rights law instruments, as in Article 14(1) of the International Covenant on Civil and Political Rights. Based on this, the imposition of punishment on an individual by an armed group or a number of its members, even if that punishment is provided for in the Criminal Code, does not meet the conditions stipulated in these provisions.



## ABOUT STJ

Syrians for Truth and Justice (STJ) started as an idea in a co-founder's mind while attending the U.S. Middle-East Partnership Initiative's (MEPI) Leaders for Democracy Fellowship program (LDF) in 2015. The idea became a reality and flourished into an independent, non-profit, impartial, non-governmental human rights organization.

STJ's beginnings were more than humble; initially, it only reported stories of Syrians who experienced arbitrary arrest, enforced disappearance, or torture. Planted in fertile soil, the seed of this project grew into an established human rights organization licensed in the Middle East and the European Union. STJ today undertakes to detect and uncover violations of all types committed in all Syrian parts by the various parties to the conflict.

Convinced that Syria's diversity is a wealth, our researchers and volunteers serve with unfailing dedication to monitor, expose, and document human rights violations that continue unabated in Syria since 2011, regardless of the affiliation of the victims or perpetrators.