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“Web of Agony”: Arbitrary Detention, Torture, and Ill-Treatment by former Government forces in the Syrian Arab Republic (Companion Report to A/HRC/46/55)

Independent International Commission of Inquiry on the Syrian Arab Republic

Summary

Since 2011, Syrian civilians have been subjected to arbitrary detention, torture and ill-treatment, enforced disappearances and related violations in order to quash dissent and erode opposition to the government led by former President Assad. These acts amounted to widespread, gross violations of human rights and crimes against humanity and since the emergence of armed conflict, violations of international humanitarian law and war crimes.

This conference room paper provides a more detailed and comprehensive presentation and analysis of the vast holding of the Commission concerning detention-related violations, supplemental to shorter reports published in 2021 and 2023 and a consolidation of detention-related information from the Commission’s other mandated and thematic reports since 2011. It is based on more than 550 interviews with survivors of torture and ill-treatment, and overall more than 2,000 interviewees who witnessed detention-related violations by the former government and pro-government forces in the Syrian Arab Republic between March 2011 and December 2020. Non-state armed groups, including United Nations-designated terrorist groups, many of which were initially comprised of or led by defected Government forces, have also engaged in such practices since their emergence.

The prevalence of detention violations coupled with widespread impunity is cited as a key driver, and one of the many manifestations of the root causes, of the conflict in the Syrian Arab Republic. Bringing such violations to an end and ensuring respect for survivors’ rights to remedies remain paramount as part of any just and rights-respecting resolution to the crisis.

As this paper was being finalised, as of 8 December a coalition of armed groups overthrew the Government and released political and security detainees from all places of detention that were located. The longer term prospects for a more rights-respecting future for Syria nevertheless lays in ensuring accountability for the crimes and violations detailed in this report, ensuring families have the truth about the fate of their loved ones, and

ensuring that such practices do not reemerge as Syria embarks on a new chapter of its history.

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I. Introduction

A. Foreword

1. Arbitrary detention, torture and other cruel, inhuman and degrading treatment, enforced disappearances, and other detention-related violations have been a consistent feature of the ongoing Syrian crisis and conflict.¹ Since 2011, these acts have amounted to widespread, gross violations of human rights and crimes against humanity and since at least February 2012 - when the situation qualified as an armed conflict – to violations of international humanitarian law and war crimes. Detention-related crimes and violations remain some of the most persistent drivers of the conflict, propelling an unrelenting cycle of violence amid rampant impunity. While the Commission has documented detention-related violations by each Syrian actor controlling territory in the Syrian Arab Republic since 2011, the present report focuses on violations attributable to the Syrian Government between March 2011 and December 2020.²

2. As this report was being finalised, extraordinary events occurred in the Syrian Arab Republic, resulting in the collapse of the Government of President Bashar al-Assad on 8 December 2024 and its replacement by a caretaker government put in place by a coalition of armed groups led by Hayat Tahrir al-Sham. Government prisons and detention facilities were opened and political and security detainees were freed. At the same time, the reported discovery of more mass graves in various parts of the country has led many families to conclude the worst regarding the fate of those who have not yet returned home. In light of these developments, the report references the previous Government led by President Bashar al-Assad as the previous or former Government where necessary for clarity.

3. The information contained in this report is based on information provided by individuals who directly experienced or witnessed, and in some case perpetrated, acts of arbitrary arrest, enforced disappearance, and torture or ill-treatment. Information on the impact of such treatment and corroborating information derives primarily from survivors, their family members, legal representatives, and medical and social services professionals who have treated survivors or performed autopsies. Information on the structures and functioning of military, security, detention and judicial structures comes primarily from interviews with former members of the State apparatus as well as a review of relevant Government legislation and publications, including submissions to United Nations bodies.

¹ The present report has been prepared pursuant to resolutions 44/21 and 45/21 in which the Human Rights Council requested the Independent International Commission of Inquiry on the Syrian Arab Republic to present its findings on arbitrary detention, including in relation to torture, cruel, inhuman or degrading treatment, sexual violence, death in detention, enforced disappearances and incommunicado detention, as well as resolution A/HRC/55/22. This report supplements A/HRC/46/55 and A/HRC/53/CRP.5 and sets out in further detail the information concerning the treatment of persons deprived of their liberty by regular and irregular forces of the Syrian Arab Republic between March 2011 and December 2020, as a comprehensive companion text to those reports. The broader context during the period under review is set out in A/HRC/46/54. Certain aspects pertaining to technical and legislative developments subsequent to that period have also been included to cover developments up to the finalization of the present text. This comprehensive report has been under preparation since March 2021, see <https://www.ohchr.org/en/press-releases/2021/02/disappearance-and-detention-suppress-dissent-hallmark-decade-conflict-syria?LangID=E&NewsID=26811>, with its finalization delayed owing to resource constraints caused by the UN's regular budget liquidity crisis.

² While in normal circumstances, reports of the Commission cover all parties to the conflict when addressing thematic issues, the Commission has, when appropriate, focused its publications on particular actors. In particular, this was the case for the first mandated report of the Commission, as well as a number of papers focused specifically on one geographic area or actor, such as Da'esh. Torture, and cruel, inhuman, and degrading treatment has been documented by almost all parties to the conflict in the Syrian Arab Republic since March 2011. See in this regard, see A/HRC/46/55 and the 2023 report of the Commission, "No End in Sight: Torture and ill-treatment in the Syrian Arab Republic 2020-2023" Conference Room Paper - A/HRC/53/CRP.5.

4. Since 2011, the Commission has conducted more than 2,000 interviews related to arbitrary detention by the previous Government of Syria and pro-Government forces,³ which form the basis of this report. These include more than 550 interviews that referred to events between 2011-2020 with survivors of detention-related violations perpetrated by former Syrian Government officials and pro-Government forces. These are supplemented by information from interviewees who witnessed and reported such violations, including defectors.⁴ The standard of proof was met when there were reasonable grounds to believe that incidents had occurred as described.

2011-2020 interview dataset

5. In early 2021, the Commission analysed the 1,577 interviews concerning Government and pro-Government detention conducted until December 2020, and found the following:

- 474 or 30% of the 1577 interviewees had directly experienced torture themselves while 595 or 38% had directly witnessed or credibly reported the violation.

- 463 or 29% had experienced inhuman and/or degrading treatment themselves while 575 or 36% had witnessed/reported the violation.

- 91 or 6% had experienced rape and other forms of sexual violence while 211 or 13% had witnessed/reported the violation.

- 409 or 26% had experienced incommunicado detention or enforced disappearance themselves while 861 or 55% had witnessed/reported the violation.

6. In addition, hundreds of interviewees reported deaths in detention. This includes 249 people (or 15%) who had learned of deaths in detention via first hand witnesses or reports. Additionally, 146 interviewees (or 9%) directly witnessed themselves one or multiple bodies or deaths occurring in detention. For families, 56 (or 4%) had received official death certificates for detained loved ones; while only 11 (or 1%) had received both such a death certificate and the remains.

7. The analysis based on this dataset of the 1,577 interviews conducted before December 2020 shows that these five types of violations persisted across the decade 2011-2020, as indicated in the table on the next page.

8. Violations suffered in detention have left lasting physical and psychological trauma for both survivors and their families in addition to the suffering caused to those whose family members died in detention or went missing or were disappeared after being detained. The violations suffered were deeply gendered, with men, boys, women and girls targeted for treatment that exploited social and cultural norms to demoralize and dehumanize perceived or actual opponents. The Commission is grateful to each person who provided the information and shared their experiences on which this report is based.

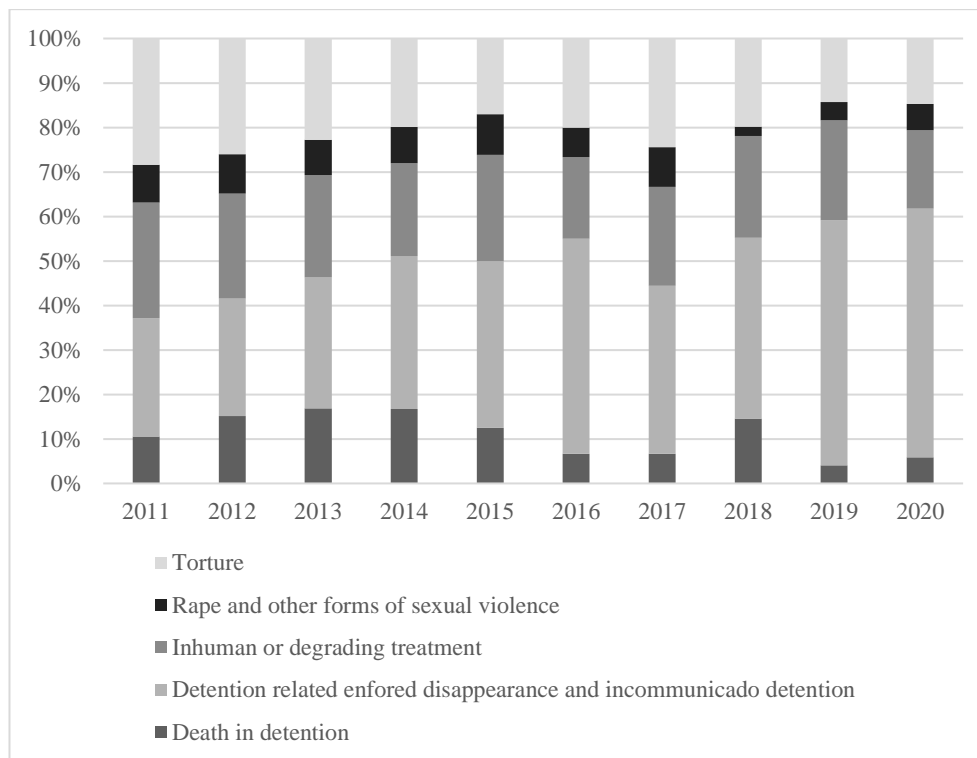
9. The consequences of these violations on individuals and their communities have created generational trauma that will need to be fully addressed to avoid perpetuating

³ See e.g. A/HRC/46/55 para 12, A/HRC/53/CRP.5 para 7 and the methodology section of the Commission's regular mandate reports.

⁴ The vast majority of interviews were conducted in person. However, owing to the COVID-19 pandemic and the UN regular budget liquidity crisis, most interviews in 2020 were conducted remotely. Commission interview records have over the years been drafted in first or third person voice or a mix thereof. Such records are reproduced verbatim when enclosed in quotation marks, with the voice amended on occasion for consistency or clarity. Where information that was not relevant to a section of the report was not included in such a verbatim quote, the absence of information is noted with ellipses. Where information was removed for confidentiality or protection purposes, it is either marked [redacted] or in the case of individual names, it is replaced with an "X", or "Y". See also Annex C. See also tables included in A/HRC/46/55. Note that interviews conducted with survivors and witnesses referring to events between 2020-2023 are reflected in A/HRC/53/CRP.5, while interviews conducted during 2024 were reflected in A/HRC/57/86 or will be reflected in the Commission's forthcoming report to the Human Rights Council's 58th session.

cyclical violence. Efforts to bring about an end to arbitrary detention, torture and ill-treatment must be coupled with full respect for the rights of all victims and survivors.

Types of violation by year in Government detention facilities; based on the Commission's 2011-2020 interview dataset⁵:



II. Former Government and Pro-Government Forces involved in Arrest and Detention

10. Former Syrian Government entities that conducted arrest and detention operations were roughly divided into four categories. The first and most prominent were the intelligence agencies, namely the Military Intelligence Directorate, the Air Force Intelligence Directorate, the General Intelligence Directorate, and the Political Security Directorate. The second were non-intelligence agency military forces engaged in detention including the elite Fourth Division and the Republican Guards, regular uniformed military formations that staffed checkpoints or engaged in detention operations, the Military Police, responsible for the operation of military detention facilities, and military hospitals. The third category was the civilian police, including the Criminal Security Branch, and central prisons.⁶ Finally, there was a range of other pro-Government actors, including groups referred to as shabbiha as well as the “Popular Committees” later integrated into “National Defence Forces” and other pro-Government militia.⁷

11. At the apex of government security structures in the Syrian Arab Republic sat the President of the Republic. According to Article 103 of the 1973 Constitution and Article

⁵ See A/HRC/46/55, Annex III for further details.

⁶ Note, the Political Security Directorate also falls administratively under the authority of the Minister of Interior.

⁷ There are also and a wide range of other non-Syrian Militias, largely composed of fighters of Iraqi, Afghan, Lebanese and Pakistani origin, reportedly supported by Iran and Lebanese Hezbollah, as well as Iranian Republican Guard Units, and forces of the Russian Federation, as well as at least one private security company, the Wagner group, that are reportedly involved in arrests and detention in Syria though there is less information available on the detention practices of these groups.

105 of the 2012 Constitution, the President of the Republic is the commander in chief of the army and armed forces. The National Security Bureau, which played a central coordinating role for the intelligence and security services, reported directly to the President of the Republic, according to consistent statements by former Syrian Government officials and Arab Socialist Baath Party members.

12. Sources indicated that the National Security Bureau was part of the Regional Command of the Arab Socialist Baath Party, though legislation regulating the relationship between the Syrian State, the Arab Socialist Baath Party, its Regional Command, Central Command, and the National Security Bureau has not so far been publicly available.⁸ The President of the Syrian Arab Republic, however, was also the Secretary-General of the Arab Socialist Baath Party.

13. The framework setting out the relationship between the National Security Bureau and the former military and intelligence services is similarly not publicly available.⁹ It was clear however, from fragments of legislation that were publicly available, that the National Security Bureau retained a primary role in security matters.¹⁰ Deserters and defectors indicated that while the National Security Bureau included the heads of the four main Syrian intelligence agencies, three of which were formally subordinate to the Ministries of Defence and Interior, it did not include military or civilian police participation. Decisions taken by the National Security Bureau were transmitted to civilian and military structures as needed.¹¹

14. The Syrian intelligence services noted above each reported to the National Security Bureau with access to the President.¹²

A. Syrian Intelligence Agencies

15. The intelligence agencies each had their headquarters and central branches in Damascus and also controlled regional and local branches or sections throughout governorates and districts in the country.¹³ Most regional branches and some sections operated detention facilities throughout the country.

General Intelligence Directorate (State Security)

16. The General Intelligence Directorate, also known as “State Security”, was a stand-alone intelligence entity reporting directly to the National Security Bureau.¹⁴ Its duties related to general internal and external intelligence, including counter-espionage, as well as monitoring and investigating media workers and journalists, economic and political actors, political dissidents, terrorism suspects and religious figures. It reportedly included

⁸ Some sources indicate that after the 2012 bombing that killed many members of the Crisis Management Cell (CMC) in Damascus, the National Security Bureau was moved out of the Baath structure and sits directly under the President, see e.g. COI VI/[REDACTED], COI III/[REDACTED]. Reportedly, this structural change took place by virtue of Presidential Decree 36 of 2012 although this reported decree is not publicly available.

⁹ Though the 1973 Constitution of the Syrian Arab Republic described the Arab Socialist Baath Party as the “leading party in the society and the state” in Article 8, the 2012 Constitution removed this reference. Regardless, to the best of the Commission’s knowledge, the legislation if any defining the relationship between the Baath party and the Syrian security sector in the pre-and post 2012 constitutional frameworks has not been made publicly available.

¹⁰ For instance, the National Security Bureau is listed as the “concerned entity” in Legislative Decree No. 55 of 2013 on “granting licences to private protection and guard services companies” although this does not provide any additional clarity on the legislative or Baath party framework governing the National Security Bureau.

¹¹ COI I&II/[REDACTED].

¹² COI I&II/[REDACTED], COI III/[REDACTED], COI III/[REDACTED]

¹³ A/HRC/31/CRP.1 para. 36.

¹⁴ COI I&II/[REDACTED], COI III/[REDACTED], COI V/[REDACTED], reportedly established in Legislative Decree No. 14, of January 15, 1969.

staff from the defence and interior ministries as well as civilian personnel while its budget was allocated under the Ministry of Defence.

17. It had branches in each of the Governorates along with central branches in Damascus and its headquarters in the Kafr Soussa area of Damascus. General Intelligence Branches followed a numerical reference system. The central branches included but were not limited to Internal Security (Branch 251),¹⁵ External Security (Branch 279), Investigations (Branch 285), Counter-Espionage (Branch 300), Raids (Branch 295), Information (Branch 255), Administration (Branch 275), Technical (Branch 280), Political Parties (Branch 119), and Economic (Branch 260).¹⁶

18. The Commission documented arbitrary detention, torture and ill-treatment by the following General Intelligence Directorate central branches in Damascus: Internal Security (Branch 251, also known by its location as Al-Khatib Branch), Investigations (Branch 285, also known as the Kafr Soussa Branch), and the Special Missions or Raids Branch (Branch 295, also known as Camp Najha).¹⁷ In the Governorates, torture and ill-treatment were documented by the Commission at the following locations: Rif Damascus (Douma Section), Aleppo (Branch 322), Dar'a (Branch 315), Hama (Branch 320), Homs (Branch 318), Ladhqiyyah (Branch 325), Idlib Branch, and Tartus Branch, and at checkpoints throughout the country.

Military Intelligence

19. Formally under the Ministry of Defence, the Military Intelligence Directorate (also known as Military Security) also retained a *de facto* reporting line through the National Security Bureau. Its primary functions were related to matters pertaining to foreign military intelligence, cross-border security, tactical and military signals intelligence and encryptions, monitoring military personnel for security threats, and monitoring military detention facilities. It also performed a broader information gathering function within Syria and was extensively involved in arresting and detaining civilian personnel.

20. The Military Intelligence Directorate's headquarters was located in the Ministry of Defence compound in the Kafr Soussa area of Damascus. It also followed a numerical reference system. Its central branches in Damascus included but were not limited to Officer Investigations (Branch 293), Investigations (Branch 248), Interrogation (Branch 291), Raids (Branch 215), Palestine (Branch 235), Communications (Branch 211), Signals Intelligence (Branch 225) and Patrols (Branch 216). The Regional Branch (Branch 227) was responsible for both the capital and Rif Damascus but was a governorate branch rather than a central branch.¹⁸ Military Intelligence branches existed for all governorates except Dara'a where it had a section linked to the Suweida branch (Branch 265).¹⁹

21. 20. torture and ill-treatment was documented by the following Military Intelligence Directorate components in Damascus: Raids (Branch 215), Region/Regional (Branch 227, for Damascus and Rif Damascus),²⁰ Palestine (Branch 235),²¹ Investigations (Branch 248), and Interrogation (Branch 291), Mezzeh Branch, and Officer Investigations (Branch 293). Outside of Damascus, the Commission documented torture and ill-treatment at the following Military Intelligence locations: Aleppo (Branch 290), Izra'a Section, Dar'a Section of Suweida Branch (Branch 265), Hama (Branch 219), Homs (Branch 261), Idlib (271), Ladhqiyyah (Branch 223), Tadmor (Badia Branch 221), Dayr az Zawr Branch, Tartus Branch, Saa'Saa Branch, Raqqa Branch, Khan Sheikhoun Section (Idlib), Douma Section (Rif Damascus), and the Banyas Section (Tartus) and at checkpoints throughout the country.

¹⁵ COI VI/[REDACTED]

¹⁶ COI IV/[REDACTED]

¹⁷ COI IV/[REDACTED],

¹⁸ COI VI/[REDACTED]

¹⁹ COI VI/[REDACTED] and COI VI/[REDACTED],

²⁰ COI VI/[REDACTED], and COI V/[REDACTED]

²¹ COI VI/[REDACTED], COI VI/[REDACTED] and COI VI/[REDACTED]

Air Force Intelligence

22. The Air Force Intelligence Directorate was formally subordinate to the Syrian Arab Air Force and the Ministry of Defence, but was *de facto* an independent intelligence agency with direct reporting lines to the National Security Bureau. It was described by former staff members of the directorate and other intelligence and security forces as the most influential and important of the intelligence branches. The Air Force Intelligence Directorate was responsible for intelligence gathering for the security of the President and the Presidential Palace,²² airports and air traffic, and according to former officers, for ensuring loyalty and security within the other intelligence structures.²³ It also directed military and security operations, including artillery and air strikes, and carried out special operations and raids.²⁴

23. The headquarters of the Air Force Intelligence Directorate was in Umayyad Square, Damascus, with facilities in the Mezzeh area of the capital and regional branches. Air Force Intelligence Branches did not appear to use the three-digit numerical references as did branches of the General Intelligence and Military Intelligence Directorates. The Central Branches included sections include the Investigations Branch (Mezzeh Airport), the Special Operations Branch (Mezzeh Airport), the Information Branch, the Technical Branch and the Administration Branch.²⁵ The Regional Branches included the Southern Region, based in Damascus, the Central Region based in Homs, the Coastal Region based in Ladhqiyyah, the Northern Region based in Aleppo, and the Eastern Region based in Dayr az Zawr, with stations or sections in the governorates under Government control, as well as other reported locations.

24. Detainees were subjected to torture and ill-treatment at the following Air Force Intelligence locations: Air Force Intelligence Directorate in Bab Touma (Damascus), the Investigations Branch at Mezzeh Airport (Damascus),²⁶ Air Force Intelligence Harasta, Air Force Intelligences Investigations Branch, Air Force Intelligence El Amariya, the Northern Region Branch (Aleppo), the Kwereis Military Airport (Aleppo), the Dar'a Air Force Intelligence Station (Dar'a), the Central Region Branch (Homs), Air Force Intelligence Raqqa, Air Force Intelligence Hama, the Al Maktab Detention Centre, and the Coastal Region Branch (Ladhqiyyah) and at Air Force Intelligence checkpoints throughout the country.

Political Security Directorate²⁷

25. Reportedly the smallest of the main intelligence agencies,²⁸ the Political Security Directorate was formally under the Ministry of Interior. Like the other three agencies however, it had a *de facto* reporting line to the National Security Bureau. Its reported functions included intelligence gathering and operations concerning political parties, students and teachers, regional and foreign entities, financial matters, and civilian police and prisons.²⁹

26. The Political Security Directorate headquarters was located in Al Mayssat square, Damascus,³⁰ with central branches including: Patrols and Raids, Investigations, Arab and Foreign Affairs, Information, Police Security, Political Parties, Students and Teachers, Economic Crimes and Administration.³¹ It had Governorate Branches in each of the Governorates and the capital, with smaller sections in civilian prisons and larger towns throughout the country.

²² COI I&II/[REDACTED].

²³ COI I&II/[REDACTED].

²⁴ COI IV/[REDACTED], COI VI/[REDACTED].

²⁵ COI I&II/[REDACTED], COI I&II/[REDACTED], COI V/[REDACTED].

²⁶ COI I&II/[REDACTED].

²⁷ COI VI/[REDACTED].

²⁸ COI III/[REDACTED].

²⁹ COI VI/[REDACTED]. See also COI VI/[REDACTED] and COI V/[REDACTED] on PSD office in Adra Prison.

³⁰ COI VII/[REDACTED].

³¹ COI V/[REDACTED].

27. Detainees were subjected to torture and ill-treatment at Political Security Directorate locations including the Investigations Branch, Administration Branch and Mezzeh Sections in Damascus, the Aleppo Branch, the Dar'a Branch, the Homs Branch,³² the Jisr Al-Shughour Section (Idlib Branch), the Ladhikiyah Branch, the Idlib Branch, the Hama Branch, the Dayr az Zawr Branch, the al Hassekah Branch, the Tartus Branch,³³ and the Banyas Section (Tartus Branch).

B. Syrian Ministry of Defence

Syrian Arab Army

28. The Syrian Arab Army was administratively under the Minister of Defence and, by virtue of the Syrian Constitution, the President of Syria. Detainees were subjected to torture and ill-treatment by the former armed forces of the Syrian Arab Republic, notably at Military Prisons, Military Hospitals, and at checkpoints.³⁴ As noted above, Military Intelligence and Air Force Intelligence enjoyed *de facto* autonomy separate from the regular military chains of command and are examined as part of the intelligence apparatus. Two other forces, also under the *de jure* authority of the Minister of Defence but exercising *de facto* autonomy with direct reporting to the Presidential Palace, were the Republican Guard and the Fourth Division. Both had more traditional military functions despite their relative independence and are examined under the military hierarchical structure.

Republican Guard

29. The Republican Guard was an elite formation within the Syrian Armed Forces with its headquarters in the Dummar district³⁵ of Damascus. It was tasked with protection of the capital from external attacks and presidential protection. It had offices in every presidential palace in Syria and although nominally part of the Ministry of Defence, enjoyed a direct line to the Presidential Palace.³⁶ Torture and ill-treatment by the Republican Guard occurred primarily at their headquarters and checkpoints in Damascus, at the Al Maktab detention centre, and at checkpoints in Rif Damascus and elsewhere.³⁷

Fourth Division

30. The Fourth Division was another elite formation within the Syrian Armed Forces that sat outside the traditional corps structure of the military with a formal reporting line to the Army Chief of Staff, but also retained a *de facto* reporting line directly to the President.³⁸ For most of the conflict, the Fourth Division was commanded by Maher Assad, the President's younger brother. It was composed of five brigades with six battalions each. The Headquarters of the Fourth Division was located in the El-Sabbora area in Rif Damascus to the northwest of the city.³⁹

31. Torture and ill-treatment by the Fourth Division occurred at their headquarters and various checkpoints in Damascus and other governorates, and at the 38th Brigade headquarters Dar'a.⁴⁰

Military Police

32. Reporting through the Chief of Staff of the Syrian Arab Army to the Minister of Defence, the Military Police were responsible for force protection for military units,

³² COI XI/[REDACTED].

³³ COI VII/[REDACTED].

³⁴ This paper does not lay out the Syrian armed forces' entire order of battle as it is beyond its scope, but examine those forces that have been most consistently involved in violations and abuses within the regular Syrian Armed Forces.

³⁵ COI I&II/[REDACTED], COI I&II/[REDACTED].

³⁶ COI XIV/[REDACTED], COI I&II/[REDACTED].

³⁷ COI I&II/[REDACTED], COI I&II/[REDACTED], and COI I&II/[REDACTED].

³⁸ COI VI/[REDACTED].

³⁹ COI I&II/[REDACTED].

⁴⁰ COI I&II/[REDACTED].

ensuring military order and discipline, movement and supervision of military detainees (and civilians under military court jurisdiction), and management of military prisons.⁴¹ Detainees were subjected to torture and ill-treatment by Syrian Military Police at each military prison, as well as the Military Police Headquarters in the Qaboun area of Damascus and during transport between facilities.⁴²

Military Prisons

33. Military prisons operated under the overall responsibility of the Chief of the Military Police, reporting through the Chief of Staff of the Syrian Arab Army to the Minister of Defence. The military prisons held both individual members of the military and security forces as well as civilians who came under the domestic jurisdiction of the military justice system. They held both persons awaiting trial and those who had been convicted. Unlike detention facilities operated by the security branches or housed within particular military formations or police branches, families and lawyers could request to visit detainees held in military prisons.⁴³ Such visits were reported to be of limited time, under strict supervision, and were subject to prior approval, which was not always granted.⁴⁴ Detainees also reported that beatings often took place before or after visits, leading many to ask their families to cease visiting.⁴⁵ Accounts of torture, ill-treatment, and death in detention were documented in each of the three main military prisons during the period under review.

34. The First Military Prison (Sednaya), often referred to simply as Sednaya Military Prison,⁴⁶ is located outside Sednaya village in Rif Damascus, approximately 30 kilometres north of Damascus. The main detention facility has a distinctive radial design with a central building with three wings arrayed in a manner that resembles a fan or the spokes of a wheel and the complex houses numerous other facilities.⁴⁷ Former detainees have described different sections, with one known as the “red prison or building” and the “white prison or building” with one section holding security detainees and the other holding serving members of the military serving sentences for ordinary crimes.⁴⁸ Detainees were subjected to torture and ill-treatment, including rape and other forms of sexual violence at this facility, as well as deaths in detention and executions.⁴⁹

35. The Second Military Prison (Tadmor), more commonly referred to simply as Tadmor Military Prison,⁵⁰ was located in Palmyra in eastern Homs Governorate. Tadmor Prison was notorious prior to the current conflict and crisis, holding both civilian and military detainees. Following the takeover of Palmyra by Da’esh in May 2015, the group destroyed part of the Tadmor Prison complex. Though the former Government reestablished control by the first half of 2017, there was no information on whether the prison had reopened. From publicly available satellite imagery, however, it appears that the damaged buildings have been removed. Prior to its destruction, the Commission documented torture and ill-treatment at the facility.

⁴¹ COI III/[REDACTED], Tadmor Military Prisons was reportedly destroyed by Daesh in May 2015 after capturing Tadmor and Palmyra. The area was recaptured by the Syrian Government during fighting between 2016 and 2017 but there is no current information indicating that Tadmor had reopened. COI VI/[REDACTED] and COI VI/[REDACTED].

⁴² COI IV/[REDACTED], COI VI/[REDACTED], and COI VI/[REDACTED].

⁴³ COI XIV/[REDACTED].

⁴⁴ COI VI/[REDACTED] and COI VI/[REDACTED], COI VI/[REDACTED], COI VII/[REDACTED].

⁴⁵ COI XIII/[REDACTED].

⁴⁶ COI VI/[REDACTED], COI VI/[REDACTED].

⁴⁷ COI V/[REDACTED] and COI VIII/[REDACTED].

⁴⁸ COI V/[REDACTED], COI VIII/[REDACTED].

⁴⁹ COI VI/[REDACTED].

⁵⁰ COI I&II/[REDACTED], COI I&II/[REDACTED], COI I&II/[REDACTED]. COI III/[REDACTED], COI I&II/[REDACTED] and COI I&II/[REDACTED].

36. The Third Military Prison (Balouni) is also known as the Balouni or Homs Military Prison and is located in the Bab Tadmur Roundabout area of Homs city⁵¹. It is also known as Al-Rubai'i, Rubaiyya Prison, and Lejna Ruba'iye after a commission that was co-located at the Prison.⁵² Reportedly, this facility was used almost exclusively for internal military discipline matters until the outbreak of the crisis and conflict in Syria. Following the outbreak of the unrest and subsequent conflict, it was increasingly used to detain both civilians and members of the military. There is information to the effect that the facility, along with its name, was relocated in the early days of the conflict and that the facility in Bab Tadmour area is a section of the main Military Prison located in rural Homs. Detainees were subjected to torture and ill-treatment as well as deaths in detention at the Balouni Military Prison although as of 2019 conditions reportedly had improved in at least some areas.⁵³

Military Hospitals

37. The Syrian Army's Medical Services Department Headquarters was located at the Tishreen Military Hospital in Damascus and was responsible for the management of the military hospital system in Syria.⁵⁴ Military Hospitals were responsible for providing hospital services and medical care for both Syrian military personnel and persons detained in Syrian military and intelligence facilities.⁵⁵ The Tishreen Military Hospital also appeared as the issuing authority on most death certificates following death in military or intelligence custody.⁵⁶

38. Two military hospitals have featured extensively in former detainee and defector accounts as locations where torture, ill-treatment, and custodial deaths were common, Tishreen Military Hospital and Mezzeh Military Hospital (601).⁵⁷ Accounts of torture and ill-treatment were also recorded at other military hospitals, including Harasta Military Hospital (600),⁵⁸ Aleppo Military Hospital, Abdul Qadir Al Shafqa Military Hospital in Al Waer, Homs (Military Hospital 608), and the Mayadin Military Hospital in Deir Ezzor.⁵⁹ Former medical staff also reported being ordered to de-prioritise treatment of severely sick or injured detainees, regardless of their medical needs, if there were uniformed members of the military in need of treatment.⁶⁰

C. Syrian Ministry of Interior

Criminal Security Directorate⁶¹

39. The Criminal Security Directorate (also known as Criminal Intelligence, Criminal Division, etc.), was tasked with the investigation of crimes, with a central command in Damascus that reports to the Police Central Command through the Ministry of Interior. Each police station had a criminal security post, the commander of which reported to both the station chief and their central command. The Criminal Security Directorate staff and

⁵¹ COI VII/[REDACTED], COI XIII/[REDACTED], COI IV/[REDACTED], COI V/[REDACTED], COI XIII/[REDACTED], COI XIV/[REDACTED], COI VI/[REDACTED], COI VI/[REDACTED].

⁵² COI XIII/[REDACTED] and COI IV/[REDACTED].

⁵³ COI XIV/[REDACTED].

⁵⁴ COI VII/[REDACTED] and COI VI/[REDACTED].

⁵⁵ Detainees at General Intelligence Directorate, Military Intelligence Directorate and Air Force Intelligence Directorate facilities were sent to Military Hospitals for treatment while detainees held at Political Security Directorate facilities were sent to public civilian hospitals for treatment.

⁵⁶ COI VII/[REDACTED], COI IX/[REDACTED], COI V/[REDACTED], COI V/[REDACTED], COI IV/[REDACTED], COI V/[REDACTED], and COI V/[REDACTED].

⁵⁷ COI VIII/[REDACTED].

⁵⁸ COI VIII/[REDACTED].

⁵⁹ A/HRC/24/CRP.2, paras 35/37, and COI XIII/[REDACTED].

⁶⁰ COI IV/[REDACTED].

⁶¹ COI V/[REDACTED].

civilian police were also responsible for receiving persons from the intelligence agencies prior to their presentation before regular courts, following their detention and interrogation.

40. Torture and ill-treatment occurred at criminal security locations in Damascus, Dar'a, Aleppo, Homs, and Raqqa.

Civilian Prisons

41. Syrian civilian prisons operated under the authority of the Ministry of Interior and were headed by a police Brigadier General, also referred to as the president of the prison. Each civilian prison also had a Political Security Directorate office that was outside of the civilian prison chain of command.⁶² Family, lawyer, and independent humanitarian organisation visits were permitted at civilian prisons with prior approval. Though detainees consistently reported better overall conditions in Syrian civilian detention,⁶³ detainees were subjected to torture and ill-treatment at civilian detention facilities including Adra Central Prison (Rif Damascus), Aleppo Central Prison (Aleppo city), Gharaz Central Prison (Dara'a), Idlib Central Prison (Idlib city, when under former Government control), Hama Central Prison (Hama city),⁶⁴ Homs Central Prison (Homs city), and Sweida Central Prison (Sweida city).

D. Pro-Government Militia

42. The term pro-government militia in the Syrian context is an umbrella term that can encompass both Syrian and non-Syrian militias that have different origins, funding, and modus operandi. This term includes groups that operate either under the direct control of a (former) State authority or closely coordinating with it.

43. The pro-Government militias most relevant for this report were those recruited, armed, funded and directed by former Syrian Government Forces, typically linked to the General Intelligence Directorate, Air Force Intelligence, and Military Intelligence. Many former security force members indicated that funding came from private business persons with close connections to the Syrian Government though the weapons they carried were provided by the intelligence services and the military. In the early years of the crisis and conflict, such groups operated makeshift detention facilities, and conducted raids and arrests as part of joint security operations. The groups still operated checkpoints in Syria as of the collapse of the former Government. The colloquial term *shabbiha* has been used to refer to these groups, though Syrians, including deserters and defectors, may have used the term to apply to a large cohort of pro-government actors that included the "Popular Committees", later the "National Defence Forces", as well as organized groups engaged in criminal activity linked to powerful political, business, and security figures. Arrests, detention, torture, and ill-treatment were documented involving these groups during raids, arrests, in informal detention centres operated by these groups, and during transport to official places of government detention.⁶⁵

E. Coordination between detention actors

44. Each of the intelligence and security agencies and military formations described above had defined subject matter and geographic jurisdiction with governorates, districts, and neighbourhoods in larger cities and towns under the responsibility of a particular security or intelligence agency. Despite this delimitation, the agencies possessed widely overlapping subject matter responsibilities that often led to multiple agencies targeting the same person for arrest. The system of geographic division coupled with subject-matter ambiguity required coordination, which was done directly at the branch level with overall strategic and operational guidance from the National Security Bureau.

⁶² COI VI/[REDACTED] and COI V/[REDACTED].

⁶³ COI VI/[REDACTED].

⁶⁴ COI VI/[REDACTED] and COI IV/[REDACTED].

⁶⁵ COI V/[REDACTED].

45. Despite the coordination structures described below, the geographic and subject matter jurisdictions of each entity overlapped both formally and as applied. This system diffused investigation and detention powers across the intelligence and security actors and often resulted in the same detainee being investigated by multiple branches for the same events, and in some cases re-arrested after release from detention or having served their sentence for the same initial acts. The recurrent re-investigation was a feature of the overlapping jurisdictions that may have been aimed at ensuring thoroughness in security matters, to address varying levels of perceived trust or loyalty, or as a method of repression. The system also ensured a balance of power between security and intelligence agencies and security within the agencies, as personnel themselves were under surveillance and monitoring both from within their own agencies and from other agencies.

Security Committees⁶⁶

46. As the crisis evolved in 2011, local security committees were established at the Governorate level to further coordinate between security, police and military forces. The local security committee would plan, coordinate and direct security and military operations, including counter-demonstration operations, in its area of responsibility and would include the Governor, the governorate Baath Party Secretary, the chiefs of the four main intelligence agencies, and the Chief of Police in the Governorate.⁶⁷ Depending on the Governorate, the Chief of Military Police and/or regional Syrian Army Commanders would also be part of the local security committee.⁶⁸

Investigation Committees⁶⁹

47. Another parallel committee structure was also established in a number of governorates including Hama and Homs, known as the “Joint Investigation Committee” to coordinate the conduct of investigations and to process large numbers of detainees. They were composed of representatives of the four main security and intelligence services and the Criminal Security Directorate and the regional chief of police.”⁷⁰ The Joint Investigation Committee would jointly review detainee cases and decide if an individual was to be detained further for interrogation at the regional level, transferred to Damascus, or referred to a regular military court, a field military court, or following its establishment, the counterterrorism court.⁷¹ The process appeared to be largely paper-based but detainees were sometimes presented to the committees. Reports and recommendations were then transmitted to the National Security Bureau where the recommendations were either approved or modified. The referral of an individual to a field military court required the approval of the Ministry of Defence.⁷²

Detainee transfer

48. Former Syrian security officials described a highly organized and internally documented procedure for the transfer of detainees from regional branches to central branches within a security or intelligence directorate as well as between security directorates and to military prisons.⁷³ Military Police were typically responsible for the physical transport of detainees between facilities and to and from courts. Defectors recalled that individuals facing the most serious allegations and those previously identified for interrogation would be transferred to central branches. Defectors recalled that investigation notes and personal belongings were transferred along with a detainee and both defectors and former detainees recounted how individuals would be confronted with information

⁶⁶ COI I&II/[REDACTED], COI III/[REDACTED], COI VI/[REDACTED], COI I&II/[REDACTED], COI III/[REDACTED], and COI VI/[REDACTED].

⁶⁷ COI I&II/[REDACTED].

⁶⁸ COI III/[REDACTED].

⁶⁹ COI VI/[REDACTED], COI VI/[REDACTED], COI IV/[REDACTED], COI VI/[REDACTED].

⁷⁰ A/HRC/31/CRP.1, para 49. COI VI/[REDACTED].

⁷¹ COI VI/[REDACTED], COI VI/[REDACTED], COI VI/[REDACTED].

⁷² COI VI/[REDACTED], COI VI/[REDACTED], COI VI/[REDACTED], See also, Syrian Military Penal Code of 1949, as amended.

⁷³ COI VI/[REDACTED] and COI VI/[REDACTED].

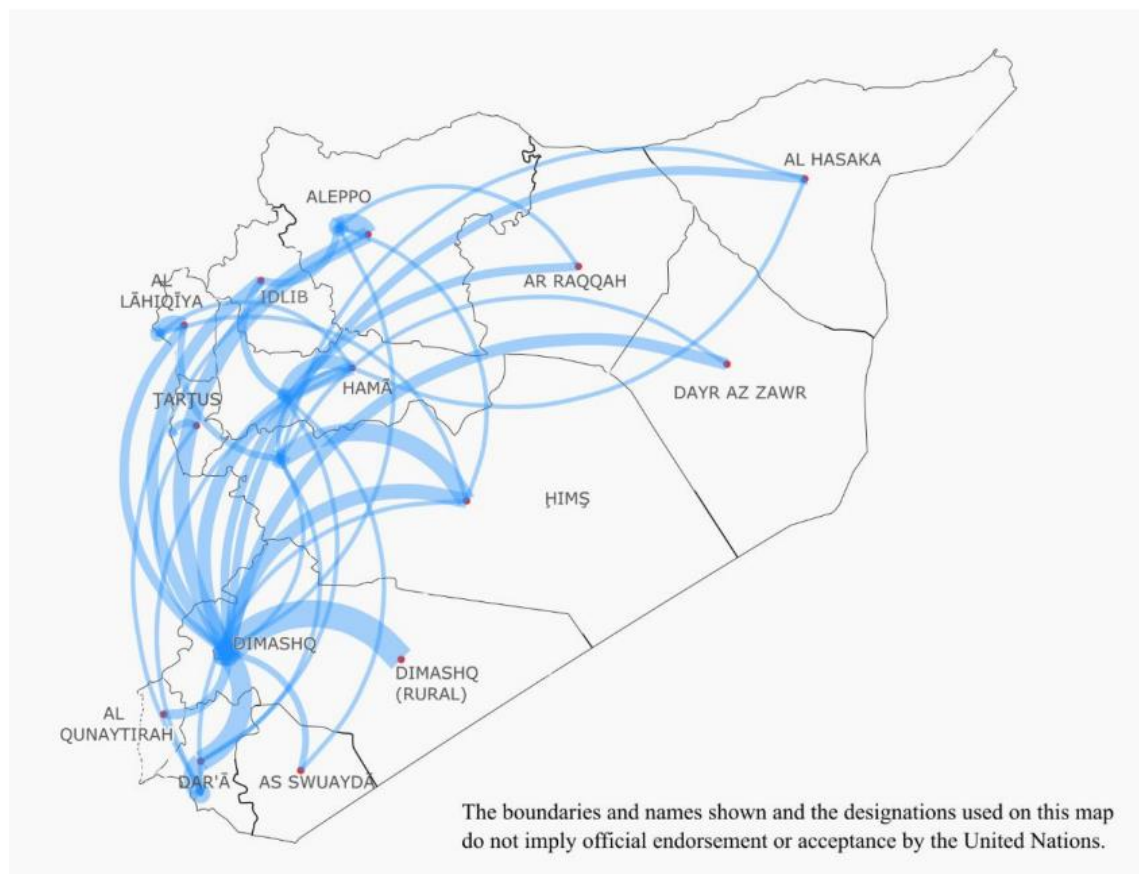
previously provided during subsequent interrogations by different security or intelligence agencies.

49. The transfer patterns described by former security personnel align with accounts from former detainees regarding their transfer between branches and directorates. Detainees faced multiple stages of interrogation, with those arrested in the governorates first questioned in regional branches or stations before being transferred to governorate branches and onward to central branches in Damascus.

50. Detainees transferred from governorates to Damascus described a system where they were transferred and held for short periods at multiple detention facilities en route to Damascus for further interrogation. Many then remained in central branch detention for years without apparent legal process. Others described being taken before the military field courts located at the Military Police Headquarters in Qaboun or the field court located at the First Military Prison (Sednaya – Rif Damascus).⁷⁴ Large numbers of individuals reported however that they were not presented before a court prior to being transferred to either a civilian central prison or a military prison for longer term detention (See Section VIII, Due Process, below).

51. Additionally, both civilian and military hospitals had intelligence services embedded on site, and security detainees were typically transferred to Military Hospitals for treatment while detained or following death in custody.

52. The figure below shows that many victims were transferred to or ended up in facilities in Damascus, which had the highest concentration of known Government detention facilities.⁷⁵



⁷⁴ The military field courts reportedly ceased their functioning following the promulgation of Legislative Decree No. 32 of 3 September 2023.

⁷⁵ A/HRC/46/55 page 10. The more Commission-documented transfers, the thicker the lines.

III. Patterns of Arrest and Detention

53. Estimates of the total number of people held in custody by former Government forces at any one time since 2011 ranges up to 90,000,⁷⁶ though some estimates are higher still. The Commission's own data, and that of external entities, shows that arrests peaked in 2012, but have remained at high levels throughout the conflict (see also Section VII. Deaths in Custody).

54. The Government has not made public comprehensive numbers of detainees held and released in the various parts of its detention system, nor did it respond to the Commission's requests for such information since 2011.⁷⁷ Evidence strongly suggests, however, that all those deprived of their liberty, whether held in civilian or military prisons, or detained in intelligence branches, were meticulously registered.⁷⁸ In one of the former Government's few statements on the matter, in 2014, the Syrian Ambassador reported to the UN General Assembly that the former Government had "investigated 30,000 cases".⁷⁹ More recently, the Government reported in 2021 that the various amnesties enacted between 2011 and 2020 benefitted 344,684 detained and convicted persons.⁸⁰

55. The act of depriving individuals of liberty fell into a number of patterns. Some were more prevalent at different times due to the evolving political and military situation, such as arrests at demonstrations and detention following the conclusion of a siege. Others, such as individual raids and arrest operations and detention when engaging with Government institutions or at checkpoints, continued throughout the period covered by this report.

A. Evolution of arrests during protests and early demonstrations

56. In 2011 and 2012 when large scale protests took place in the Syrian Arab Republic, initial restraint from Government forces devolved into violent repression and eventually armed conflict at least as of February 2012 (see Section III(B), below).⁸¹ The report of a security official deployed at a demonstration in Mo'adhamiyya, Rural Damascus, in April 2011 is illustrative:

*"Everybody was given a Kalashnikov.... We were told: 'You are going to demonstrations. You might get orders to shoot and if you do, shoot.' [...] Most demonstrators dispersed. 2 to 3 000 remained. An official gave orders to shoot at them. About 10 were killed, 23 injured. We arrested some of them, between 10 and 20. Those we arrested were mostly the injured and people trying to help them. The injured were held together in a courtyard where officers started beating them without mercy. Then they were taken to the military hospital, and again questioned and beaten up."*⁸²

57. The southern governorate of Dar'a was the first region where large protests took place in mid-March 2011 largely in response to the arrest of 15 boys by the Political Security Directorate. The children had been accused of painting anti-government graffiti

⁷⁶ Table of estimates on file with the Commission.

⁷⁷ Including most recently a note verbale sent by the Commission to the Permanent Mission in Geneva in June 2024. The Government, in its replies to the Human Rights Committee did state that the names of individuals in prisons are public, but even if correct this does not appear to refer to individuals detained in Military Prisons or in the intelligence and security branches.

⁷⁸ Interview COI VI/[REDACTED].

⁷⁹ See United Nations Security Council, 7180th meeting, 22 May 2014, S/PV.7180 P.16. https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_pv_7180.pdf;

⁸⁰ In its national report submitted in November 2021 for the Universal Periodic Review, the Syrian Arab Republic stated that "between 2011 and 2020, 20 amnesty laws were enacted benefiting 344,684 detained and convicted persons, while the courts have ordered the release of all persons against whom there is no evidence of having committed any crime" (A/HRC/WG.6/40/SYR/1, para. 43).

⁸¹ A/HRC/46/54, para. 4, with references to A/HRC/21/50, Annex II, para. 1-3.

⁸² Interview COI I&II/[REDACTED].

on public walls.⁸³ During demonstrations on 18 March 2011, military and security forces encircled protesters and arrested them in large numbers. Government forces fired live ammunition killing at least two protesters.⁸⁴ Protests in subsequent days were repressed by Government forces through arrests and the use of force, including using snipers to shoot into crowds.⁸⁵ That same month, a sit-in related to injured protesters being treated at a makeshift field hospital inside the Omari Mosque in Dar'a al Balad was violently suppressed on 23 March under the pretext that the mosque had been used to store weapons. Following warnings to disperse and the deployment of teargas, several protesters were shot and killed by live ammunition. Individuals inside and in the area of the Omari Mosque were subsequently arrested.⁸⁶ Deserters and defectors with knowledge of the operation claimed that weapons were brought to the mosque by security forces after the event so they could be filmed by television crews as justification for the use of force.⁸⁷

58. Security forces also used live ammunition to suppress Another protest in front of the Ba'ath Party office in Dar'a city in early April, resulting in death and injury. Approximately 30 demonstrators were subsequently arrested, including those injured. One defector who took part in the operation stated that he saw the arrested individuals taken to cells inside the Ba'ath offices where they were subjected to beating and torture immediately after arrest.⁸⁸

59. Demonstrations taking place elsewhere often repeated the pattern of violent dispersal and arrests. In Mo'adhamiyya, a town west of Mezzeh Airport in Rif Damascus, a former Air Force Intelligence member provided the following account of the counter-protest operation on 1 April 2011:

*"We were 200 men deployed. ... Some of us were armed, others not. I was in the front, unarmed, while further back there were colleagues who were armed. We had clubs. We dispersed the protesters. They were around 2,000. We beat people. About 25 protesters were arrested. One was an old man about 75 years old. There were four or five children. They were taken to the detention centre in Mezzeh. We went there with six buses of the Air Force and beat them on the way. Once they arrived, we continued beating them in the main courtyard as punishment."*⁸⁹

60. Pro-Government forces undertook the first large scale combined forces arrest operation that the Commission is aware of in Dar'a al Balad on 25 April 2011. Syrian Arab Army formations first entered the residential area of Dar'a city, followed by intelligence elements. The area was encircled by Government forces who cut electricity, water and communications. Over 500 people, including children, were arrested during the operation and held first in Dar'a stadium⁹⁰ and local intelligence branches before transfer to different security branches in Damascus for interrogation. Another large demonstration on 29 April in Saida, near Dar'a calling for an end to the encirclement of Dar'a al Balad was also violently repressed with more than 100 people killed and a large number arrested according to former security force members.

61. Protests, demonstrations, dispersals and arrests continued in Dar'a governorate during this period and spread to other governorates. This included the 6 May demonstrations in the city of Baniyas, Tartous governorate, a town mainly inhabited by Sunni Muslims that is neighboured by Muslim Alawite villages. The following day, military and intelligence forces accompanied by *shabbiha* swept through the villages surrounding Baniyas using tanks, armoured vehicles and ground forces. Security and

⁸³ A/HRC/S-17/2/Add.1; interviews COI I&II/[REDACTED], COI I&II/[REDACTED], COI III/[REDACTED].

⁸⁴ Interviews COI I&II/[REDACTED], COI I&II/[REDACTED].

⁸⁵ A/HRC/S-17/2/Add.1, para. 56. See also COI I&II/[REDACTED].

⁸⁶ COI I&II/[REDACTED].

⁸⁷ COI VI/[REDACTED], COI I&II/[REDACTED].

⁸⁸ COI VI/[REDACTED].

⁸⁹ COI I&II/[REDACTED], interview COI I&II/[REDACTED].

⁹⁰ COI VI/[REDACTED], COI III/[REDACTED], COI IV/[REDACTED].

military forces entered houses and reportedly arrested more than 500 people, including women and children.⁹¹

62. One week later, an operation of similar scale took place in Jisr Al-Shughour, Idlib governorate in the early hours of 14 May 2011. Following a large demonstration on the previous day, members of the security forces arrested more than 400 people during night raids.⁹² A local resident recalled how security forces entered his home at 03:30 am while his family was asleep:

“They were about 50-60 men in black uniforms with white boots and armed with Kalashnikovs... The entire village woke up when we heard the vehicles. Within seconds they forced their way in. I ran to the hall to talk to them. They ordered me to stop moving and demanded the whereabouts of my brother. I told them that my brother was not in the house and that I did not know where he was. They arrested me instead. They said I was going to be their ‘guest’ until my brother turned himself in. They blindfolded me and put me in a vehicle and drove away. I was not handcuffed. In the car, they beat me and shocked me with a Taser gun, three times.”⁹³

63. Upon arrival, at what he later found out to be the Political Security Branch in Idlib, security personnel continued to beat him for around five hours. He was then requested to sign a document which he was not allowed to read and released 48 hours later.

64. Later in May 2011, the mutilated bodies of Thamir Al Sharee, aged 14, and Hamza Al Khateeb, aged 13, from the town of Saida were returned to their families. Defectors and former detainees had seen the children in an Air Force Intelligence facility in Damascus after they had been arrested during the demonstrations in Saida on 29 April.⁹⁴ Images circulating on social media showed their mutilated bodies and sparked outrage across the country, fuelling further demonstrations. Government officials stated that the victims died as a result of shooting, but the injuries described in the post-mortem report of Thamir Al Sharee were consistent with torture.⁹⁵ A witness, himself a victim of torture, recounted having seen Thamir Al Sharee on 3 May during his detention, bleeding profusely from his ear, eyes and nose, and being hit with a rifle butt on the head.⁹⁶

65. Protests in solidarity with Dar’a’s population continued to spread gradually to cities, towns and villages across the country, including around Al Ladhqiyyah, Baniyas, Rural Damascus, Dayr Az Zawr, Homs, Hama and Idlib.⁹⁷ Another demonstration in the Ramel suburb of Ladhqiyyah was followed by combined forces operations on 13 and 14 August 2011 that resulted in the deaths of up to 70 people and the detention of approximately 400 others, including women and children.⁹⁸ According to one former member of the Syrian military who took part in the operation, detainees were initially held at the Ramel train station where he saw detainees thrown on the ground and some were then urinated upon by security force members before being transported onward to intelligence facilities and then the Ladhqiyyah stadium.⁹⁹

66. Victims, witnesses and perpetrators consistently stated that those arrested through these operations had been physically or verbally assaulted during the arrest process before being held for various periods of time. Victims also consistently stated that they were arrested without being informed of charges against them, were not allowed to communicate with lawyers or family, were not presented with a warrant, and in most cases were not seen by a judge within legally prescribed time limits. As noted in the preceding interview extract,

⁹¹ COI I&II/[REDACTED], COI I&II/[REDACTED], COI I&II/[REDACTED], COI I&II/[REDACTED], COI I&II/[REDACTED].

⁹² A/HRC/S-17/2/Add.1, para. 54.

⁹³ Interview COI I&II/[REDACTED].

⁹⁴ COI I&II/[REDACTED].

⁹⁵ COI I&II/[REDACTED].

⁹⁶ COI I&II/[REDACTED].

⁹⁷ A/HRC/S-17/2/Add.1, para. 52.

⁹⁸ A/HRC/S-17/2/Add.1, para. 54.

⁹⁹ COI I&II/[REDACTED].

in many cases individuals were arrested and detained for the purpose of seeking the surrender of third persons during this time (see also Section IV(B) Purposes).

B. Raids and ground operations as the unrest evolved into conflict

67. In some locations, security forces attempted to address demonstrations peacefully with negotiations. With the continued spread of protests, however, accounts of attempts at peaceful resolution decreased and the scale of arrests during ground operations increased significantly.¹⁰⁰ As of early 2012, military and intelligence forces applied a coordinated policy involving violent dispersal and mass arrests of civilian protesters across much of the country.¹⁰¹ In some cases, former security officials indicated that they were deployed to detain specific individuals, while in others it appeared that certain localities were raided in their entirety because demonstrators or opposition supporters were suspected to be from the area. In one such instance, following Friday prayers in Duma, eastern Ghouta on 23 January 2012, approximately 1,500 individuals marched through the streets demonstrating against the Government and for greater freedoms. A defector who was deployed there recalled that units from the Republican Guard, the Fourth Division and Air Force Intelligence dispersed the crowds using live ammunition though civilian police had cordoned off streets around the protest. At least 18 people were killed, including those allegedly subject to summary executions, and dozens were arrested, including injured protestors.¹⁰²

68. Concurrently, there emerged a pattern of massacres in restive areas, with hundreds of civilians killed during raids, including women and children.¹⁰³ more structured armed opposition groups began to emerge.

69. As violence escalated into an armed conflict in 2012, protests against the Government continued across the country, although they tended to be briefer and more localized to avoid security forces. Large-scale raids, however, continued in areas and communities perceived to be sympathetic to the protesters or emerging armed groups. During these operations, the Syrian Arab Army typically cordoned off the area before intelligence services or elite army units, increasingly accompanied by *shabbiha*, carried out house-to-house searches.¹⁰⁴ In many cases, family members, in particular women, were detained for the purpose of seeking the surrender of predominantly male relatives.¹⁰⁵ Accounts of rape and security officials threatening men with the rape of female relatives during these raids were common.¹⁰⁶

70. On one such occasion in March 2012, a mixed group of military and intelligence forces accompanied by *shabbiha* raided the Karam Zaytoun neighbourhood of Homs city searching for members of armed groups and weapons. One former intelligence force member recounted how his family living in the area had fled the operation with other families, including men, women and children, and were subsequently detained, and beaten with cables and sticks before being taken to an unofficial place of detention by the *shabbiha*. The former intelligence member managed to secure their family's release after being put in touch with *shabbiha* leaders via their intelligence contacts.¹⁰⁷

71. Similarly, in January 2013, pro-Government forces detained men, women and children during raids on predominantly Sunni neighbourhoods in Al Ladhqiya city. After holding them for two months or more they were released without charge and without being informed of the reason for their detention.¹⁰⁸

¹⁰⁰ A/HRC/22/CRP.1, para 25.

¹⁰¹ A/HRC/25/65, para. 13.

¹⁰² COI I&II/[REDACTED]

¹⁰³ See for instance, A/HRC/21/50, paras. 41-50.

¹⁰⁴ A/HRC/19/69, para. 60.

¹⁰⁵ A/HRC/19/69, para. 60.

¹⁰⁶ A/HRC/19/69, para. 65. A/HRC/37/CRP.3, paras 12-14.

¹⁰⁷ COI VI/[REDACTED]

¹⁰⁸ A/HRC/23/58, paras. 66 and 67; see interview COI IV/[REDACTED].

72. Large scale raids by pro-Government forces occurred in Homs and Hama cities in March and May of 2013, respectively.¹⁰⁹ Shortly thereafter, from July to September 2013, Government forces conducted a series of arrests campaigns throughout Homs in Al-Qaryatayn, Houlah, Karm Al-Zeytun and Dewayer, as well as in Sinjar (Idlib Governorate) in July, Beit Jin (Rif Damascus) and Kafr Shams (Dar'a) in September, and Al-Jalmeh (Hama) in November. Men and adolescent boys were mainly arrested, although children, women and elderly persons were also detained.¹¹⁰

73. Despite the shift to ground operations and raids during this period, the Commission continued to document violent dispersal and arrests in response to peaceful demonstrations throughout 2012 and 2013 and sporadically throughout the remaining period covered by this report. For instance, in mid-January 2013, following a peaceful demonstration in Al-Suwayda, security forces conducted mass arrests. Some of those arrested were children as young as 12 years old.¹¹¹

74. As the armed conflict intensified and population centres began coming under the control of armed groups, the number of demonstrations and protests against the Government declined significantly. Following the recapture of large areas of the country between 2016 and 2020 the majority of large-scale arrest operations took place in the context of “reconciliation” processes following military operations (see below). Subsequent to those shifts in territorial control, protests and demonstrations against the Government reemerged, as did patterns of arrest.

75. For example, in June 2020, protests erupted in parts of Dar'a, which had been under armed group control as recently as 2018, and Al Suwayda' governorates demanding better services and the release of political prisoners. At least 15 civilians were detained during raids in Al Suwayda' between 9 and 16 June 2020 following their participation in peaceful protests to demand better living conditions. The protesters were reportedly held at the Military Intelligence branch in Al Suwayda' and subsequently transferred to Damascus. Neither lawyers nor family members were permitted to make contact. In July 2020, the Commission received information that the protesters had been released without charges following pressure from local actors.¹¹²

C. Checkpoints

76. Since the beginning of the crisis, an expanding network of checkpoints was established across the country within cities and towns and along roads connecting population centres. Many of these checkpoints divided communities and isolated villages, towns, and neighbourhoods. While the establishment of checkpoints in the context of armed conflict is common in such scenarios for security purposes, by 2013, checkpoints became both increasingly permanent fixtures and the most commonly reported scenario for arrest and detention in Syria.¹¹³ Checkpoints became increasingly associated with arbitrary arrests, predominantly of men and boys, beatings, humiliation, and in some cases rape and other sexual and gender-based violence and extrajudicial killings.¹¹⁴

77. Former military and security officials staffing checkpoints recounted that they had lists prepared by intelligence branches regarding individuals with “security marks” wanted for questioning. Although former security forces and civilians interviewed indicated that initially arrests at checkpoints would be based on these lists, which were in turn based on suspicion of anti-Government activity, arrests also appeared to increase based solely on a

¹⁰⁹ See the Commission's paper, *Without a trace: enforced disappearances in Syria*, 19 December 2013, para. 23.

¹¹⁰ A/HRC/25/65, paras. 34 and 35.

¹¹¹ A/HRC/23/58

¹¹² A/HRC/45/31, para. 24.

¹¹³ A/HRC/28/69, para. 12. As the Commission has documented in numerous instances, checkpoints, roadblocks and other barriers were established to encircle restive areas as a form of collective punishment against its residents perceived to be supporting the armed opposition. See A/HRC/23/58, para. 64 and A/HRC/22/CRP/1, para. 25, for example.

¹¹⁴ See A/HRC/22/59, para 93, A/HRC/37/CRP.3, paras 22-26.

person's geographic origin or address, gender and age (See also, Section VIII. Due Process).

78. In one case, a man from Homs described how he had travelled to Damascus with his wife who was about to give birth. After the child was born, he and his brother were stopped at a checkpoint in the city in February 2012. When the security forces saw his address on his identification card he was arrested and beaten while the guards accused him of coming to Damascus to engage in terrorist acts. He was subsequently transferred to General Intelligence Branch 251 where he was stripped naked and beaten. Ultimately, He was able to convince interrogators he lived in a different neighbourhood and was released after three days.¹¹⁵

79. Cases of internally displaced persons arrested at checkpoints on the basis of their place of origin or suspected family links with the opposition were documented in 2013 in Al-Nabak (Rif Damascus), Al-Madakah (Dar'a Governorate), Qusayr, Al-Houlah (Homs), Al-Bayda (Tartus) and Masharah (Quneitra). In May and June of that year, National Defence Forces raided Job Al-Jarrah (Homs), arresting displaced Sunnis under the same pretext.¹¹⁶

80. Civilians were also summarily executed at certain checkpoints, including in Dar'a and Al Ladhqiyyah governorates.¹¹⁷ The Hamid al Taher checkpoint staffed by the Air Force intelligence in the area of Dara Al Mahatta, was particularly notorious among the local population. Arrests, beatings, degrading treatment and extrajudicial executions took place at this site, in particular in 2012 and 2013.¹¹⁸

81. A former civil servant from Dar'a a Balad recounted that his cousin, who had no connection to the opposition, was stopped at the Hamid al Taher checkpoint in July 2013 and held in an adjacent detention facility. Three weeks later, his family found out that he had been executed along with six other detainees. When seeing the body at the local hospital, his family was barely able to recognize him, as his face was disfigured by bullet wounds.

82. As checkpoints proliferated and populations adjusted to that reality, the gendered risks associated with day-to-day movements became increasingly apparent. Men and boys between the ages of 15 and 60 years were far more likely to be questioned and detained, even boys as young as 12 years old attracted scrutiny.¹¹⁹ Women's and girls' apparent greater freedom of movement through checkpoints compared to men and boys increased their exposure to arbitrary detention and violence, including rape and other forms of sexual violence (see Section V, below).¹²⁰ One cases that exemplifies the multilayered gendered implications for Syrian civilians occurred in mid-January 2013. Dozens of women travelling to work or to school by bus were stopped and detained by Government forces in Dar'a. The sole purpose was reportedly to coerce the women's male family members, some of whom were allegedly fighting with anti-Government armed groups, to surrender.¹²¹

83. Throughout 2013 and into 2014 as arrests continued to surge, Syrians, particularly men and boys, were going to extraordinary lengthy routes to avoid checkpoints due to fear of arbitrary arrest and disappearance.¹²² As men and older boys were increasingly unable to pass checkpoints, they fled abroad. By 2015, the majority of the internally displaced civilians were women and young children, with many having been displaced multiple times. Some women indicated that the final prompt for pursuing refugee status abroad was

¹¹⁵ COI I&II/[REDACTED].

¹¹⁶ A/HRC/24/46, para. 57.

¹¹⁷ A/HRC/22/59, paras. 93 and 95.

¹¹⁸ COI V/[REDACTED], COI IV/[REDACTED], COI IV/[REDACTED], COI V/[REDACTED], COI XI/[REDACTED], COI XIV/[REDACTED] see also, COI VI/[REDACTED], COI XI/[REDACTED], COI VII/[REDACTED], COI XIII/[REDACTED]

¹¹⁹ A/HRC/28/69, para. 12. The freedom of movement of men and boys seeking to leave opposition-held areas was also significantly limited by checkpoints.

¹²⁰ A/HRC/31/68, para 101.

¹²¹ A/HRC/22/CRP.1, para. 26.

¹²² A/HRC/28/69, para. 12.

the fact that their adolescent sons faced increasing risks of being detained at checkpoints.¹²³

84. As Government forces made territorial gains in Homs, Aleppo, Rif Damascus and Dar'a after 2015, the local populations demanded that checkpoints not be erected in recaptured areas due to their fear of arbitrary arrest, torture, and ill-treatment associated with checkpoints. Despite this, checkpoints continued to proliferate. After their recapture by Government forces, checkpoints were erected in Aleppo in 2017 and Rif Damascus in 2018, dividing urban centres. After coming back under Government control in July 2018, Dar'a governorate still held a vast network of hundreds of Government checkpoints until the end of 2024. Local residents reported that a list with the names of hundreds of wanted persons was circulated around the checkpoints in Dar'a governorate.¹²⁴

85. Even across areas that have been consistently under Government control throughout the period covered by this report, inter-city checkpoints were commonplace. In one example, a father recalled crossing tens of checkpoints with his wife and children in June 2019 after fleeing Rukban internally displaced persons camp with the help of Government-linked smugglers. He reported that he was detained at four different checkpoints and beaten in front of his children. The father paid thousands of United States dollars (USD) to cross the checkpoints and eventually to be smuggled out of the country.¹²⁵

D. Raids in recaptured territory and following “reconciliation” processes

86. As Government and pro-Government forces recaptured some of the areas from non-state armed groups beginning in 2013, arrests of perceived dissidents continued in the areas under renewed Government control, although to a lesser extent due in part to the massive displacement of the civilian population. Arrests, typically by members of intelligence agencies, were often carried out in breach of the guarantees that had been given by Government forces as part of the truces and “reconciliation” (musalaha) agreements.¹²⁶

87. In recaptured areas, Government forces arrested students, including children, owing to their perceived loyalty to the armed opposition, following ground operations in places such as Egeirbat, Hama governorate (mid-January 2013), in Nawa, Dar'a governorate (mid-March 2013), and Al Qusayr, Homs governorate (April 2013 – reportedly involving fighters from Lebanese Hizbullah).¹²⁷ Subsequently, Government forces engaged in mass arrest campaigns following the truces in Assal Al-Ward (Rif Damascus) in April 2014 and the city of Homs in May 2014, and after retaking Yabroud (Rif Damascus) in March 2014. Since its recapture in December 2016, arrests targeting residents of eastern Aleppo continued unabated.¹²⁸ Similar patterns were observed against residents of Yarmouk who were mostly displaced to Beit Sahem, Al Babila, Qadam and Hajr Al-Aswad in southern Rif Damascus.

88. In 2018, after the reconciliation agreements¹²⁹ to end hostilities in Dar'a, southern Rif Damascus and Quneitra governorates, detention operations by pro-Government forces

¹²³ A/HRC/33/55, para. 78.

¹²⁴ A/HRC/43/57, para. 73.

¹²⁵ Interview COI XI/[REDACTED].

¹²⁶ See for instance, A/HRC/48/70, paras. 31-33 and A/HRC/43/57, paras 72-73.

¹²⁷ A/HRC/23/58, para. 58.

¹²⁸ See A/HRC/34/64, para. 103.

¹²⁹ The commitments made when government forces imposed “reconciliation” agreements on Dar'a and Quneitra, including fulfilling promises of releasing detainees, recognizing educational certificates and reinstating teachers, remained largely unfulfilled. As part of such agreements, individuals from areas previously held by opposition groups underwent screening, and had to provide details about their activity during the opposition control of the area. Former combatants were requested to hand in their weapons, with the exception of a handful of localities where they were allowed to retain light weapons. Civilians who stayed in their homes have been frequently required to fingerprint statements of loyalty to the Government, essentially requesting the signatories to relinquish their rights of freedom of expression and peaceful assembly. Others also underwent background checks, while those of military age were ordered to report for conscription.

continued. In Dar'a and Quneitra alone, more than 1,000 people were reportedly arrested between 18 July 2018 and 16 December 2020, including more than 600 civilians who had never been members of armed groups, and including at least 37 women, five of whom were detained with their young children, along with nearly 400 former fighters.¹³⁰ In most cases, the reasons for the arrests remained unclear and little or no information was given to the families of the detainees about their whereabouts and status. In some incidents, the arrests were reportedly on suspicion of "terrorism". Out of those individuals, approximately 150 detainees were subsequently released, while death notifications were provided for dozens. The remainder were still reportedly detained and families still had no information about their fate or whereabouts as of the preparation of this report.¹³¹

89. The former Government's security branches also continued to summon civilians with suspected ties to the opposition in recaptured areas, including women, and to conduct interrogations. In particular they sought the names of those evacuated from formerly besieged areas to northern Syria, as well as the contact details of aid workers, human rights activists and former members of local councils. Individuals suspected of making contact with relatives or friends living in areas under opposition control were also arrested, including in eastern Ghutah.¹³²

E. Arrests at border crossings

90. Increasingly since 2018, Syrians who sought to return were arrested and detained at ports of entry such as airports and land borders.¹³³ Sources claimed that arrests were often due to mistaken identities at border controls, as those detained may have had the same or similar names of wanted individuals. This was also often the case for Syrians who crossed the land border from Lebanon into Syria¹³⁴ and included persons who were detained despite having previously gone through a clearance or reconciliation process with the Government.¹³⁵

91. In one example, a young man from rural Homs described his return to Syria in 2019 under a Government-sponsored reconciliation. The interviewee explained that he had submitted a request to return to the Syrian security apparatus through the authorities of the host country and he was cleared to return. As he crossed into Syria, he underwent a reconciliation process with the authorities at the border. He was then requested to present himself to the Political Security branch in Homs for a review. "*I went there by myself,*" he went on to say, indicating that he trusted the process: "*They told me it was a normal routine review of my case.*" As he approached the Political Security two days after his crossing, the interviewee was arrested and detained for around three and a half months and held in more than five different detention facilities where he was subjected to severe beating and other violent treatment before eventually being released after his family paid large bribes.¹³⁶

In 2021, individuals explained to the Commission how the spectre of arbitrary arrests and detention remained omnipresent, despite any "reconciliation" status, hence effectively impeding their freedom of movement. See also, Commission of Inquiry Policy Paper, "Sieges as a weapon of war: Encircle, starve, surrender, evacuate," 29 May 2018.

¹³⁰ Also interview COI XI / [REDACTED].

¹³¹ See Press briefing note on Dar'a, OHCHR, 21 May 2019 (<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24633&LangID=E>).

¹³² A/HRC/40/70, para 66.

¹³³ The Commission subsequently continued to document such cases, see its reports from 2021-2024 available on www.ohchr.org/coisyrria, see for instance COI XV [REDACTED], COI XV [REDACTED], COI XV [REDACTED].

¹³⁴ See for instance interviews COI X / [REDACTED], COI X / [REDACTED], and COI X / [REDACTED].

¹³⁵ COI X / [REDACTED].

¹³⁶ COI XI / [REDACTED].

F. Internment of civilians

92. As the Government recaptured certain urban areas beginning in 2016, thousands of civilians fleeing from the fighting crossed into Government-controlled territory and were subsequently interned in so-called internally displaced persons' shelters, sites that served to vet civilians believed to pose a security threat.¹³⁷ Many were arrested then taken to other locations, and in numerous cases their families received no further information on their fate and whereabouts (see also Section VI. Enforced Disappearances).

93. For instance, in November 2016, pro-Government forces started to make territorial gains in eastern Aleppo. Upon taking control of the northern districts, pro-Government forces separated the women from the men, the latter being subjected to screenings. The men identified as fighters were transferred to detention centres. Syrian forces conscripted many of the remaining men and transferred thousands of people to a camp in Jibreen, Hama Governorate, where they were again screened, and some arrested. In one documented case, the whereabouts of one arrested man remains unknown.

94. Similarly, during the last days of the siege of eastern Ghutah in April 2018, Government forces also rounded up the tens of thousands of civilians who had fled through humanitarian corridors established by the Russian Federation and transported them in buses to eight collective shelters scattered across Rural Damascus. In total, approximately 95,000 individuals were taken to these sites,¹³⁸ where they were deprived of their liberty. The collective centres were severely overcrowded and lack basic facilities.¹³⁹ By May 2018 approximately 64,000 people had been released. In subsequent months the remaining population was released, conscripted, or transferred to other locations. Those who had managed to leave underwent a screening process and provided evidence of a sponsor residing in a Government-held area. Only women, girls and boys below 15 years of age, and men above 55 years, as well as only sons exempt from military service were able to avail of the sponsorship system. Males aged 16 years and above were held separately from their families and fighting-age males were sometimes sent directly to frontline fighting units as part of the Syrian Arab Army. Related processes, in particular the sponsorship system, lacked transparency and consistent application across these sites. In order to leave, interlocutors confided that civilians were commonly forced to bribe Government forces to expedite their screening and/or sponsorship, with an interviewee indicating that the cost ranged between 300 to 2,000 USD for an expedited release.¹⁴⁰

95. Internment was also used to hold civilians who fled the Rukban Camp, where conditions have been wholly deficient for years and continued to deteriorate. The only option for departure was to cross Government-controlled territory individually via smugglers or in organised convoys. Late in September 2019, a joint United Nations and Syrian Arab Red Crescent team supported a departure convoy of 329 people who were willing to be relocated. Those departing the camp were transferred to "reception centres", including in a school in Dayr Ba'albah, in Homs Governorate. The Commission received reports that at least 100 individuals who were evacuated from Rukban Camp were subsequently detained by government forces after their arrival at the reception centres in Homs.¹⁴¹

G. Patterns of detention regarding certain profiles of individuals

96. The vast majority of those arrested and detained by pro-Government forces were adult men from the Sunni Arab population. As can be seen throughout the examples in this

¹³⁷ A/HRC/30/48, para. 102.

¹³⁸ According to figures from 15 May 2018, published by the Syrian Ministry of Local Administration and Environment (MoLA).

¹³⁹ A/HRC/38/CRP.3, para. 63. The eight shelters in Rif Damascus were: Dweir, Fayhaa Alsham, Akram Abu al-Naser, Adra School Shelter, Nashabiyeh, Najha, Harjelleh, and Adra Electricity Complex.

¹⁴⁰ A/HRC/38/CRP.3, para. 66.

¹⁴¹ A/HRC/43/57, para. 87.

report however, women, boys, and girls were also arrested, including children under ten years old detained with their mothers, as well as individuals from other ethnic and religious groups.

97. In addition to the profiles highlighted below, patterns of arrest and severity of treatment were also linked to suspicion of anti-Government sentiment on discriminatory grounds based on a person's geographic origin within the country, or in combination with their presumed religious and community affiliations. This was most common concerning towns and neighbourhoods linked to early demonstrations against the government, and those that were previously outside of Government control. These issues are examined further in Section IV, Patterns of Torture (Purposes) below.

Medical personnel and first responders

98. Medical personnel and first responders, including doctors, nurses, ambulance drivers and medical volunteers were the target of arrest and detention operations since the beginning of protests in Syria in 2011. The provision of medical treatment to persons who participated in anti-Government protests was consistently described as a reason for both physical violence against medical personnel and a rationale for their arrest. As one doctor working in Zabadani, Rural Damascus recounted prior to his own arrest and detention in 2011:

*“Early in the unrest, the hospital started receiving increasing numbers of injured protesters. A military security post was established at the hospital entrance. Injured protesters were beaten either by the Military Intelligence or by medical personnel. The injured were usually taken by one of the security branches in Damascus. Doctors who didn't abide by the instructions were brutalised by the security elements. I was beaten and dismissed after I tried to treat a 65-year-old man with a broken jaw.”*¹⁴²

99. In addition to beating and detention of medical staff individually for treating demonstrators, raids were conducted at hospitals and to target specific doctors for refusing to follow instructions throughout 2011 and early 2012.¹⁴³ Raids targeting doctors, nurses, pharmacists, and first responders were documented in Damascus, Rural Damascus, Dara', Homs,¹⁴⁴ Aleppo, Idlib, and Ladhikiyah¹⁴⁵ during this period, with such raids also reported in other locations.

100. Concurrently, medical personnel and volunteers began operating clandestine medical centres referred to as field hospitals due to fear of arrest, detention and attacks on medical personnel treating protesters. These field hospitals were also subject to raids and attacks which increased as the crisis developed into an armed conflict as of early 2012. As armed groups began controlling territory, placing medical facilities outside the reach of Government detention authorities, a pattern developed of deliberate targeting of hospitals, medical centres, and first responders, in particular by airstrikes.¹⁴⁶

101. Despite these developments, arrests and detention of medical personnel for treating injured persons perceived to be opposed to the Government continued where pro-Government forces were able to exert control. Such deprivation of liberty usually took place under the pretext that medical professionals were “supporting terrorists” by providing medical care. After the promulgation of the counter-terrorism law in 2012, this was commonly prosecuted under the providing “any other thing” provision in Article 8 (See Section VIII, Due Process).¹⁴⁷

102. Arrest operations did not only target doctors and nurses, but also people who were delivering or providing medical or humanitarian supplies to areas controlled or perceived to be sympathetic to politically opposed areas or later to areas controlled by armed groups.

¹⁴² Interview COI VI/[REDACTED].

¹⁴³ A/HRC/24/CRP.2, para. 22.

¹⁴⁴ COI I&II/[REDACTED].

¹⁴⁵ A/HRC/24/CRP.2, paras. 21-24.

¹⁴⁶ See A/HRC/46/54, para. 29 and A/HRC/24/CRP.2, among other Commission reports.

¹⁴⁷ A/HRC/24/46, paras. 59 and 60.

This included pharmacists and ambulance drivers, as well as Syrian Arab Red Crescent personnel.

103. In one case, soldiers at a Government checkpoint in Athman, Homs governorate, stopped and searched an ambulance carrying medical supplies suspected of being taken to opposition controlled areas in August 2012 and arrested the driver. Two weeks later, the National Hospital in Dar'a released his body, bearing extensive injuries.¹⁴⁸ Similarly, in late 2012, a pharmacist and mother of six was arrested and beaten, then detained for months after having provided medicine and medical supplies to injured people.¹⁴⁹

104. Documented arrests and detention of medical personnel and humanitarian workers providing medical support on the grounds of supporting terrorists continued through 2013, in Hama, Damascus and Rif Damascus¹⁵⁰ and into 2014. For example, a Syrian Arab Red Crescent volunteer was arrested in April 2014 on suspicion of "assisting terrorists" for her alleged role in supporting the delivery of grain and assistance to medical facilities. She was held in five different detention facilities, subjected to *shabeh* (see Section IV.A. Methods), electrocution, and beaten during interrogation. She was later released on payment of a bribe.¹⁵¹

105. As the armed conflict intensified on the ground, medical personnel were also targeted in the immediate aftermath of ground operations. One doctor recalled the Air Force Intelligence raid on the field hospital where he had been working in May 2014. After months of siege, the area was heavily shelled on 2 May before Air Force Intelligence entered the field hospital, arrested the doctor and some patients and summarily executed others. He was taken to Air Force Intelligence, Mezzeh where he was beaten, subjected to *dulab* (see Section IV.A. Methods) and interrogated, claiming that the main reason for his arrest was his work in the field hospital:

*"Every time they asked me how many hospitals I worked in, they beat me, while I was not beaten when asked other questions. The beating was very heavy, and that made me say things I never actually did."*¹⁵²

106. Though such arrests continued, the number of documented cases of medical personnel and first responders decreased due to the relatively stable patterns of territorial control during much of 2015 and 2016. In areas that had been recaptured by the Government, many health and rescue workers who remained and who were not detained were instead dismissed from serving in public hospitals.

107. As the Government began recapturing territory between late 2016 and 2020, arrest and detention of medical personnel and first responders continued. Many health workers fled to other opposition-controlled areas under the various evacuation agreements in places such as Eastern Ghuta and Dara'a rather than remain in newly recaptured areas, as they feared arrest and detention. Certain first responder groups were specifically listed as excluded from any prospect of government reconciliation, indicating that they would continue to be targeted for arrest and detention.¹⁵³

108. Cases of medical personnel and rescue workers targeted either through unlawful killings, arrests or abductions, continued throughout the period covered in this report, most notably in Dar'a between July 2018 and 2020.¹⁵⁴

Human rights activists

109. Human rights defenders, lawyers, bloggers, and journalists have contributed to civil society and peaceful activism in Government-held areas, despite the limited space for freedom of expression prior and subsequent to the current crisis beginning in 2011. Their

¹⁴⁸ A/HRC/24/CRP.2, para. 25.

¹⁴⁹ COI IV/[REDACTED].

¹⁵⁰ A/HRC/25/65, para. 36.

¹⁵¹ COI VI/[REDACTED].

¹⁵² COI V/[REDACTED].

¹⁵³ COI X/[REDACTED]. See also A/HRC/46/54, para 47.

¹⁵⁴ See COI XI/[REDACTED] and COI X/[REDACTED].

peaceful activism was met by the systematic repression by Government forces, who deliberately targeted them through arbitrary detention and enforced disappearance, intensifying since 2011. The widespread arrests of peaceful and unarmed human rights defenders, journalists, lawyers and activists on the sole ground that they were exercising their rights to freedom of expression and peaceful assembly has been noted with great concern.¹⁵⁵ One of the earliest peaceful sit-ins in the context of the demonstrations took place in front of the Ministry of Interior in Damascus on 16 March 2011 by a group of about 150 people, most of them human rights defenders and relatives of political detainees. The demonstration called for the release of Syria's political prisoners. An interviewee recounted how it was dispersed by Government forces:

*“There was security everywhere and they were very harsh in their treatment with demonstrators and journalists. Many people were arrested. Among them was prominent activist, Suheir al Attasi. There was no shooting that day, just hitting demonstrators with batons.”*¹⁵⁶

110. Aside from violent repression of peaceful protests led by human rights defenders and activists, prominent human rights voices were targeted for arrest across the country.

111. An early example was the arbitrary arrest of Abd al-Sattar al-Kholani and Majd al-Din Al-Kholani, two prominent human rights activists who organized and led peaceful protests against the Government in Darayya town, Rif Damascus. The two brothers were respectively arrested by Air Force Intelligence and Military Intelligence within one month of each other in 2011. Their deaths were publicly reported in July 2018 along with many others who had been arrested in Darayya had been arrested.¹⁵⁷

112. Soon after, the al-Kholani brothers' arrests, Yahya and Ma'an Shurbaji, as well as Ghayath Mattar, also activists from Darayya, were arrested by Government forces on 6 September 2011 following a ground operation.¹⁵⁸ The three men had played an active role in organising peaceful demonstrations. A few days after Ghayath's arrest, his family received his body, with clear signs of beatings. Yahya and Ma'an were recorded dead on 15 January 2013 and on 11 December 2013 respectively. The bodies of the two brothers were never returned to their families.

113. Since the onset of the protests, Majd Shorbaji from Darayya had been engaging in women's rights activism. She was arrested by Government security forces on 31 December 2013 and remained in custody in various facilities for seven months before her release. Her husband, who was detained at the same time, was later reported to have died in detention.

114. Many human rights activists, journalists and media workers documented and publicised the increasingly violent tactics employment by pro-Government forces. This in turn led to targeted military and arrest campaigns against such groups and individuals.¹⁵⁹

*“My husband was taken in March 2012... Eight days after his arrest, a patrol brought him back home to confiscate his computer and belongings. After that day, we spent nine months without any information on his whereabouts. A former prisoner at some point told us he was in Branch 215 and then Branch 248.”*¹⁶⁰

The wife of a human rights activist who was declared dead in Government custody in October 2015, although his body was never recovered.

115. Most activists were labelled “terrorists” by Government forces and the counterterrorism legislation was often utilised to quell any form of dissent. Prominent advocates Hussein Ghreir, Hani Al-Zaytani, and Mazen Darwish were imprisoned by the Syrian Government in February 2012, following their arrest at their workplace, the Syrian

¹⁵⁵ See for example, A/HRC/30/48, para. 148.

¹⁵⁶ COI I&II/[REDACTED].

¹⁵⁷ COI IX/[REDACTED].

¹⁵⁸ Ibid.

¹⁵⁹ See A/HRC/21/50, para. 119; A/HRC/22/59, para. 159; A/HRC/24/46, para. 59; A/HRC/24/46, para. 59, A/HRC/28/69, para. 80; A/HRC/25/65, para 37; A/HRC/27/60, para. 111; A/HRC/30/48, para. 156.

¹⁶⁰ COI VIII/[REDACTED], COI IX/[REDACTED] and COI VI/[REDACTED].

Center for Media and Freedom of Expression. In March 2014, the three men were charged with “publicizing terrorist acts” and “promoting terrorist activities” under Article 8 of Syria’s 2012 Anti-Terrorism legislation (See Section VIII, Due Process, below). Yara Bader and Razan Ghazzawi were also detained in the incident and were respectively released in February and May of 2012. Following repeated calls, Ghreer and Al-Zaytani were released in mid-July 2015 and Mazen Darwish, on 10 August 2015. Their trials were repeatedly adjourned without explanation and the charges against the three men initially remained after their release, as did the spectre of further imprisonment.

116. Lawyers were also targeted through mass arrests campaigns. In one such incident, on 18 August 2011, Military Intelligence and Political Security forces arrested 20 lawyers in the Justice Palace in Raqqah. They were transferred to the local Criminal Security Branch and interrogated. Recalling the verbal abuse, and insulting language, one witness described the intelligence agents seeking to “diminish dignity”.¹⁶¹

117. The Government’s repression of those who disseminated information also extended to family members publishing customary death tributes at least as of 2014,¹⁶² As one woman explained after fleeing Syria:

*“Many people from my village were arrested after publishing the name of their dead relatives. The army collects names of the dead and then makes lists, on the basis of which they arrest family members at checkpoints. So now even the dead are hidden.”*¹⁶³

118. Following recapture of former opposition-controlled areas and the imposition of evacuation or reconciliation, many activists had no option but to leave to opposition-controlled areas, fearing persecution. The few who stayed went into hiding as they feared being reported to the Government’s intelligence branches for their past activities.¹⁶⁴

119. For instance, after Dar’a Governorate was recaptured in 2018, the Government required civilians to reveal the names of anyone who had chosen to leave the area, as well as the contact details of activists, as part of the reconciliation process. The forms or questionnaires that each reconciled person had to sign required the disclosure of this information.¹⁶⁵ Many of the activists who had stayed were subsequently arrested or killed.¹⁶⁶

120. Hundreds of activists who went missing throughout the period under review remain unaccounted for, while many more were killed or died in custody. Many others were forced into exile.¹⁶⁷

Detention of relatives of wanted persons

121. The practice of arresting and detaining family members of wanted persons was documented throughout the crisis. Typically, relatives were arrested in order to induce wanted persons to surrender to Government forces.¹⁶⁸ One of many examples from the early period of the conflict was recounted by an elderly man from Rastan, Homs governorate. He recalled that around 15 security officials stormed his house late one night in early March 2012, asking for his son who was wanted for participating in demonstrations. One officer threatened to arrest his entire family. While his wife and daughters cried and pleaded with the officer not to take the man away, he was slapped and cursed at before they took him away to “the club”, a former fitness club transformed into a prison and an

¹⁶¹ COI VII/[REDACTED].

¹⁶² A/HRC/25/65, paras. 34 and 35.

¹⁶³ COI IV/[REDACTED].

¹⁶⁴ COI X/[REDACTED].

¹⁶⁵ A/HRC/42/51, para. 68.

¹⁶⁶ COI X/[REDACTED] and COI X/[REDACTED].

¹⁶⁷ COI X/[REDACTED], COI X/[REDACTED], COI X/[REDACTED] and COI X/[REDACTED].

¹⁶⁸ A/HRC/S-17/2/Add.1, para 55: A/HRC/22/59 para. 70. See interviews COI I&II/[REDACTED], COI I&II/[REDACTED], COI V/[REDACTED], COI XI/[REDACTED]. After the situation reached the threshold for a non-international armed conflict, many such instances amounted to hostage taking in violation of international humanitarian law, and may amount to war crimes.

interrogation centre, where he was beaten. He was released the next day and told to bring his son within 24 hours, or they would return and arrest him along with his wife and daughters.¹⁶⁹

122. In other cases, family members were arrested in order to interrogate them about the whereabouts of wanted persons.¹⁷⁰ Other family members of detainees were arrested, interrogated, threatened or subjected to acts of violence in order to pressure detainees to confess or provide information. See examples in Section IV, Patterns of Torture (Rape and Other Sexual and Gender-Based Violence and Purposes, subheading Coercion), below.

123. Threats of violence against detained family members were also used to pressure wanted persons to surrender or turn themselves in. In February in 2014, for example, the mother and sister of a wanted man were arrested in eastern Ghutah. Their photographs were sent to the man, with the message that the women would be killed unless he surrendered, which he did shortly thereafter. In April the same year, two women, one of whom had recently given birth, were arrested in separate incidents at Al-Jorjanieh checkpoint on the road to Zabadani, and others were taken in Hawsh. In all those instances, ultimatums sent to their male relatives stated that, if the men failed to surrender to Government authorities, the women would be killed.¹⁷¹

124. Another reason for arresting family members of suspected opposition members was to secure the release of Government or pro-Government forces. Throughout 2018, in Aleppo, Dar'a and Homs governorates for example, Government forces detained numerous women and girls to ensure the release of its own security personnel or to demand the surrender of non-state armed group members.¹⁷² In 2020, Air Force Intelligence arrested three women and a three-year-old girl at a temporary checkpoint outside of Kanaker in Rural Damascus as part of an operation to obtain the surrender of wanted men from Kanaker. Following a raid on the town that led to the arrest of a number of men, the women and girl were reportedly released.¹⁷³

Persons wanted for conscription and military and intelligence personnel suspected of opposition sympathy

125. Since the onset of the unrest, men of military age suspected of evading military conscription and members of the military, intelligence and security forces who either failed to follow orders or expressed reservations about orders, as well as deserters and defectors, were subject to arrest and detention.

126. Military service is a requirement for male Syrian citizens under Article 46 of the Syrian Constitution and during the period covered by this report was regulated by Legislative Decree No. 30 of 2007, the Flag Service Law, as amended. Service could be deferred for a number of reasons, including university studies, health issues, and status as an only male child, among others. Compulsory military service normally lasted for 18-21 months, after which men were considered reservists who could be called up for military service when required. Compulsory military service is not unlawful, though the Syrian legal framework contains no exception or alternatives for conscientious objection.¹⁷⁴

127. Though draft evasion is a criminal offence for which an individual can be lawfully arrested under Syrian law, events have been documented where groups of individuals were arrested because they were of military age, regardless of whether they were individually wanted for evading military service. This was the case in January 2013, in Um Walad (Dar'a Governorate), where Government military and security forces arrested men at

¹⁶⁹ See also A/HRC/37/CRP.3, para. 18.

¹⁷⁰ A/HRC/S-17/2/Add.1, para. 55.

¹⁷¹ Interview COI I&II/[REDACTED].

¹⁷² See also A/HRC/37/CRP.3, para. 18. See A/HRC/24/46, para. 58.

¹⁷³ COI XI/[REDACTED] and COI XI/[REDACTED].

¹⁷⁴ Syrian legislation does not recognize the right to conscientious objection, as per article 18 of the International Covenant on Civil and Political Rights. See also CCPR/CO/84/SYR, para. 11 and A/HRC/51/45 at footnote 16.

checkpoints on the sole criterion that they were of military age.¹⁷⁵ This was also the case for civilians who were administratively detained between 2018 and 2019, as described in the preceding section, with those of fighting age required to report for military service. Likewise, persons who had recognised deferrals were nevertheless arrested and required to report to duty without legal review of their challenge throughout the period covered by this report.¹⁷⁶

128. Many of those arrested for otherwise lawful purposes related to conscription were subjected to unlawful treatment, and oftentimes held incommunicado. Families of those conscripted reported that they were not informed of the fate or whereabouts of persons detained for conscription purposes. Many detained former conscripts reported that they were prevented from any outside communication and were unable to inform their families they had been conscripted. In some cases, families only learned of conscription after their loved ones were killed during their military service.

129. From the outset of the crisis, many members of the military, intelligence and security forces suspected of sympathizing with protestors or suspected of considering defection were arrested and investigated, with the majority subjected to violent interrogation methods as described in the sections below. In other cases, defected members of the military reported that they were arrested and detained for failing to comply with orders, usually related to the refusal to shoot at peaceful protestors or engage in other violence against civilians.¹⁷⁷ Many of those who had been violently interrogated and subsequently cleared reported back to duty, at least initially, despite their treatment by their colleagues. In one of many examples, a former member of the General Intelligence Directorate reported having been arrested by his colleagues in April 2012, near Kafr Soussa, Damascus. He recounted that whenever he was deployed to a demonstration, he would covertly return to the base, making excuses to avoid deployment. One day, he was brought in for interrogation and accused of saying “*those demonstrations are peaceful, the demonstrators are our brothers.*” He had allegedly been reported to his superiors by one of his colleagues. During interrogation, he was subjected to the *dulab* method (see Section IV, Patterns of Torture (Methods), below) while being beaten with a cable and admitted to making that statement. He was subsequently demoted and later defected.¹⁷⁸

130. In another case, a former Syrian Arab Army soldier, interviewed by the Commission with still-visible scars consistent with having received electric shocks, recounted how he was treated after being accused of failing to follow orders:

*“On Friday 12 August [2011], we received orders to go to the Omar al Khattab Mosque, in Douma (Rif Damascus) where about 150 people had gathered. We opened fire. A number of people were killed. I tried to aim high. Later, I realized that security forces had been taking pictures of us. I was pictured firing in the air. I was interrogated. I was accused of being a secret agent. Members of the Republican Guard beat me every hour for two days, and they electrocuted me.”*¹⁷⁹

131. Arrest and detention of persons suspected of evading conscription, or being suspected of sympathizing with the oppositions continued throughout the reporting period.

Children

132. Children were detained because of suspected involvement in anti-Government activities, or alongside their parents. Former child detainees and witnesses reported that those who were detained for alleged anti-Government activity were generally treated in the same manner as adults, including the application of methods of interrogation involving the severe infliction of pain, sexual violence, severely deficient conditions of detention and absence of judicial oversight. Some former detainees reported that older boys and girls were specifically targeted for sexual abuse and younger boys were used as labour in some

¹⁷⁵ A/HRC/23/58, para. 67.

¹⁷⁶ COI X/[REDACTED].

¹⁷⁷ A/HRC/S-17/2/Add.1, para. 57.

¹⁷⁸ COI I&11/[REDACTED].

¹⁷⁹ A/HRC/S-17/2/Add.1, para. 64.

detention facilities. For example, a former child detainee, arrested in 2012 when he was 16 years old recounted his treatment when detained at General Intelligence Branch 251 in Damascus during his first interrogation:

“While I was being interrogated about my identity, my activities in [redacted], or if I have participated in demonstrations by one of the interrogators, the other one was beating me from behind with electric cables. I was worried about my father, and I thought that because I was a child, that they will let me go quickly, but they continued like this, asking questions and beating me for more than 30 minutes...”

He continued to describe his second interrogation:

“This time I was also blindfolded, and my hands were handcuffed from behind. I was cruelly beaten. They put me in a tyre, and two of the interrogators were beating me on my feet and on my head with electric cables... they wanted me to sign a confession accusing my father of using weapons against the government. I was not sure what to do. They were tempting me with release in exchange for a signed confession against my father.”¹⁸⁰

133. Children detained alongside their mothers, in particular in the various security and intelligence branch facilities, were held in the same conditions as their mothers. In multiple cases, pregnant women gave birth to their children in detention (see Section IV.A. Methods). There was no indication that children were provided with any sort of paediatric or specialised care or access to education. In some cases, children, including newborns, were separated from their mothers and taken to orphanages. In other cases, children described being detained alongside their mothers, with boys later being separated and taken to adult male facilities, and eventually being released as adults.¹⁸¹ The experiences of child detainees are included throughout this report.¹⁸²

IV. Patterns of Torture and Cruel, Degrading and Inhumane Treatment (Ill-Treatment) in connection with detention

134. Patterns of documented torture remained consistent throughout the period under review, with certain techniques and practices reported repeatedly by survivors, witnesses, including defectors, as well as perpetrators interviewed by the Commission. The methods of torture documented below appeared in diverse locations across the country and were perpetrated by a variety of security forces and their respective sub-components. The list below is illustrative of specific categories of techniques documented by the Commission. In almost all cases of torture documented by the Commission torturers employed multiple techniques during interrogation, as punishment or for other purposes (see further, below), either in combination or separately. Though the vast majority of victims and survivors of the methods described below were adult men, the majority of the methods below were also documented against boys, women and girls in places of Government detention.¹⁸³ Some methods were documented only against women and girls while others were perpetrated solely against men and boys.¹⁸⁴

135. Certain techniques required specific equipment and infrastructure or were related to the conditions in places of detention, while other forms of treatment that amounted to torture and ill-treatment, such as severe beatings, rape and other forms of sexual and

¹⁸⁰ COI X/[REDACTED].

¹⁸¹ For example, see COI X/[REDACTED].

¹⁸² See also, “They have erased the dreams of my children”: children’s rights in the Syrian Arab Republic, A/HRC/43/CRP.6 for the Commission’s child rights focused analysis of children in detention.

¹⁸³ For example, prevention of urination and pulling out teeth, and simulated drowning was only documented against adult men.

¹⁸⁴ For women and girls, such methods included serving of food/drinks and being forced to dance naked, though forced nudity was documented for adult men as well. For men and boys such methods included forcing detainees to rape one another and the physical tying of penises to prevent urination.

gender-based violence, and humiliating treatment could occur in other settings, such as checkpoints, home incursions, or during transport.

A. Methods

Beating

136. Almost all persons who reported conduct consistent with torture indicated that they were subject to severe beating at some point during their detention. This may have been at the time of arrest, during transport (to initial place of detention and between facilities), when arriving at places of detention, during interrogation, following perceived disciplinary infractions, prior to or subsequent to family visits (in locations where permitted), or at other times for reasons, such as a person's place of origin, religion or perceived or actual political views (See Section IV.B. Purposes).

137. The beatings themselves were inflicted by objects such as wooden, plastic or metal sticks, rods, cables, or hoses, rifle-butts, and pistols, or the perpetrators' own hands and feet.¹⁸⁵ Victims and survivors were restrained physically by handcuffs or other restraints, by security personnel, in confined spaces, or in open areas both alone or with groups of detainees. Survivors and witnesses, including perpetrators, described the results of such beatings, including but not limited to severe bruising, internal bleeding, loss of consciousness, broken bones, broken teeth, blindness (temporary or permanent), and other trauma. Beating often accompanied other techniques, as illustrated by the following example:

"After spending the first 18 days in solitary confinement, I was taken for interrogation and it was around 10 a.m. in the morning. From this time until the next day around 5pm I was subjected to different types of torture. I was placed inside a car tyre, whipped with electric cables and plastic pipes. I was placed in Al-Shabeh position and suspended from the ceiling with chains, with my hands behind my back for 4 to 5 hours. During this time, I was asked the same three questions repeatedly: 'the name of the armed group you work for, the place where you hide your weapons, and the person who's funding your activities'. I denied all the accusations, yet I was beaten with sticks and cables on my head and body."

A former detainee, who was detained in a number of facilities between 2012 and 2018.¹⁸⁶

138. Two manifestations of severe beatings are of particular note. One was the use of green hosepipes or plastic batons by perpetrators to beat their victims. A former detainee, who was held in the Military Intelligence Branch in Hama and then in Branch 235 (Palestine) in Damascus in early 2018, shared his testimony. He was still suffering effects of trauma caused by his torture, as well as the torture and death of other detainees:

*"In Branch 235, I was blindfolded and handcuffed during interrogation, which was conducted by two officers. One was asking questions, and the other was applying methods of pressure. I was beaten with a thick stick (...) all over my body. I had to kneel with my arms suspended behind my back. While in this position, one of the interrogators would beat me with the stick on my head. When I returned to the cell, the other inmates did not recognize me. I was covered in blood with hematoma and swellings that developed after days of beating."*¹⁸⁷

139. The other was the practice of the "Welcome Party"¹⁸⁸ where individuals were severely beaten, as a welcome, upon arrival at a place of detention or interrogation. according to deserters and defectors this was both a punishment for perceived anti-Government activities or treason and a method of intimidation aimed at ensuring

¹⁸⁵ COI V/[REDACTED], COI VIII/[REDACTED].

¹⁸⁶ COI IX/[REDACTED].

¹⁸⁷ COI IX/[REDACTED].

¹⁸⁸ COI I&II/[REDACTED], COI VIII/[REDACTED], COI X/[REDACTED], COI X/[REDACTED], COI VI/[REDACTED], COI XIII/[REDACTED], COI V/[REDACTED], COI VI/[REDACTED].

compliance with instructions of detention authorities. As a former detainee at Sednaya Military Prison described his arrival in 2012:

*“When we arrived to the prison, the military officers took us from the bus, our hands behind our backs. The officers put us on our knees at the entrance of the prison, faces on the floor. We were beaten with a thick water hose, electricity cable, and sharp stick that is usually used for construction. We were insulted. Afterwards, they registered our personal details.”*¹⁸⁹

140. Another person detained at the Military Intelligence Directorate, Aleppo Branch described his arrival to the branch in 2012 as follows: *“They told us we were in the Aleppo Branch. Then the welcome party started, insults, beating, and stripping us naked and searching us.”*¹⁹⁰

141. A former detainee held in General Intelligence Branch 251 (Damascus), described a corner in the Branch where severely injured detainees were gathered: *“Because of the severity of beatings, the feet or the hands were swelled up in a way that they did not look like the feet or hands of a human being... In order to reduce the inflammation, the wounded detainees were taking a piece of ceramic to cut their skin and relieve the swelling. Pieces of blood or skin were coming out and spread on the floor. I was sitting with the wounded.”* He recounted that some were so traumatized that they *“were completely disconnected from reality. They were asking about a cigarette or their car keys.”*¹⁹¹

142. In addition to widespread use of severe beating at checkpoints, during arrest, and during transport of detainees, the Commission documented severe beating that amounted to torture at the nearly every formal and informal place of Government detention in the Syrian Arab Republic included in this report. See Maps, Annex B.

Electric shocks

143. The use of various forms of electrocution was another common method of torture.¹⁹² Variations included the use of exposed wires or cables connected to a battery. These were applied or attached directly to the skin, including while a person’s feet were placed in water. Tasers were also used,¹⁹³ among other methods. In many cases, the survivor was blindfolded and could not identify the exact method employed but could only describe the sensation of being electrocuted and the place or places where current was applied. Victims and witnesses have described electric shocks being applied to all parts of the body, including inside the mouth¹⁹⁴ and a high frequency of application to the genitals for men in particular.¹⁹⁵

144. One person detained at Air Force Intelligence, Harasta in 2012 recounted the following as part of the treatment he endured:

*“I was blindfolded. They started beating me...then they used what felt like two car battery chargers. They applied one to my chest, one cable to the right and one cable to the left side. They connected the second one between my penis and the ground. They applied electricity shocks. They did it until I passed out. They would throw water on my face to wake me up.”*¹⁹⁶

145. Another woman recounted her experience being electrocuted during interrogation at the Criminal Security Branch in Damascus in 2014. After her arrest, she recounted how the interrogator called her a “bitch” and warned her that “if you are going to be difficult, it is not going to be good for you.” He then slapped her in the face and hit her hard in the head

¹⁸⁹ COI V/[REDACTED].

¹⁹⁰ COI X/[REDACTED].

¹⁹¹ COI V/[REDACTED].

¹⁹² COI III/[REDACTED].

¹⁹³ COI I&II/[REDACTED], COI I&II/[REDACTED], COI I&II/[REDACTED], COI VII/[REDACTED].

¹⁹⁴ COI VIII/[REDACTED].

¹⁹⁵ COI XI/[REDACTED], COI VIII/[REDACTED], COI I&II/[REDACTED].

¹⁹⁶ COI I&II/[REDACTED].

before electrocuting her on her hands, shoulders, and back. She recalled him adding: “If you are difficult, we will electrocute you there [pointing to her genitals].” He then removed her blindfold and beat her until she collapsed. She reported hearing subsequent hearing problems as a result.¹⁹⁷

146. Another torture survivor held at General Intelligence Branch 251 (Damascus) in October 2013, recalled: “*I was stripped down to my underwear and [the interrogator] told me to lie on the ground on my stomach. [The interrogator] is tall and well built. Once I was on the ground, he stepped on to my back and began to whip my legs with a cable. He told me to raise my legs so he could continue whipping them. When I dropped my legs, he whipped my genitals. After the first five whips I began to feel no pain, I just cried, and blood began to flow from my legs. I counted 75 whips.*” He was then taken outside. “*I was still in my underwear, and it was very cold.*” He was then beaten with a plastic baton, before agents attached electric cables to his shoulders, legs and genitals and started a low voltage current. Water was thrown on him while the machine was on, and he lost consciousness.¹⁹⁸

147. A medical doctor from a hospital in opposition-held territory, who was detained together with other medical professionals in the same Branch in autumn 2011, described how he was repeatedly beaten with cables during interrogation, and one occasion, electrocuted. He was able to see slightly below his blindfold as wires were held against his testicles and a current was applied to the wires.

148. Detainees were subjected to electrocution in the following locations: General Intelligence Branch 285 (Damascus), General Intelligence Branch 251 (Damascus), General Intelligence Directorate Aleppo Branch, Military Intelligence Branch 235 (Palestine – Damascus), Military Intelligence Branch 215 (Raids), Military Intelligence Branch 227 (Regional Branch Damascus), Military Intelligence Branch 293 (Damascus), Military Intelligence Mezzeh (Damascus), Military Intelligence Branch 265 (Dara’a), Military Intelligence Branch 219 (Hama), Military Intelligence Homs Branch, Military Intelligence Ladhqiyyah Branch, Military Intelligence Tartus Branch, Military Intelligence Deir Ezzor Branch, Air Force Intelligence Mezzeh (Damascus), Air Force Intelligence Harasta (Rif Damascus), Air Force Intelligence Dara’a Branch, Air Force Intelligence Hama Branch, Air Force Intelligence Kweires Military Airport (Aleppo), Air Force Intelligence Homs Branch, Political Security Directorate Investigations Branch (Damascus), Political Security Directorate Aleppo Branch, Political Security Directorate Hama Branch, Political Security Directorate Idlib Branch, Political Security Directorate Tartus Branch, Criminal Security Investigation Branch (Damascus), and Aleppo Central Prison. The Commission also documented this practice at unofficial and makeshift places of detention as well as locations where the survivor could not accurately describe the place of detention. Thus, this list should not be considered exhaustive.

Al-Shabeh

149. The practice known as *shabeh* or “suspension” in the Syrian context refers to hanging a person by one or two limbs for a prolonged duration. Most survivors described it as having their hands bound behind their backs and then being suspended from the ceiling so that their arms were drawn backward and upward.¹⁹⁹ In some cases, detainees indicated that only their toes touched the ground²⁰⁰ and in others that they were completely suspended.²⁰¹ Survivors described being left in the position for hours with severe pain resulting from the position alone, with restraints, often handcuffs, piercing the skin from the prolonged hanging. It was typically combined with other methods during interrogation or punishment, most commonly severe beating, during some or all of the time they were suspended.

¹⁹⁷ COI VI/[REDACTED].

¹⁹⁸ COI VII/[REDACTED].

¹⁹⁹ COI VI/[REDACTED], COI IV/[REDACTED], COI IV/[REDACTED], COI V/[REDACTED], COI III/[REDACTED], COI XIV/[REDACTED], COI XIV/[REDACTED].

²⁰⁰ COI VII/[REDACTED].

²⁰¹ COI V/[REDACTED], COI IV/[REDACTED].

150. One former detainee provided the following description of being subject to *shabeh* while blindfolded, at Military Intelligence Branch 291 in 2011. He recounted that being able to see some parts of the room during a subsequent interrogation when his blindfold fell off:

“A bar ran along the middle of the hall’s ceiling. A chair was placed under the bar. I stepped up on to the chair and was then hung by the handcuffs from the bar. The chair was removed. The guards departed from the room as I hung from the bar. I could hear other people moving around in the room. I heard noises from women and children and established they were all hanging in a similar manner. I spoke to them. A lady told me that she was a doctor. Children were crying. After about 30 minutes the same guards returned and began to interrogate me while I hung from the bar.... Another guard came and brought with him an electrified stick. The guard used the electric stick on my chest area three times, demanding I confess.... [before losing] consciousness. When I regained consciousness I was confronted with a paper containing records of [redacted]. I did not disclose anything further. The guards left the room again, with me still hanging.

I remained hanging for a period of up to four hours. I began to hear fewer and fewer voices, as other detainees were taken from the room. Finally, a guard appeared and released me from the hanging position. I fell to the ground. My feet were very swollen and I was unable to stand. I made my way back to the cell on my knees. On returning to the cell, the blindfold was removed and the handcuffs changed back to plastic, in the front position.”²⁰²

151. Another former detainee described similar treatment in Military Intelligence Branch 215 in 2019 when he recounted denying allegations during interrogation:

“The interrogator said ‘No, you are a terrorist and you support armed gangs against the State.’ Then I was hung by my arms with my feet barely touching the ground, and they beat me with their hands and feet and sticks. When I lost consciousness, they would pour some cold water on me to keep me awake, then the beating started again.”²⁰³

152. Detainees were subjected to the *shabeh* method at the following Government detention facilities: General Intelligence Branch 285 (Investigations - Damascus), General Intelligence, Idlib Branch, Military Intelligence Directorate (Mezzeh – Damascus), Military Intelligence Branch 235 (Palestine - Damascus), Military Intelligence Branch 227 (Damascus), Military Intelligence Branch 265 (Dara’a), Military Intelligence Branch 219 (Hama), Military Intelligence Homs Branch, Military Intelligence, Ladhqiyyah Branch, Military Intelligence, Tartus Branch, Military Intelligence Deir Ezzor Branch, Air Force Intelligence, Mezzeh Branch (Damascus), Air Force Intelligence Harasta Branch (Rif Damascus), Air Force Intelligence, Dara’a Branch, Air Force Intelligence, Kweires Military Airport (Aleppo), Air Force Intelligence Hama Branch, Air Force Intelligence, Homs Branch, Political Security Directorate, Aleppo Branch, Political Security Directorate, Deir Ezzor Branch, First Military Prison (Sednaya – Rif Damascus), and Criminal Security Branch (Damascus). In addition, the Commission also documented the use of the *shabeh* method at unofficial and makeshift places of detention and, since many detainees could not accurately identify their place of detention, this list cannot be considered exhaustive.

Dulab²⁰⁴

153. The practice known as *dulab* or the “tyre” or “car wheel” method is when an individual was forced to place their head neck and legs through a tire with their torso folded

²⁰² COI V/[REDACTED].

²⁰³ COI XIV/[REDACTED].

²⁰⁴ COI XIV/[REDACTED], COI I&II/[REDACTED], COI I&II/[REDACTED], COI V/[REDACTED], COI VI/[REDACTED], COI V/[REDACTED], COI XIV/[REDACTED], COI XIV/[REDACTED], COI VII/[REDACTED], COI III/[REDACTED], COI IV/[REDACTED], COI V/[REDACTED], COI VI/[REDACTED], COI XIII/[REDACTED], COI XIII/[REDACTED], COI VI/[REDACTED], COI XIV/[REDACTED], COI XIII/[REDACTED], COI

and protruding from the opposite side. Survivors described being held in *dulab* position for hours at a time, accompanied by severe beating and other forms of physical and psychological violence. Survivors and medical practitioners described severe back injury resulting from the position alone.²⁰⁵

154. A former member of the Military Police stationed at Tadmur Military Prison in 2011 prior to its capture by Da'esh listed *dulab* among the methods he witnessed and partook in:

*"I saw different forms of torture: they would use wheels and force detainees in them (where the head and the feet would come out from the same side) and then hit them hard on their feet with batons. I was asked to hit some detainees on the foot so I did it because I didn't have a choice. I tried to hit them slowly and gently."*²⁰⁶

155. A person who was detained at the Political Security Branch in Ladhqiyyah in 2016 recounted his experience of the *dulab* as follows:

"The next morning ... I was taken to the interrogation room, yet it wasn't an interrogation room as such, but rather a torture room... I was subjected to the dulab method. I was inside a car tire, legs bent, and then beaten severely. My arms were also inside the tire so that I couldn't even defend myself from the beatings. I was blindfolded all the time. After around one hour, I was taken back to my cell without any questioning."

156. Detainees were subjected to the *dulab* method at the following Government detention facilities: General Intelligence Directorate, Aleppo Branch, Military Intelligence Branch 235 (Palestine – Damascus), Military Intelligence Branch 293 (Damascus), Military Intelligence Mezzeh Branch (Damascus), Military Intelligence Branch 265 (Dara'a), Military Intelligence Izra Station (Dara'a), Military Intelligence Branch 219 (Hama), Military Intelligence Ladhqiyyah Branch, Military Intelligence, Homs Branch, Military Intelligence, Tartus Branch, Air Force Intelligence Mezzeh Military Airport (Damascus), Air Force Intelligence, Aleppo Branch, Air Force Intelligence Kweires Military Airport (Aleppo), Air Force Intelligence, Hama Branch, Air Force Intelligence, Homs Branch, Political Security Directorate, Aleppo Branch, Political Security Ladhqiyyah Branch, Political Security Directorate Hassekah Branch, First Military Prison (Sednaya – Rif Damascus), Third Military Prison (Balouni – Homs), Criminal Security Directorate, Investigations Branch (Damascus), and Adra Central Prison (Rif Damascus). In addition, the Commission also documented the use of the *dulab* method at unofficial and makeshift places of detention and, since many detainees could not accurately identify their place of detention, this list cannot be considered exhaustive.

The "German Chair"²⁰⁷

157. Survivors and witnesses described numerous methods of inflicting pain through the use of chairs, though one method, the "German Chair", was particularly associated with excruciating pain according to those on whom it was practised. This method involved placing a person on their stomach with their hands and feet bound. Then, a chair would be placed with the legs of the chair under the person's arms from behind, so that the front of the chair was facing down, with the top of the chair pointed toward the person's legs. In this manner, when a person pushed the chairback down, it would lift the person's head and chest off the ground and place extreme pressure on their back.

158. As one former detainee interrogated at Military Intelligence Branch 215 (Damascus) in 2017 described it:

XIV/[REDACTED], COI VIII/[REDACTED], COI XIII/[REDACTED], COI XIII/[REDACTED], COI XIV/[REDACTED], COI VII/[REDACTED], COI IV/[REDACTED], COI XII/[REDACTED], COI XIV/[REDACTED], COI I&II/[REDACTED], COI XIII/[REDACTED].

²⁰⁵ COI VII/[REDACTED].

²⁰⁶ COI I&II/[REDACTED].

²⁰⁷ COI XIV/[REDACTED], COI VIII/[REDACTED], COI V/[REDACTED], COI VIII/[REDACTED], COI IX/[REDACTED].

*“I was asked to lay on the floor on my stomach, my arms handcuffed behind my back. Then they positioned a chair on me, with the front legs of the chair under the armpits. The guard then pulled the chair back, forcing me to bend backwards toward my legs. The position is extremely painful because it damages the spine and almost breaks it. I still suffer back pain because of it.”*²⁰⁸

159. A woman detained at the Military Intelligence Sa’sa Branch in 2013 described a similar method during her interrogation:

*“At first I was forced to stand all day long next to the wall and afterwards the interrogators used the so-called “German chair”. I was told to lie down on my belly with my arms tied with iron hand-cuffs behind my back. The chair was without a seat or back-rest, and it was then adjusted on top of my body to inflict pain, mainly in the area of shoulders.”*²⁰⁹

160. This method was also often accompanied by beating, burning, electrocution and other acts. In addition, other practices involving the use of chairs to deliberately inflict pain have been documented, such as forcing individuals to sit on a chair with the seat removed so that their head, feet and hands protrude, similar to the manner used in the *dulab* method described above.

161. The “German Chair” method was documented at the following locations: Military Intelligence Branch 235 (Palestine – Damascus), Military Intelligence Branch 215 (Raids – Damascus), Military Intelligence Branch 227 (Regional Branch – Damascus), Military Intelligence Branch 265 (Dara’a), Military Intelligence Branch 219 (Hama), Military Intelligence Ladhikiyah Branch, and Military Intelligence Sa’sa Branch. As with other methods, as certain detainees could not identify the location of their detention where this method was used, this list cannot be considered exhaustive.

Bisat al-Rih (flying carpet)²¹⁰

162. The *Bisat al-Rih* or “flying carpet” involved placing a detainee on two boards connected with a hinge in the middle that allows the boards to fold. Survivors of this method described being affixed flat on their stomach, their back,²¹¹ or on one side.²¹² The arms and legs were restrained with straps and a mechanical device described as a winch that lifted one or both side, either stretching the back or folding the individual. Some described being hung from the ceiling while attached to the device. This method was typically accompanied by beating during interrogation and throwing cold water on the individual²¹³ but also electrocution.

163. One woman interrogated in the Political Security Directorate, Aleppo Branch in 2011 described the part of her ordeal involving the *bisat al-rih* as follows:

*“My arms were bound to the bottom and my legs were raised in the air at right angles. I was tied up at the ankles so that I was incapable of moving. I was then repeatedly beaten and whipped with a hose-like pipe. The interrogator suggested that I tell him everything and spare myself the torture. He also said that I was making him give me a hard time. I said I had nothing to tell them and that I had simply been carrying humanitarian supplies to the FSA [“Free Syrian Army”]. I was beaten until I lost consciousness.”*²¹⁴

²⁰⁸ COI VIII/[REDACTED].

²⁰⁹ COI V/[REDACTED].

²¹⁰ COI III/[REDACTED], COI VII/[REDACTED], COI IV/[REDACTED], COI III/[REDACTED], COI VI/[REDACTED], COI XIV/[REDACTED], COI VII/[REDACTED], COI V/[REDACTED], COI XIV/[REDACTED], COI VI/[REDACTED], COI III/[REDACTED], COI VI/[REDACTED], COI I&II/[REDACTED], COI XIII/[REDACTED], COI XIII/[REDACTED], COI XIV/[REDACTED], COI XIV/[REDACTED]. Note COI XIII/[REDACTED], COI XIV/[REDACTED].

²¹¹ COI VI/[REDACTED].

²¹² COI I&II/[REDACTED].

²¹³ COI I&II/[REDACTED], COI IV/[REDACTED].

²¹⁴ COI VII/[REDACTED].

164. As one man detained in Ladhhiqiyah Military Prison in 2012 described his experience:

*"I was interrogated and tortured on a daily basis for 18 consecutive days in Ladhhiqiyah Military Prison... I was also tortured on "Bisat Al-Rih", or the Flying Carpet, where my body was tied on a foldable flat wooden board and my back was stretched causing awful pain."*²¹⁵

165. The practice of *bisat al-rih* was documented at the following facilities: General Intelligence Directorate Investigations Branch 285 (Damascus), Military Intelligence Branch 251 (Damascus), Military Intelligence Branch 227 (Regional Branch), and Military Intelligence Branch 235 (Palestine – Damascus), Military Intelligence Branch 215 (Damascus), Military Intelligence Idlib Branch, Air Force Intelligence Mezzeh Military Airport (Damascus), Air Force Intelligence, Kweires Military Airport (Aleppo), Air Force Intelligence Homs Branch, Political Security Investigations Branch (Damascus), Political Security Directorate, Aleppo Branch, Political Security Directorate Homs Branch, Political Security Directorate Hama Branch, Ladhhiqiyah Military Prison, Criminal Security Directorate, Investigations Branch (Damascus), and Criminal Security Directorate Al Waer (Homs). In addition, the Commission has also documented the use of the *bisat al-rih* method at unofficial and makeshift places of detention and, since many detainees could not accurately identify their place of detention, this list cannot be considered exhaustive.

Burning

166. Burning parts of the body, including through the use of lit cigarettes, cigarette lighters, hot plates, candles or hot wax, and boiling water,²¹⁶ was also a commonly reported method of inflicting severe pain, usually as part of interrogations and combined with other methods. Victims would be burned on different parts of the body, including sensitive areas such as the genitals, eyes, face, and armpits, or forced to sit or place their body parts on items to inflict burns.²¹⁷

"I didn't see the interrogators. There were five or six of them. They hit me with plastic pipes, gave me electric shocks, burned me with cigarettes and melted plastic onto my body. They put me on the floor and urinated on me. As they did this, they insulted my God and my female relatives. They only left me alone once I was unconscious." A detainee held at Air Force Intelligence, Mezzeh, 2011-2012.²¹⁸

167. Another detainee described how an interrogator grabbed him by the hair to burn his face against a hot plate and a water boiler (kettle) during interrogation in Military Intelligence Branch 235 (Palestine) in 2013.²¹⁹ Yet another person detained in a Military Intelligence Branch in Damascus in 2014, explained how an officer took out a cigarette he had been smoking, and pushed it once into his face, close to his left eye, leaving a permanent scar.²²⁰ Another described witnessing fellow detainees return to his cell from interrogation with fresh burns in the Military Intelligence Branch 235 (Palestine) in 2018.²²¹

168. The Commission documented the use of burning at Military Intelligence Branch 235 (Palestine), Military Intelligence Mezzeh Branch, Military Intelligence, Branch 219 (Hama), Military Intelligence Branch 261 (Homs), Military Intelligence, Ladhhiqiyah Branch, Military Intelligence, Tartus Branch, Air Force Intelligence, Harasta Branch, Air Force Intelligence, Mezzeh Branch, Homs "Balouni" Military Prison (Third Military Prison), Aleppo Central Prison, and Mezzeh Military Hospital (601). The Commission also documented this practice at unofficial and makeshift places of detention as well as locations where the survivor could not accurately describe the place of detention, thus this list should not be considered exhaustive.

²¹⁵ COI III/[REDACTED].

²¹⁶ COI VI/[REDACTED], COI III/[REDACTED].

²¹⁷ COI VI/[REDACTED].

²¹⁸ COI III/[REDACTED].

²¹⁹ COI IX/[REDACTED].

²²⁰ COI V/[REDACTED].

²²¹ COI IX/[REDACTED].

Pulling out nails and damaging teeth

169. Another method utilized was the removal of nails, typically involving restraining the victim and using a pair of pliers to remove nails, from either the feet or the hands, during questioning.²²² One woman detained in Military Intelligence Branch 235 (Palestine) in 2012 recounted the following experience:

“I was interrogated almost every day. I was subjected to different methods of torture, including beating with hands, with the electric square cable, and by pulling off my nails. I had a nail that was injured before I was detained, and when the officer saw it, he said, ‘what about making all your nails look the same as this one?’ He ordered one guard to bring him a chair and he tied my hands and legs. Then he was given a pair of pliers and began asking ‘Do you know this person or this person?’ Whenever I was giving a negative answer, he was pulling off one nail. Over a period of three days, he pulled off all my nails. I bled a lot and was never given medical assistance.”²²³

170. The practice of forcibly removing nails by Government forces has been documented in General Intelligence Directorate Branch 295, General Intelligence Directorate Branch 215, Military Intelligence Branch 235 (Palestine), and Air Force Intelligence, Hama Branch.

171. It should be noted that the Commission has a significant number of other documented cases concerning detainees reporting losing nails because of beating on the hands or other trauma from across most Governorates.

172. In numerous cases, detainees also suffered broken teeth from severe beating, as detailed in other sections. In addition, the Commission also documented a small number of cases in which teeth were deliberately pulled out as torture during interrogation.²²⁴

Salb

173. Former detainees also referred to the practice of *salb* or “crucifixion” being employed. This typically entailed tying a person’s wrists so their arms were outstretched while standing or when placed on a cross or a table with their legs also tied, and at times also stretched. This was also accompanied by beating, electrocution, burning, or other methods during interrogation or punishment.²²⁵ At times, placing someone in the *salb* position was done on its own and at other times may have been incorporated in the *bisat al-Rih* or “flying carpet” method described above by affixing a detainee to a folding table in this position.

174. As one detainee held in Political Security Directorate Idlib Branch in 2011 described it, after he had been beaten severely and insulted:

“I was tied to the wall with my arms extended in the shape of a cross. I was electrocuted and lost consciousness. I only woke up when they threw water at me. At this stage I was only wearing underwear. They applied electrical shocks to my testicles with a baton. I begged them to leave me alone.”²²⁶

175. Another former detainee described his experience with *salb* after enduring a period of solitary confinement and beating in Military Intelligence Directorate, Deir Ezzor Branch in 2015 during questioning regarding allegations of supporting opposition groups as follows:

²²² COI IX/[REDACTED], COI XIV/[REDACTED], COI XIV/[REDACTED], COI IV/[REDACTED], COI IV/[REDACTED], COI VIII/[REDACTED], COI VII/[REDACTED], COI III/[REDACTED], COI IV/[REDACTED].

²²³ COI V/[REDACTED].

²²⁴ COI V/[REDACTED].

²²⁵ COI XI/[REDACTED], COI VI/[REDACTED], COI I&II/[REDACTED], COI III/[REDACTED], COI XIV/[REDACTED].

²²⁶ COI I&II/[REDACTED]

*“During the first seven days, I was interrogated and tortured daily. I was crucified six times, for three to four hours each time. They tied up each hand and foot with cord. The pain in my hands and feet remained even after release.”*²²⁷

176. The Commission documented this practice at the following facilities: Military Intelligence Branch 235 (Palestine), Military Intelligence Directorate, Deir Ezzor Branch (Ghazi Ayyash), Military Intelligence, Homs Branch and Political Security Directorate, Idlib Branch. As with other methods, this list is not exhaustive as detainees could not always describe accurately their place of detention.

Rape²²⁸

*“[redacted], take [redacted] to the toilet and fuck him. If you don’t fuck him I will fuck your mother.”*²²⁹ Guard ordering the chief detainee (*sukhra*) to rape a 17-18 year old detainee, as recounted by a fellow detainee. First Military Prison (Sednaya), 2013.

177. Rape²³⁰ was carried out against women, men, girls and boys in Government detention facilities, as part of interrogation or punishment and in the context of the inherently coercive environment and is elaborated further in Section V, below.²³¹ Men and boys were raped in greater numbers compared to women and girls, reflecting the fact that a majority of detainees were men. Survivors and witnesses described penile rape and rape involving the use of objects,²³² being forced to rape other detainees, including family members,²³³ while others watched,²³⁴ and being forced to witness rape.²³⁵ At times, women detainees were raped in the presence of their young children who were in detention with them.²³⁶ They also recounted gang rapes of both men²³⁷ and women.²³⁸ Rape with objects was most commonly reported as part of interrogation alongside other techniques while penile rape was perpetrated in a wide variety of locations, including cells, hallways, open areas, offices, and private quarters of detaining authorities as well as during interrogation. Often accompanying rapes were threats of detaining victims’ family members and bringing them to the detention facility to rape them.²³⁹ Such threats were routinely made during interrogations regardless of whether rape or other physical violence took place.²⁴⁰

178. Rape and sexual and gender-based violence in detention or other deprivation of liberty settings is dealt with in detail in Section V, below, and has been documented at the following Government detention facilities: General Intelligence Branch 251 (Damascus), General Intelligence Branch 285 (Investigations – Damascus), General Intelligence Hama Branch, Military Intelligence Branch 215 (Raids – Damascus), Military Intelligence Branch

²²⁷ COI VI/[REDACTED].

²²⁸ COI VIII/[REDACTED], COI VI/[REDACTED].

²²⁹ COI V/[REDACTED].

²³⁰ In this context, the Commission applies the definition of rape set out in the International Criminal Court Elements of Crimes, Articles 7(1)(g)(1)-(2) and 8(2) (b) (1)-(2), where, with intent or knowledge, “(i) the perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body; [and] (ii) the invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent.” See also, A/HRC/37/CRP.3, para 105.

²³¹ COI VI/[REDACTED].

²³² COI VII/[REDACTED], COI XI/[REDACTED].

²³³ COI I&II/[REDACTED].

²³⁴ COI V/[REDACTED], COI XI/[REDACTED], COI I&II/[REDACTED].

²³⁵ COI X/[REDACTED], COI VIII/[REDACTED], COI VII/[REDACTED].

²³⁶ COI VI/[REDACTED].

²³⁷ COI VI/[REDACTED].

²³⁸ COI I&II/[REDACTED], COI VII/[REDACTED], COI I&II/[REDACTED], COI VII/[REDACTED], COI I&II/[REDACTED].

²³⁹ COI VI/[REDACTED].

²⁴⁰ COI VII/[REDACTED], COI VII/[REDACTED], COI IV/[REDACTED], COI VIII/[REDACTED].

235 (Palestine – Damascus), Military Intelligence Branch 211 (Communications – Damascus), Military Intelligence Branch 248 (Investigations – Damascus), Military Intelligence Branch 291 (Raids – Damascus), Military Intelligence, Dara’a Branch, Military Intelligence Deir Ezzor Branch, Military Intelligence Hama Branch, Military Intelligence Homs Branch, Military Intelligence Sa’sa Branch, Air Force Intelligence Mezzeh Military Airport, Air Force Intelligence Bab Touma, Air Force Intelligence, Harasta (Rif Damascus), Air Force Intelligence Aleppo Branch, Air Force Intelligence Dar’a Branch, Air Force Intelligence Hama Branch, Air Force Intelligence Homs Branch, Political Security Directorate Idlib Branch, Political Security Directorate Tartous Branch, Political Security Directorate Ladhikiyah Branch, First Military Prison (Sednaya – Rif Damascus), Criminal Security Az’az Branch (Aleppo) and Mezzeh Military Hospital (Damascus). This is in addition to rape documented at unofficial places of detention, during raids, and at checkpoints as well as situations where the survivor or witness was not able to identify the location and therefore this list of locations should not be considered exhaustive.

Other SGBV, including mutilation²⁴¹

179. As noted in other sections, and detailed further in Section V below, detainees were beaten, electrocuted and burned on their genitals or breasts, prevented from urinating by the physical tying or sealing of one’s penis, and subjected to invasive searches of a person’s private areas.²⁴² Threat of rape of a detainee or the rape of family members were also widely documented for women²⁴³ and men, and to a lesser extent girls and boys.²⁴⁴ Detainees described the use of objects to press against but not penetrate detainee’s anal or genital opening.²⁴⁵ As one detainee described part of his interrogation in General Intelligence Branch 251 in 2011:

“The officer said: ‘Who are you to criticize us, you are dogs, we are your masters.’ Every day I had sessions of interrogations from 1-3 hours. Before and after I was always beaten. Sometimes he would bring me in naked to the interrogator in his office, the interrogator held a stick, and he would touch my genitalia with the stick, and then he touched my anus with the stick, in order to humiliate me. Then he asked me if I had children? I said no. He said ‘so what if I castrate you?’”²⁴⁶

180. As one woman detained in Military Intelligence Branch 235 (Palestine) in 2018-2019 described her arrival to the branch:

“I was placed in a security check room and told to remove all my clothes. There were two men. One of them was called [X] and the other was [Y]. [X] was in his 40s. he had black hair and blue shirt. His eye were brown. [Y] was in his 20s or early 30s. He was tall and had green eyes. They had an accent was from the coast. If I saw them, I would be able to recognize them both. In this room, I was touched sexually. It lasted for 30 minutes.”²⁴⁷

181. In certain cases, minor children of detainees were present during the rape of their mothers.²⁴⁸ Cases were documented of male guards masturbating in front of female detainees or forcing them to masturbate guards²⁴⁹ and in some cases ejaculating on the women²⁵⁰ and ejaculating and urinating on male detainees.²⁵¹ Men, women, boys and girls were often forced to be naked during interrogations, and in some cases women were ordered

²⁴¹ COI VII/[REDACTED].

²⁴² COI VII/[REDACTED], COI VI/[REDACTED].

²⁴³ COI V/[REDACTED], COI VII/[REDACTED].

²⁴⁴ COI VII/[REDACTED].

²⁴⁵ COI I&II/[REDACTED].

²⁴⁶ COI I&II/[REDACTED].

²⁴⁷ COI X/[REDACTED].

²⁴⁸ COI VI/[REDACTED].

²⁴⁹ COI IV/[REDACTED].

²⁵⁰ COI V/[REDACTED], COI V/[REDACTED], COI V/[REDACTED].

²⁵¹ COI VI/[REDACTED].

to dance²⁵² or to serve food or drinks to their captors while naked.²⁵³ Men and women, in particular those perceived to be from culturally conservative areas, were held naked with persons of the opposite sex during and outside of interrogation in rooms and in open courtyards.²⁵⁴ In other cases, women were groped over their clothes during interrogation or as punishment while in detention.²⁵⁵

182. One of the most disturbing manifestations of other physical harms of a sexual nature was the practice of mutilation, mostly of the genitals of men and boys. This took place as part of interrogation or punishment against living detainees, but in some cases it was not clear if the detainee had died prior to the mutilation. Persons who were both dead and dying who had their penises cut off were left out for other detainees to see in some locations.²⁵⁶ In other cases, detainees were threatened that they would have their penises cut off.²⁵⁷

183. Another method of gendered violence employed against men in detention was the practice of prevention of urination.²⁵⁸ In general, it involved offering an individual a large amount of liquid (water, juice, or in at least one case, beer), usually after having withheld food and water for some time. After the person drank a significant amount, captors would tie the individual's penis with rope or another cord or tape the urethra shut so that the person could not urinate. Their arms at least would also be tied, and in some cases the person's mouth would also be taped closed, leaving them to breathe through their nose. The person was then left for long periods. Survivors who reported severe beating, electrocution, burning, and other forms of pressure positions in many cases stated that this form of treatment was the most painful.

Prolonged standing or kneeling²⁵⁹

184. Prolonged standing was another stress position employed during and outside of interrogation, including during detainee transfer and against persons with preexisting injuries. During interrogation, it was typically employed with other methods including beating and electrocution. Former detainees also reported that it was used extensively against detainees while in their cells and was a feature of the over-crowding (see below) in detention facilities run by intelligence branches. Detainees describe being forced to stand on their feet or knees and beaten if they sat or attempted to sit. Periods described ranged from several hours to multiple days of forced standing.²⁶⁰ Detainees describe being stripped naked or having only their underwear and being forced to stand in detention facility yards in cold and rain as well as in their cells.

185. A woman described her suffering while detained in the Political Security Branch in Baniyas, Tartous, where she was held in 2013:

“Three days later, I was taken to the office of the interrogator where I was severely beaten and suspended from the ceiling to make me confess that I had helped a young man escape from the army. After that, I fainted and they threw water on me. I was then ordered by the interrogator to stand by the door with my arms held high and keep standing on one leg. I did this, then fainted again. When I woke up, the interrogator told me to stand again on one leg, but I told him I could not do it anymore. I was left lying down for about 30 minutes, then taken back to my cell.”²⁶¹

²⁵² COI VII/[REDACTED].

²⁵³ COI III/[REDACTED].

²⁵⁴ COI VIII/[REDACTED], COI IV/[REDACTED].

²⁵⁵ COI VII/[REDACTED], COI X/[REDACTED], COI IV/[REDACTED].

²⁵⁶ COI VII/[REDACTED].

²⁵⁷ COI VII/[REDACTED].

²⁵⁸ COI VI/[REDACTED], COI III/[REDACTED], COI III/[REDACTED], COI VIII/[REDACTED], COI VIII/[REDACTED], COI IV/[REDACTED], COI X/[REDACTED].

²⁵⁹ COI IX/[REDACTED], COI V/[REDACTED], COI VII/[REDACTED], COI VII/[REDACTED], COI VIII/[REDACTED], COI VI/[REDACTED], and COI I&II/[REDACTED].

²⁶⁰ COI I&II/[REDACTED].

²⁶¹ COI VII/[REDACTED].

186. Another woman who was detained in the Military Intelligence Branch 235 (Palestine) in 2017 described her experience as follows:

*“Some female guards were worse than others. They would order the detainees to do various things and stand up when they entered the cell. The detainees were not allowed to sleep unless given permission by the guards. If someone fell asleep they would all be punished and made to stand up until they were all allowed to sleep. One morning, a woman who was not allowed to sleep was shouted at by one of the female guards. She was taken to the toilet by a female guard and forced to stand up. She started crying. She had recently had surgery on her leg and was struggling to stand. She was shouted at and forced to carry on standing and was watched on camera as the cameras covered everywhere, including the toilets. After a couple of hours of this, the guard brought cold water and poured it over the woman where she stood.”*²⁶²

Denial of Medical Care and exacerbating existing wounds²⁶³

“Call us when they are dead”

Common refrain when detainees asked for medical treatment for severely ill or injured co-detainees.²⁶⁴

187. The use of pressure or beating on visible wounds or injuries, whether preexisting, sustained during arrest, or inflicted by captors and the deliberate denial of medical care was commonly reported by survivors and witnesses, including former medical personnel serving at military hospitals. During interrogation, it was commonly reported that a captor would beat or press on existing wounds, especially in the first moments of interrogation and sometimes at military hospitals.

188. The experience of one former detainee held in General Intelligence Branch 251 for a month in early 2014 is illustrative:

“We were all tortured the same way, mostly by tashbih [shabeh, see above]. They also used the wheel and cold water since it was winter. I suffered an additional means of torture. I was left in my underwear and told to lie on my stomach, with my neck tied to my legs with a metal chain and locked [behind his back, similar to bisat al rih, see above]....with the officer beating me on my legs. On my last day of detention in this branch, they broke my leg with a very thick wooden stick. They did not take me to the hospital or call the doctor. They left me without any assistance and just put a bandage on it. My leg swelled up...”

The next day he was transferred Military Intelligence Branch 215 in Damascus:

“I was interrogated three times at this branch. After the third interrogation I signed a pile of documents, but I could not see what I was signing because I was blindfolded. I was beaten during interrogation only when the officer did not like the answer. They beat me on my broken leg with the green pipe...when I asked for medicine, I was told, ‘go die, I cannot do anything for you’. I was asking for medicine every day because I started feeling not okay.”

189. Finally, after being held at Military Intelligence Branch 215 for nearly two weeks, he was transferred to General Intelligence Branch 279 where he received medical treatment by a doctor for his broken leg and a preexisting chronic condition, though he was also beaten severely during interrogation at this branch.²⁶⁵

190. Detainees, witnesses, deserters and defectors reported that detainees with severe injury or illness in detention centres would often be denied medical care, even when it appeared that an inmate would likely die without intervention. Many former detainees

²⁶² COI VIII/[REDACTED].

²⁶³ COI VIII/[REDACTED], COI IV/[REDACTED], COI XIII/[REDACTED], and COI V/[REDACTED].

²⁶⁴ COI V/[REDACTED].

²⁶⁵ COI VII/[REDACTED].

reported deaths as a result. Detainees were frequently either ignored or punished when requesting medical assistance. A former detainee held in the Military Intelligence Branch in Hama recounted witnessing the following through a small opening on his cell door:

“One day in the beginning of 2018 I heard a detainee close to my cell shouting and calling a guard while banging on the door. He was older, in his sixties. He asked for medical help as he did not feel well. It was 4 a.m. A guard came and started kicking the old man in the chest. Then he took the old man’s head in between his hands and smashed it several times on the metal frame of the old man’s cell. There was blood all over his head and body. The guard continued beating him until he collapsed on the floor where he left him. The beaten detainee never stood up again. He died that night, his corpse was later taken out by guards.”²⁶⁶

191. The fear of beating alone could result in detainees refraining from requesting medical assistance. As one former detainee held in Sednaya Military Prison in 2014 recalled:

“I suffered from scabies and my legs became infected because of all the beatings and I could not walk. I begged them (the guards) for antibiotics and I was given one tablet. Prisoners suffering from torture injuries, malnutrition, disease and illness left to die slowly and in agonizing pain. Any request to see a doctor was ignored by guards. Detainees were even afraid to ask for medical assistance if someone’s health conditions deteriorated because guards would beat them.”²⁶⁷

192. Survivors and witnesses reported widespread untreated infections among detainees and describe the putrid smell emanating from fellow detainees in certain detention centres such as those listed below.²⁶⁸ In many cases, detainees were sent for treatment to Military Hospitals and some reported the provision of adequate medical care before being returned to detention facilities.²⁶⁹ In other cases, survivors reported that individuals did not receive adequate treatment at such facilities and subsequently died.²⁷⁰ Many more recounted beatings and killings by hospital staff or Syrian military or intelligence personnel (see Section III. Government and Pro-Government Forces responsible for arrest and detention, above.)²⁷¹ and that operations were carried out without anaesthesia.²⁷²

193. During interrogation, sick or injured detainees were not exempt from torture. On the contrary, interrogators and guards frequently utilized their apparent weakness to cause more harm, which also lead to death.

194. Denial of medical care was documented at General Intelligence Directorate Branch 251 (Damascus), Military Intelligence Branch 235 (Palestine – Damascus), Military Intelligence Branch 215 (Raids – Damascus), Military Intelligence Mezzeh (Damascus), Military Intelligence Branch 227 (Regional Branch – Damascus), Military Intelligence Branch 219 (Hama), Military Intelligence Khan Sheikhoun Section (Idlib Branch), Military Intelligence Ladhqiyyah Branch, Military Intelligence Homs Branch, Air Force Intelligence Mezzeh Military Airport (Damascus), Political Security Directorate, Investigations Branch (Damascus), Military Police Headquarters (Qaboun – Damascus), Syrian Arab Army 38th Brigade, 4th Division Detention Facility (Izra, Dara’a), First Military Prison (Sednaya – Rif Damascus), Mayadin Military Hospital (Deir Ezzor), and Aleppo Central Prison.

195. The list above refers only to locations where witnesses provided specific accounts of denial of medical care. The Commission notes that every detainee who suffered severe injury during detention reported that medical assistance was either not provided or significantly delayed. There is not a single account of survivors of rape or other sexual

²⁶⁶ COI IX/[REDACTED]. Interview COI IX/[REDACTED].

²⁶⁷ COI V/[REDACTED].

²⁶⁸ COI I&II/[REDACTED].

²⁶⁹ COI V/[REDACTED].

²⁷⁰ COI IV/[REDACTED] and COI IV/[REDACTED].

²⁷¹ COI III/[REDACTED].

²⁷² COI V/[REDACTED].

violence in detention receiving medical care in their place of detention following their assaults.

196. The denial of medical care also extended to pregnant women and newborn children in detention. Former detainees at security and intelligence branches and Adra Central Prison described routine lack of care for pregnant women and newborns, in many cases resulting in late-term miscarriages or the death of newborns.²⁷³ A woman detained at Military Intelligence Branch 235 (Palestine) between 2018 and 2019 described how a fellow detainee who was pregnant was not provided any prenatal medical care during her detention. The pregnant woman was rushed to a clinic to deliver just before the birth and returned to her cell with the baby the same day.²⁷⁴

Conditions of detention

197. Overall conditions in Syrian Government places of detention differed significantly between facilities and even within different sections of the same facility. Former detainees reported relatively humane nutritional and sanitary conditions for the most part at Adra (Rif Damascus),²⁷⁵ Hama²⁷⁶ and Homs²⁷⁷ Central Prisons as well as the military discipline sections of military prisons. By comparison, detention survivors described the conditions in sections of military prisons for security detainees and the intelligence branches' detention facilities as seriously deficient to the point where the conditions themselves caused severe pain and suffering.

198. In most security branches and military prisons, former detainees described severe lack of potable water, meagre food rations, lack of sufficient clothing (or no clothing at all) in winter, and no ventilation in summer months, pervasive contagious skin disease, severely unsanitary conditions, lack of access to toilet facilities, inability to bathe, and ubiquitous overcrowding such that space was not adequate for detainees to sleep, and the practice of leaving corpses in communal cells for hours or days at a time.

199. Girls and boys accused of crimes were held in the same conditions as adults from the age of 12 or 13 years old, including in intelligence and security branches.²⁷⁸ In addition, children as young as six months old were often detained alongside their mothers, though in many cases they were reportedly removed and taken to non-detained relatives after weeks or months of detention. This is in addition to the cases where women gave birth in detention.²⁷⁹ Women formerly detained reported that requests for adequate clothing during winter months in particular would often be denied even for infants.²⁸⁰

200. Former detainees held in the First Military Prison (Sednaya)²⁸¹ and the Third Military Prison (Balouni – Homs) in particular described severe cold in winter and heat in summer, along with a lack of adequate clothing.²⁸²

²⁷³ COI V/[REDACTED], COI VII/[REDACTED], COI VIII/[REDACTED], COI V/[REDACTED], COI IV/[REDACTED], and COI XII/[REDACTED].

²⁷⁴ COI X/[REDACTED]. Some women reported being separated from their newborns who were reportedly taken to orphanages and reunited with their mothers later. See COI VIII/[REDACTED] regarding a woman who gave birth in an Air Force Intelligence detention facility in Damascus.

²⁷⁵ In Adra Central Prison, though torture and ill-treatment have also been documented there, former detainees noted that some were able to apply for employment within the prison to be able to buy food and goods from the Prison commissary and had access to the prison library. See COI XI/[REDACTED].

²⁷⁶ COI VII/[REDACTED].

²⁷⁷ COI V/[REDACTED].

²⁷⁸ Including most often in Military Intelligence Branch 235 (Palestine), General Intelligence Branch 251, and Air Force Intelligence Mezzeh, among other locations.

²⁷⁹ COI VI/[REDACTED], COI VI/[REDACTED].

²⁸⁰ COI VI/[REDACTED].

²⁸¹ COI XIV/[REDACTED].

²⁸² COI XIV/[REDACTED].

201. Though the former Syrian Government acknowledged the issue of overcrowding in places of detention in some public reporting, it denied most other conditions and practices documented by the Commission.²⁸³

Overcrowding

202. Former detainees held in security branches routinely reported severe overcrowding in places of detention. Ratios of between 2.5 and five detainees per square metre were commonly reported in locations including General Intelligence Branch 251,²⁸⁴ Military Intelligence Branch 227,²⁸⁵ Military Intelligence Branch 248, Military Intelligence Investigations Branch 293,²⁸⁶ Military Intelligence Branch 215,²⁸⁷ Military Intelligence Aleppo Branch,²⁸⁸ Military Intelligence Badia Branch 221 (Tadmor),²⁸⁹ Military Intelligence Palestine Branch 235,²⁹⁰ Air Force Intelligence Headquarters (Bab Touma),²⁹¹ Air Force Intelligence Mezzeh Branch, Air Force Intelligence Homs Branch,²⁹² Political Security Investigations Branch (Damascus),²⁹⁴ Qaboun Military Police Headquarters,²⁹⁵ the First Military Prison (Sednaya), Third Military Prison (Balouni – Homs), and many other locations.

203. Detainees were held for periods ranging from weeks to months in cells where detainees were physically unable to sit or lay down at the same time and were required to take turns to rest or sleep in the cells while still pressed against fellow detainees. Former detainees described stifling conditions due to limited or non-existent ventilation and the spread of lice and skin diseases as a result. Detainees who were held during the COVID-19 outbreak reported no measures to vaccinate detainees or otherwise prevent the spread of the virus in places of detention.

204. A former detainee held in Military Investigations Branch 293 recounted his two months in detention in 2012 as follows:

“I was transferred to a larger room of about 4x4 m where there were over 100 detainees, mostly officers. The room was so crowded that nobody could ever lie down or even sit without touching the others. In some periods, we had to take turns to be able to sit down while the others are standing up. Due to the total lack of toilets and cleaning supplies, all detainees suffered from different kind of skin infections and respiratory diseases. Because of the lack of water food, and fresh air, the health conditions of most detainees were quite bad. During the months I spent in the

²⁸³ See for example, Replies of the Syrian Arab Republic to the list of issues in relation to its fourth periodic report, CCPR/C/SYR/RQ/4 (2024), para 44: “All procedures related to the holding of detained persons in prison are governed by the prison regulations under which no person may be admitted without a judicial warrant or being recorded in the prison register. Detained persons have the right to communicate with their relatives and to engage the services of a defence lawyer, in addition to other rights envisaged in Syrian law. The regulations and laws that regulate prisons include rules for the welfare of all inmates who, indeed, are guaranteed the right to health, to food, to communicate with their families and to follow the course of their legal proceedings, as well as the right to education and to pursue academic qualifications all the way up to university level. The Syrian Virtual University has recently opened a website to facilitate online university education inside prisons.”

²⁸⁴ COI V/[REDACTED].

²⁸⁵ COI VI/[REDACTED].

²⁸⁶ COI IV/[REDACTED], COI XIV/[REDACTED].

²⁸⁷ COI X/[REDACTED].

²⁸⁸ COI XII/[REDACTED].

²⁸⁹ COI XIII/[REDACTED].

²⁹⁰ COI VI/[REDACTED], COI XI/[REDACTED], COI V/[REDACTED], COI VI/[REDACTED], COI V/[REDACTED].

²⁹¹ COI I&II/[REDACTED].

²⁹² COI XIII/[REDACTED].

²⁹³ COI V/[REDACTED].

²⁹⁴ COI VI/[REDACTED].

²⁹⁵ COI IV/[REDACTED], COI XIV/[REDACTED].

collective cell, four detainees died including three inside the cell after they apparently suffocated because of lack of air."²⁹⁶

205. Another former detainee, who was also beaten with metal pipes during interrogation, described how he spent a year and nine months in overcrowded conditions in Military Security Branch 215 in 2013-2014:

*"There were around 85 detainees in the same cell. Not everyone could sit. Some would sit, others would stand. Each person had [the space of] one floor tile. For one year I was crouching even while eating or sleeping. We were allowed to go to the toilet only one time a day, at 9 in the morning. When some detainees were going to the toilet, others were taking advantage of that to lay down for a short period before they came back... Like other detainees, I suffered from lice and scabies all over my body... Some detainees were leaving the cell to be medically treated, but the treatment was meaningless. Their state did not improve."*²⁹⁷

206. Members of the Syrian security and armed forces suspected of preparing to defect or harbouring sympathy for the opposition reported in some cases that they were placed in relatively comfortable cells within the same complex that civilian detainees reported severe overcrowding, such as Air Force Intelligence Mezzeh Branch.²⁹⁸ However, another detainee at the same branch recounted the following conditions:

*"I was placed in a cell that was 1.5 by 2 metres and there were at minimum another 15 people. We had to take turns to sleep while others were standing because there was not enough space. We were allowed to go to the toilet twice a day. The guards took away our clothes and we stayed there in those conditions completely naked. The food was horrible, the beating continuous, there was dirt everywhere...many people became ill."*²⁹⁹

Unsanitary Conditions

207. In some places of detention, detainees had access to toilet facilities within their collective cells, which would also serve as their water point for drinking water (see below). In Palestine Branch 235 for example, detainees described there being a collective cell with approximately 100 detainees, with one sink and one toilet.³⁰⁰ Other cells had no toilets, and detainees held there would be allowed to go to toilet facilities between one and three times per day, depending on the facility. In other locations, detainees reported being given plastic water bottles in which to urinate and saving the plastic bags or using bowls that bread or other food was placed in to use for defecating.³⁰¹

208. In nearly every place of detention, former detainees reported filthy conditions, and rampant lice and skin disease.³⁰² Rats and other pests were reported in many locations, as were mange and other diseases linked to unsanitary conditions and overcrowding. In security and intelligence detention, if detainees were permitted to bathe, it was typically once a week at most, sometimes they were provided with a small piece of soap.³⁰³ Most former detainees reported that they were only able to wash using a small sink in the toilet facilities when they were allowed access, unless one was located in their cell.

209. Former detainees in intelligence detention reported being left in their underwear or naked during confinement without blankets or heating during winter, and the lack of circulation of air during summer months. For detainees afforded the possibility of retaining their clothes or who were provided with uniforms, they were generally unable to wash them

²⁹⁶ COI V/[REDACTED].

²⁹⁷ COI VI/[REDACTED].

²⁹⁸ COI VI/[REDACTED].

²⁹⁹ COI VIII/[REDACTED].

³⁰⁰ COI XIV/[REDACTED].

³⁰¹ COI IV/[REDACTED].

³⁰² COI VI/[REDACTED].

³⁰³ COI VIII/[REDACTED]. COI XIII/[REDACTED].

and reported that clothes would be quickly covered in blood due to scratching insect bites or squashed insects that had been feeding on them.

210. Women routinely described a lack of female sanitation supplies as well as being subject to insults and derogatory comments when asking for such supplies.³⁰⁴ Former detainees reported tearing pieces of what clothing they had to use as sanitary supplies during their period and following rape and sexual violence (see above and below).

Lack of Adequate Food and Water

211. Nearly every former detainee interviewed by the Commission described a lack of adequate food or water. In the words of one former detainee held in Military Intelligence Branch 227 in 2012:

*“We were not given any food in the beginning but later on provided with only one small portion of bread with 2 to 3 olives or one boiled potato or egg to be divided among three persons. Water was provided in a bottle every few hours. We were allowed to go to the toilet only 2 to 3 times in 24 hours and this was decided by the guards as to who will go to the toilet and when and not by the prisoners. Therefore, if someone needed to urinate in between, he would do it inside the cell. For defecation, it was not much of a problem as there was not much to eat so there would be nothing to come out.”*³⁰⁵

212. Where detainees had access to a water source in their cells in intelligence branches, they reported that it was typically a faucet in the toilet area that provided unclean water that had various odours.³⁰⁶ Some locations were associated with frequent water cuts.³⁰⁷ Detainees would be provided with a plastic water bottle to fill from the tap or drink directly from the tap. Many detainees reported diarrhoea and other gastrointestinal difficulties they associated with drinking non-potable water. In other locations, detainees had to drink when they were allowed to go to the bathrooms outside the cell, once or twice per day for a short period.³⁰⁸

213. The food provided in military and intelligence detention was also extremely limited and of very poor quality according to nearly every former detainee interviewed by the Commission. Survivors, family members, defectors and medical personnel reported severe weight loss among detainees due to the lack of adequate food. Some former staff reported that food would be ordered for half the number of detainees actually held at intelligence facilities intentionally because detainees were “terrorists.”³⁰⁹ Both former detainees and defectors accused detention staff of stealing food meant for detainees.³¹⁰ Most former detainees reported that food was provided once or twice per day though in some cases three meals per day were provided.³¹¹ Meals usually consisted of a piece of bread or a potato, one boiled egg for two to four people, or a handful of olives or a small amount of soup.³¹² In some cases detainees were given a small amount of rice, milk or bulghur. Former detainees reported that bread was often stale or rotten.

214. One former detainee tasked with serving food to other detainees at Military Intelligence Branch 235 (Palestine – Damascus) recalled the following:

“At times they would give bulghur or soup. The quantity was barely enough for seven people and it was used for around 60 inmates. The food’s quantity varied, at

³⁰⁴ COI XIII/[REDACTED].

³⁰⁵ COI X/[REDACTED].

³⁰⁶ COI XIV/[REDACTED].

³⁰⁷ COI V/[REDACTED].

³⁰⁸ COI XII/[REDACTED].

³⁰⁹ COI VI/[REDACTED].

³¹⁰ COI VI/[REDACTED].

³¹¹ COI IV/[REDACTED].

³¹² COI V/[REDACTED], COI XIV/[REDACTED].

*times it was more, other times less, sometimes there was no food at all. The only day the food was always there was on Fridays.”*³¹³

215. In some places of detention, in particular the First Military Prison (Sednaya), detainees reported that the provision of food was also accompanied by beating and “games” being played with detainees such as placing food in a cell but forbidding detainees from eating it for periods of time.³¹⁴ Other former detainees reported that food was thrown on the ground or on the detainees at mealtimes.³¹⁵

216. Children detained alongside their mothers suffered from the same lack of adequate food. As one woman detained at Military Intelligence Branch 235 (Palestine) in 2014 described the situation of children between six months and eight years old that she saw detained there:

*“The situation of children was miserable. They were always crying and ill. No baby formula or food, no clothes to change, no hot water and it was winter. Six and eight month old babies accompanied their mothers. Mothers were obliged to feed their children the groat [hulled kernels of grain] for example. When there was a kind jailer they were given tea. I was wondering how those children survived.”*³¹⁶

Other severe dehumanizing treatment and psychological torture

217. In addition to the recurrent practices described above, former detainees reported a range of other severe, dehumanizing treatment in the former Government’s custody. Such practices included forcing detainees to impersonate animals³¹⁷ or lick up dirt or filth,³¹⁸ forced nudity, insults, and the wide range of threats and intimidation employed as described above. Other practices, such as leaving severely ill or injured detainees in detention cells without treatment (see above), and after their deaths, leaving their corpses in the cell, alongside surviving detainees, for days at a time were commonly reported in intelligence branches.

218. In some cases, ailing family members were left to die with detained relatives. As one former detainee recounted of his experience in Military Intelligence Branch 215 in 2013:

“[Later] after three days my father was brought to the branch. We were both interrogated in different rooms, but I could hear my father’s voice when they were torturing him. He had nothing to confess. I heard the officer tell the interrogator to bring me in, and they brought me to the same room with my father. They beat me then the officer put a gun to my head and told my father they will kill me if he did not confess. So my father confessed... After three or four days, my father was taken again for interrogation. They brought him back a few hours later, unconscious, with injuries on both legs. The wounds were inflamed and he became seriously ill. I asked for antibiotics. They gave us one pill.

As another detainee had recently died, his space was free so it was possible for us to both sit and I was able to put my father’s head on my legs to give him comfort for that night... My father cried all the next day, and in the evening he passed out. I asked the night shift guard to help my father, but the guard beat me. Other detainees in the cell advised not to request the guards to transfer my father to the hospital as the guards will kill him immediately. They told me that they saw that happen before.

³¹³ COI XI/[REDACTED].

³¹⁴ COI V/[REDACTED], COI XIV/[REDACTED].

³¹⁵ COI V/[REDACTED], COI XIV/[REDACTED].

³¹⁶ COI VI/[REDACTED].

³¹⁷ COI III/[REDACTED], COI VII/[REDACTED].

³¹⁸ COI III/[REDACTED].

*I stayed with my father that night knowing that he was dying. The next morning...me and four other detainees took my father [the body of his father] to the salon near the bathrooms.”*³¹⁹

The interviewee was told during his next interrogation to confess “or you follow your father.”

219. Yet another method documented was the use of mock executions.³²⁰ The Commission has documented the use of a firing squad without bullets³²¹ and placing of a noose around the head of a detainee during questioning.³²² Another common feature was the appointment of certain detainees to act as “Sukhra” (servant) or “shawish” (sergeant) who acted as the liaison with prison guards in certain detention centres. In some locations, their functions were benign, while in others they were forced to impose discipline and engage in abuse of fellow detainees.³²³ In Air Force Intelligence (Mezzeh), boys between 13 and 15 years of age were forced to cook, clean, and move corpses in the role of “Sukhra” according to witnesses and former child detainees.³²⁴ In some locations, detainees were subject to mock drownings.³²⁵

220. Solitary confinement³²⁶ of individual detainees was also a method employed as part of interrogation of detainees and also as a punishment.³²⁷ Detainees subjected to solitary confinement in some cases also reported that no food or water was provided and that the toilet facilities consisted of an open hole in the floor of the cell.³²⁸ Solitary confinement was also used as a disciplinary tool in the First Military Prison (Sednaya), where former detainees reported that visibly praying in the facility would result in lashes and 30 days of solitary confinement.³²⁹ On the other hand, it was much more common for former detainees to report that cells normally reserved for solitary confinement would in fact be used to hold relatively large numbers of detainees, often between eight and ten individuals.³³⁰

B. Purposes

221. Former detainees describes the infliction of above the methods above for a variety of purposes, including but not limited to obtaining information or confessions, punishment, intimidation and coercion, discrimination, and due to indifference, neglect and in some cases opportunistic exploitation. The overview provided below provides some examples of contexts in which certain treatment was applied and accounts from the survivors or witnesses, or perpetrators themselves, indicated the purpose behind such actions.

Obtaining information and confessions

222. The most common purpose for using certain techniques, such as electrocution, *shabeh*, *dulab*, *bisat al-Rih*, *salb*, the “German chair”, and the prevention of urination, each of which would be accompanied by beating with hands, feet and objects, was to obtain information from a detainee or a confession. Some methods, such as rape with an object and other forms of sexual and gender-based violence were also common during

³¹⁹ COI VI/[REDACTED]. Another person [the interviewee’s relative] was beaten severely in the head later the same day for having stood too close to the door during the body transfer and died the following day.

³²⁰ In the Syrian context, the method was closely associated with Daesh treatment of detainees between 2014 and 2017 but was also used in Government detention facilities.

³²¹ COI I&II/[REDACTED].

³²² COI I&II/[REDACTED].

³²³ COI XIV/[REDACTED], COI XI/[REDACTED], COI V/[REDACTED], COI IV/[REDACTED], COI XI/[REDACTED], COI VI/[REDACTED].

³²⁴ COI X/[REDACTED]; COI XIV/[REDACTED].

³²⁵ COI III/[REDACTED], COI IV/[REDACTED].

³²⁶ COI IV/[REDACTED], COI IX/[REDACTED], COI VI/[REDACTED], COI XIV/[REDACTED], COI VI/[REDACTED], COI VIII/[REDACTED], COI XI/[REDACTED].

³²⁷ COI VIII/[REDACTED].

³²⁸ COI VIII/[REDACTED].

³²⁹ COI XI/[REDACTED].

³³⁰ COI V/[REDACTED].

interrogations. Penile rape and gang rape were also occasionally used in interrogation, but more commonly as a form of punishment.

223. Detainees were often be subjected to one method, such as *shabeh*, before being placed in another position, such the *dulab*. Questions would be posed before, during, between, and after such methods, depending on the interrogator. This often continued for hours. In some cases, detainees were subjected to a range of methods before the start of interrogation. In others, no particular adverse treatment was applied at the start of an interrogation, but would begin after a detainee declined to provide information or to confess to certain crimes. Some methods, such as prolonged standing or kneeling and solitary confinement, were applied prior to or in between the use of other methods.

224. In other cases, detainees were subjected to interrogation with the described methods applied repeatedly in a day, once per day, once per week, or over longer or irregular periods. As detainees were often considered of interest to different security branches, a single detainee may have faced a period of interrogation using the methods described in one branch before being moved to the next and subjected to similar or equivalent treatment. This may have continued repeatedly as a detainee was moved between regional branches and central branches and continued into Military Prisons. In some cases, the methods described above were applied during the initial phase of detention, followed by conviction and transfer to a civilian prison where treatment and conditions improved. Then, prior to release, an individual would be re-interrogated with the methods and conditions described above, in some cases nearly a decade after their initial detention.

225. Some former detainees reported that they had engaged in the activities they were accused of, but attempted to outlast the treatment, fearing that post-confession treatment would be worse. Other survivors held firm that they were not engaged in any of the activities they were accused of during their interrogations. In some cases, former detainees maintained their innocence throughout, but the vast majority of former detainees indicated that at some point they succumbed and confessed to crimes they did not commit. In such cases, former detainees routinely reported confessing to whatever they were accused of, regardless of its truthfulness. Many also indicated that when asked open-ended questions, they would simply invent information, including participation in events, and the names of alleged associates and the entities or countries involved, in order to avoid further pain. In some cases, there were tangible changes in treatment after confession, while in others, captors expressed dissatisfaction with the admission or confession obtained and continued to apply the violent methods described above.

226. Detainees were routinely forced to thumbprint or to sign statements without having the opportunity to read or be read the contents.³³¹ In some cases, they later became aware of the contents of their confessions at trial. In most cases though, either the contents were not disclosed during trial or, if there was any legal process, the detainees were not present for it. (See also Section VIII, Due Process.)

Punishment of individuals or third persons

227. Detention authorities also engaged in the acts described above while informing the victims that their intention was punitive in nature in relation to actual or perceived transgressions by the individual. This arose during transport, before questioning, as part of interrogation, and after “confessions” were extracted. The Commission differentiated situations where an individual was likely being punished based on the content of the dialogue recounted by survivors as placed in the overall context of the treatment at that time. The reasons for punishment of this sort ranged from protesting in person or online against the government, engaging in journalistic activity, providing medical care or humanitarian aid to protestors or opposition groups, or engaging in armed activities against the government, among other reasons.

228. In addition to serving as a punishment of individuals or members of a group for certain perceived or actual activities, the conduct was also applied according to both survivors and former detention officials, as a form of discriminatory collective punishment

³³¹ See for example COI I&II/[REDACTED].

for the geographic, political or ideological group from which the individual came or was perceived to come from. Simply having originated from a specific area known or perceived to having a large amount of anti-Government activity would be articulated as a rationale. The withholding of medical treatment, both in regular places of detention and in military medical facilities, was also specifically reported by survivors and perpetrators as linked to punishment for perceived or actual opposition activity, often based on perceptions related to a person's place of origin.³³²

229. In this vein, a large proportion of survivors of rape and other sexual and gender-based violence, both male and female, reported that the perpetrators stated that the conduct was in connection to their alleged affiliations or the affiliations of family or community members. Rape in particular against women was both threatened and carried out with the stated purpose of bringing shame or dishonour on a family or community.

230. Another punitive aspect was the application of certain treatment for violations of rules in places of detention. Typically, this took the form of severe beating for various "infractions" such as addressing guards directly, requesting medical treatment, requesting the removal of a corpse, not taking food fast enough when placed at the opening to a cell, performing prayers, refusing orders, including of blatantly illegal acts, or other similar acts that were forbidden or ordered by captors.³³³

231. Finally, former members of the Syrian Arab Army and the intelligence and security agencies reported that severe beating, electrocution, and the use of the *shabeh* position were also used for punishment of service members for significant disciplinary infractions.³³⁴

Intimidation or coercion

232. The use of physical violence and conditions of detention was also a means to intimidate or coerce detainees during their period of detention as well as their communities. The coercion was inferred from the nature and timing of the conduct, though it cannot be excluded that in some cases there were other rationales intermingled, such as punishment or that the treatment was a prelude to further interrogation. From the context, however, certain practices appeared to be aimed at intimidation, in order to ensure compliance and obedience of detainees or others. In some cases, allowing families, usually mothers and wives of detainees, to visit detainees who were visibly frail or freshly injured or beaten served to intimidate families, and through them their communities. In other cases, where individuals or their bodies were released with clear signs severe physical injury, malnutrition, or mutilation, the interpretation of communities was that of a warning or a threat should certain activities or behaviours continue.

233. The most common manifestation of the intimidation or coercion aspect was the practice of severe beating of detainees upon arrival to a new detention facility, referred to as the "welcome committee" above.³³⁵ This may have been a prelude to interrogation at intelligence and security facilities in some cases, but in others, in particular in contexts where detainees were relocated to military prisons where in many cases they were expected to remain for long periods, this was most commonly perceived to be a method of instilling compliance in the future. It may or may not have been accompanied by insults directed at the individual or their families, in particular female family members, invasive searches, in particular for women and girls, exposure to the elements, or other aspects of humiliation such as forced nudity, for male and female detainees, but was not typically associated with questioning. It was referred to most commonly as simply an aspect of arrival. Such treatment would also take place at locations commonly associated with transfer or detainees, such as the Military Police Headquarters in Qaboun and the Homs (Balouni) Military Prison. It was also widely documented as part of the arrival practices at the First Military Prison (Sednaya).

³³² COI V/[REDACTED].

³³³ COI V/[REDACTED].

³³⁴ See, COI XIV/[REDACTED], COI I&II/[REDACTED], and COI IV/[REDACTED].

³³⁵ COI XIV/[REDACTED].

234. Former detainees who were allowed visits at the First Military Prison (Sednaya) often reported that they were beaten particularly severely on days where family visits were scheduled. After 2017-2018, beatings appeared to have taken place more often after family visits but families continued to report visible signs of beatings, burns and malnourishment during visits through 2020.³³⁶ Visiting family members - usually wives and mothers of detainees who felt less likely to be detained when interacting with detention authorities - reported being shocked at the sight of their loved ones due to both the visible injuries and the general state of their health, usually described as extremely underweight.³³⁷ Detainees and family members reported that guards were present during family visits to monitor the content of conversations and to ensure that no discussion of conditions, treatment, or the charges against them were discussed. Detainees were permitted to ask only about the health and wellbeing of family members. Though potentially opportunistic, the systematic nature of the beatings preceding and subsequent to family visits provides indicia that it was intended to intimidate or coerce detainees to remain silent regarding treatment. It further gives rise to a presumption that the acts may have been intended to intimidate families to ensure compliance and silence and instil fear in the individual, their families and the wider community.

235. Yet another aspect of intimidation linked to the treatment of detainees was related to the community reaction when detainees were released or their bodies were returned to families. In certain cases, the physical marks of certain treatment and the emaciated bodies of former detainees was in and of itself possibly meant to serve as a means of intimidation or coercion for their communities. In other cases, in particular in early days of the conflict, the return of mutilated bodies of former detainees may have also served the purpose of intimidating families and community members to cease certain activities.

236. Finally, another aspect of coercion that appeared repeatedly was the arrest of family members of wanted persons, and the actual or implied risk of being subject to the treatment above, in order to compel other persons to surrender. Similarly, though it may not have been a direct reason for certain acts, was the prospect of financial gain.³³⁸ Though kidnapping and hostage taking have been well-documented by the Commission, it was also commonly reported that the nature of a detainee's treatment, and the length of time they were subjected to such treatment, also depended to a large degree on whether an individual's family was able to pay bribes to detention or judicial actors. It also depended on whether such payments were actually paid to the person in a position to exert influence on decision makers within the security and judicial apparatus.

237. The treatment above, as well as the act of detaining in general, was also used to coerce family members who were wanted by the Government to surrender, and in some cases also opportunistically to secure financial gain for elements of the security apparatus.³³⁹ These acts that amounted to hostage-taking often targeted female family members, whose detention was seen as an issue of impugning the honour of the family or community.

Discrimination

238. The treatment above was also widely attributed to discrimination, usually on the basis of one's geographic origin, perceived political beliefs, perceived religious beliefs, and sex.³⁴⁰

239. Many detainees pointed out that people from certain towns, villages, or neighbourhoods that were considered hotspots for anti-government activity at the relevant time were subjected to more severe treatment compared to others. Such locations included

³³⁶ COI XIV/[REDACTED], COI XIV/[REDACTED], COI V/[REDACTED], COI V/[REDACTED], COI VII/[REDACTED], COI V/[REDACTED].

³³⁷ COI V/[REDACTED], COI VII/[REDACTED].

³³⁸ COI VI/[REDACTED].

³³⁹ COI III/[REDACTED].

³⁴⁰ It should be noted that ethnic or linguistic discrimination or discrimination against religious minorities by the Government was not a pattern documented by the Commission since 2011. It has been documented however, for other non-State armed groups operating in the country.

Dara'a,³⁴¹ certain neighbourhoods in Damascus, and various neighbourhoods, towns and villages in Rif Damascus, Aleppo, Homs, Idlib, and other governorates. A total of 91% of victims of violations identified in interviews were from majority religions, sects or ethnicities, while 4% were from minorities – possibly indicating that restive areas inhabited predominantly by Sunni Muslims may have been targeted, as previously reported.³⁴²

240. Perceived political beliefs were often presumed based on one's geographic origin but could also be imputed based on an individual's or a family member or associates' participation in protests or other activities perceived to be anti-Government. This manifested as insults framed in anti-revolutionary rhetoric during arrest, beatings and interrogation, but also in acts such as arresting and interrogating family members of wanted individuals.

241. Gender discrimination was an ever-present facet of treatment, where the actual or the threat of gender-based violence would severely impact men and women, boys and girls. The intent of the perpetrators to carry out certain acts was articulated at the time to be based on the victim's sex and because it carried such long-lasting consequences for the survivors and their communities. The presumption of rape for women and girls in detention, whether it actually happened, was and remains a stigma for many women who were previously detained. Though the vast majority of women and girls who had been detained did not report rape during their detention, the presumption or even suspicion that they were subject to rape or other acts sexual and gender-based violence that may have impacted honour would in many cases lead to rejection or ostracization long after their release. Similarly, for male victims of rape or where individuals were forced to engage in or even witness sexual acts with other detainees, the stigma that attached is deeply gendered, and similarly severe and with long-term impact on survivors.³⁴³

242. Discrimination also manifested in relation to the perceived religious belief of victims in certain cases. For instance, persons perceived to be religious or from religiously conservative communities appeared to be more likely to be subjected to sexual and gender-based violence and practices that would be perceived as an affront to notions of honour in those communities. This was the case for forced nudity for men and women, removal of headscarves for women, rape and forcing detainees to be present for rape and other kinds of sexual and gender-based violence in many cases and forcing individuals to make blasphemous statements. Although this was commonly presented as a Shia/Alawite versus Sunni dichotomy, the victims and the perpetrators were not homogenous, and the discriminatory treatment in this context was based on a combination of perceived religious belief of an individual or community coupled with the history of actual or suspected anti-Government sentiment.

243. Throughout this report, various discriminatory statements are apparent through the extracts, underscoring that discriminatory purposes permeated the treatment inflicted on specific individuals linked to an individual's geographic, political, gender, or religious identities.

Other reasons for treatment

244. In addition to obtaining information, punishment, intimidation or coercion and discrimination, certain acts appeared to have been carried out opportunistically while others were linked to negligence, corruption or other purposes.

245. One recurrent example concerns the availability of adequate food in certain detention centres. Both detainees and defected detention staff stated that the amount of food budgeted and provided for detention centres, while not generous, was in many cases

³⁴¹ COI XIV/[REDACTED].

³⁴² A/HRC/46/55 para 15, A/HRC/24/46 para. 57. See also, "*Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic*", A/HRC/31/CRP.1, para. 88.

³⁴³ See also A/HRC/37/CRP.3 and the Commission's paper on the gendered impact of the conflict, <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coisyrria/policypapersieges29aywar/2023-06-12-Gendered-impact-women-girls-%20Syria.pdf>

sufficient.³⁴⁴ They attributed the lack of adequate food to the systematic theft of food by prison staff. It is unclear to what extent leadership was aware or condoned such practices but there is no account of a guard or detention staff having been punished for such alleged thefts, despite these being widely known.

246. Similarly, in some places of detention, it cannot be excluded that certain conditions, like the lack of heating or ventilation, or indeed overcrowding, was an aspect of limited availability of resources in the context of protracted armed conflict and severe economic constraints. In other cases, however, where detainees described being moved from severely overcrowded cells to more humane conditions in the same facility, detention staff demonstrated the ability to impose conditions intentionally.³⁴⁵ In one case in particular, a former detainee described a significant improvement in treatment, conditions, and availability of food after the replacement of a branch chief in 2019-2020. This shift also indicates that the detaining authorities were not merely rationing limited supplies and resources, but imposing the conditions described herein.

247. Some cases of torture and ill-treatment may have been motivated by personal revenge, in particular during arrests or at checkpoints or through the denial of medical treatment. Some former members of security forces noted that they would be treated suspiciously or arrested if they were not perceived to be sufficiently violent toward detainees. One defector observed that for some, “this was a display of patriotism for them – it was also a way of conquering their fear.”³⁴⁶

248. While rape and sexual violence were carried out as part of interrogation and in a calculated manner to humiliate or punish, isolated cases of sexual and gender-based violence may have been opportunistic. This may have been the case for example where a captor appeared to solicit sexual activities in exchange for better treatment or the promise of release, and attempted to pursue a romantic relationship post-release.³⁴⁷

249. While the cases documented by the Commission cannot exclude such other reasons for treatment, the breadth of detention documented indicates that torture or ill-treatment took place in the broad context where it was tolerated, if not condoned, encouraged or ordered, and that impunity was essentially guaranteed.

Government policy, training and equipment regarding torture³⁴⁸

250. There is credible information that, in addition to the legal prohibitions and obligations under Syrian law (detailed in Section IX. Domestic Accountability), circulars and orders were transmitted by the National Security Bureau early in the conflict that stated that all detainees must be treated humanely. Nevertheless, former Government security personnel have consistently noted that torture and ill-treatment were routine in security and intelligence branches, as well as in certain military prisons and military hospitals. Interrogation training was said to include methods of psychological pressure and varied as to whether methods of physical violence were taught depending on the entity. Defectors from Political Security stated that methods of physical torture were not taught³⁴⁹ while those from Air Force Intelligence stated that techniques were taught at the branch level.³⁵⁰ All deserters and defectors reported that torture was common and that its use was commonly accepted in security and intelligence branches. Some former security officials from Political Security and the Military Police claimed that in facilities they managed, torture was not employed or tolerated during their tenures.³⁵¹ Many defected security officials and former detainees noted that the severity of treatment and the conditions of detention could vary significantly depending on the specific interrogator or guard or the chief of branch.

³⁴⁴ COI VI/[REDACTED].

³⁴⁵ COI VI/[REDACTED].

³⁴⁶ COI III/[REDACTED].

³⁴⁷ COI VI/[REDACTED].

³⁴⁸ COI VI/[REDACTED], COI VI/[REDACTED], COI V/[REDACTED].

³⁴⁹ COI III/[REDACTED].

³⁵⁰ COI I&II/[REDACTED].

³⁵¹ COI III/[REDACTED], COI III/[REDACTED].

251. Former members of the four main intelligences branches, staff of the Mezzeh and Tishreen Military Hospitals, and former military police at the First Military Prison (Sednaya) stated that they were either directly ordered by their superior officers to engage in physical violence³⁵² against detainees, told to “do whatever it takes” to obtain information or confessions, or ordered to deny sufficient medical treatment. In many cases, former staff at the above institutions claimed their treatment of detainees would be monitored and that they faced arrest, questioning, discipline, or prosecution if they did not engage in acts of torture or ill-treatment. In many other cases, the Commission documented how security elements were disciplined, detained, tortured, and ill-treated for being “compassionate” with detainees, refraining from engaging in physical or mental abuse, providing medicine to detainees, or providing information on the whereabouts of detainees to their families.³⁵³

252. In one such case, one defector from a security branch in Damascus explained that he was detained for 60 days in his own branch as a disciplinary measure, allegedly because he offered pain-relieving medication to a detainee who had recently had his leg amputated in a military hospital and was screaming during the night.³⁵⁴ A former officer at a central Military Intelligence Directorate branch in Damascus alleged that he was disciplined by superiors and detained in his own branch on the suspicion of informing families regarding detainees held in the detention facility.³⁵⁵ By contrast, there are no insider accounts of those responsible for violence against detainees having been disciplined.³⁵⁶

253. In many facilities, deserters and defectors reported that the chief of branch and other senior security officials would be present for interrogation during which torture was used, order it directly, or partake in the physical acts directly. Nearly every defector stated that the leadership of each security detention facility, military prison, and military hospital was aware of the treatment of detainees at the time, but no action was taken to prevent torture or ill-treatment or to punish perpetrators.³⁵⁷

254. Although there is no information that any alleged perpetrators were held accountable, there are two examples where conditions improved under the tenure of certain branch chiefs, indicating that commanders could take some action to alleviate suffering. One such example was reported in 2019-2020 in Air Force Intelligence in Damascus (see above). The other was a reportedly brief period in Military Intelligence Branch 235 (Palestine) in 2011 under the tenure of one particular chief of branch. However, when that chief was replaced the same year, previous patterns resumed.

255. Conversely, orders to engage in torture or ill-treatment were reported by former intelligence, security and military personnel at Air Force Intelligence, Investigations Branch (Damascus),³⁵⁸ Criminal Security Azaz Branch,³⁵⁹ General Intelligence Directorate Branch 251,³⁶⁰ Military Intelligence Branch 235 (Palestine),³⁶¹ First Military Prison (Sednaya), Second Military Prison (Tadmur), Mezzeh Military Hospital, and Tishreen Military Hospital.

256. Defectors noted that certain equipment, such as the “flying carpet” apparatus had some degree of manufacturing involved, which former defectors attributed to procurement by central branches.³⁶² For most of the common methods described above, the physical materials were readily available in regular commerce, such as batteries and wires for electrocution, chains and straps for various stress positions, simple metal framed chairs with the seats removed, tires for the *dulab* position, and metal or hard rubber pipes, as well

³⁵² COI I&II/[REDACTED], COI I&II/[REDACTED], COI VI/[REDACTED].

³⁵³ COI VI/[REDACTED].

³⁵⁴ See e.g., COI VI/[REDACTED], COI VI/[REDACTED].

³⁵⁵ See e.g., COI VI/[REDACTED], COI VI/[REDACTED].

³⁵⁶ A/HRC/46/55, paras. 25 and 87.

³⁵⁷ COI VI/[REDACTED], COI VI/[REDACTED], COI VI/[REDACTED].

³⁵⁸ COI I&II/[REDACTED].

³⁵⁹ COI I&II/[REDACTED].

³⁶⁰ COI VI/[REDACTED].

³⁶¹ COI VI/[REDACTED].

³⁶² COI VI/[REDACTED].

as cigarettes, lighters, and various other relatively common items described as used in torture and ill-treatment.³⁶³ Other items, such as firearms, tasers, and handcuffs have clear legal uses in the context of policing, security and detention work and were also readily available.

257. As a further indicator of the knowledge and acquiescence of security, intelligence and military commanders in the practices above, deaths in detention were systematically reported to the heads of security and intelligence agencies, although the cause of death on official documentation was almost invariably listed as cardiac arrest.³⁶⁴ No defector or survivor reported any investigation in relation to any death, injury, or event that took place in former Government detention facilities documented by the Commission. The previous Government for its part reported that more than 400 complaints had been filed against security, military and police forces since 2016 that had been referred for investigation, although there was no information available on the outcome of any such referral (See section IX. Domestic Accountability).³⁶⁵

258. Finally, former Government policy prohibited visits by independent monitors to military and intelligence detention facilities. Such visits are a crucial safeguard for the prevention of torture and ill-treatment. Independent monitoring visits were permitted only for civilian prisons such as Adra Central Prison, where families and lawyers were permitted to visit. access to detainees held at Military Prisons was also severely restricted for families and legal representatives.

V. Sexual and gender-based violence in detention

259. Sexual and gender-based violence in the context of detention in Syria was deeply gendered and has varied depending on the context and actor. Rape and other forms of sexual violence in detention were used during interrogations, as punishment, to coerce and intimidate, and for discriminatory reasons in detention facilities since 2011.³⁶⁶ Men comprised the majority of victims of rape and sexualised violence in detention. Women, boys, and girls were also subjected to severe sexual violence, including rape, as were elderly women and men. Sexual and gender-based violence took place most frequently in official detention facilities, but also occurred at informal places of detention, during transit, at checkpoints, and during raid and arrest operations, especially in the early years of the crisis.

260. Regardless of age or sex, survivors of sexual and gender-based violence were often from areas or communities which were or were perceived to be sympathetic to the opposition, or were relatives of perceived political opponents or members of non-state armed groups. Methods of violence were tailored depending on the sex, age, geographic origin, and religious or cultural beliefs of the victim. In particular, the stigma associated with the arrest and detention of women and girls, due to the presumption that sexual violence would occur in detention, was itself used as a method of violent coercion towards families and communities. The practice of arresting or threatening the arrest of female family members was also used commonly to compel individuals to surrender or as a method of interrogation.

261. This section is based on 302 accounts from survivors, witnesses, relatives, healthcare practitioners, and lawyers of survivors of sexual violence in former Government or pro-Government forces detention. This includes 91 survivors who recounted their own experiences of rape and other forms of sexual violence between March 2011 and December 2020. In addition to the complex challenges inherent for survivors of such traumatic events to speak to the Commission, the fear of stigmatization, which is deeply gendered for both

³⁶³ COI VI/[REDACTED].

³⁶⁴ COI VI/[REDACTED], COI VI/[REDACTED].

³⁶⁵ Replies of the Syrian Arab Republic to the list of issues in relation to its fourth periodic report, CCPR/C/SYR/RQ/4 (2 February 2024).

³⁶⁶ A/HRC/31/CRP.1, paras. 119-123; A/HRC/37/CRP.3, paras.122 - 123.

male and female survivors in the Syrian context, was a significant challenge and the scope of violations likely remains underreported.³⁶⁷

262. The places with the largest number of rape and other cases of sexual violence were in Damascus and adjacent areas. They included the Air Force Intelligence facility in Mezzeh airport, Military Intelligence branches 215, 235, and 291, General Intelligence Branches 251 and 285, and Air Force Intelligence in Harasta though incidents were also documented in other intelligence detention centres including the political and military intelligence branches in Aleppo, Hama, Homs, and Tartous, as well as detention centres in Ladhqiyyah and Hasakah.³⁶⁸ Detainees who were released between 2019 and 2021 recounted continuing sexual and gender-based violence in detention, including in the First Military Prison (Sednaya), the General Intelligence Directorate Branch and Military Intelligence (Palestine) Branch 235 in Damascus, and the Air Force Intelligence detention facilities in Damascus and Aleppo.³⁶⁹

A. Sexual violence against men and boys in detention

263. Sexual and gender-based violence against men and boys took on many forms, from threats of rape or sexualised violence against detainees or their families to rape and gang rape. Most commonly, men and boys reported threats of sexual violence and beating or electrocution on the genitals. Many also reported humiliating and sexualised searches, forced nudity, being present while others were sexually abused or raped, the tying of genitals with ropes to prevent urination, and other forms of sexual and gender specific violence. Boys as young as 11 and elderly men were among the victims of sexual and gender-based violence. In many cases, Government intelligences agents raped detainees with objects including bottles, wooden sticks, and batons in order to force them to confess, or to punish and humiliate them. Detention staff also forced detainees to rape one another under threat of punishment or death. (See above Section IV(A)(9), Rape). In other instances, interrogators perpetrated penile rape against male detainees, both anally and orally, sometimes under the threat of execution if the detainee refused to comply. Vulnerable detainees were also raped by other inmates without apparent instigation from authorities, enabled by the lack of separation of child detainees, the elderly, and other vulnerable men and boys.

264. The most frequently documented form of rape against men and boys across the country, was anal rape with an object, usually during interrogation. In one example from late 2012, interrogators in Military Intelligence Branch 215 (Raids), tied one detainee's hands to the ceiling and applied electric shocks to his genitals. Then they inserted a metal rod into his anus and pushed him backwards in order to penetrate him further. The detainee was subject to this repeatedly during his interrogation in the branch.³⁷⁰ Rape and sexual violence against male detainees were also employed outside of interrogations. For example, at the First Military Prison (Sednaya), it was often employed for the purposes of punishment, humiliation or discrimination. Sexual violence usually occurred late at night, between midnight and five in the morning, and would often involve rape with an object or the ordering of prisoners to rape one another while the others watched. In one such case, a former detainee held in the First Military Prison (Sednaya) in 2019, recounted how he was hung by his hands while prison guards tied his testicles with a rope and pulled on them. As he was hanging, he saw the prison guards insert a stick into the anus of another detainee. This caused severe bleeding and the detainee stopped moving and he was believed to be dead.³⁷¹ In another case, a detainee released from the First Military Prison (Sednaya) recounted how prison guards forced detainees to rape one another - under threat of death or severe torture - in their collective cells, while the others were present. Recounting one such incident, the interviewee states that the guards called out, "*You, the one wearing the red sweater, you need to rape the one wearing the white sweater! If you don't rape him, you*

³⁶⁷ A/HRC/46/55, page 6.

³⁶⁸ See also, "I lost my dignity", A/HRC/37/CRP.3, paras. 34 and 44.

³⁶⁹ COI XI/[REDACTED], COI XIII/[REDACTED].

³⁷⁰ COI VII/[REDACTED], COI VII/[REDACTED].

³⁷¹ COI XI/[REDACTED].

will be dead!" Following the first detainee's refusal to rape the other, the guards beat both to death, using metal rods.³⁷²

265. Men and boys were also subject to gang rape or rapes involving multiple perpetrators. In some cases, one interrogator or guard penetrated the mouth or anus of a detainee while others held the person down. In other cases, multiple security officials raped the individual in turn. In one such incident in General Intelligence Branch 251 (Al-Khatib) in August 2012, an 18-year-old man from Dar'a was severely beaten, threatened with the rape of his sisters, and then gang-raped by five officers. After the rape, the detainee was bleeding and unable to walk. One of the officers raped the detainee five more times over the period of one month before the detainee was transferred to another detention facility. He described to the Commission:

*"The investigator who was carrying out my interrogation told the security officers: 'Why should we go to his sisters when he is here with us?' Then a security officer took off my clothes. I was naked. I was still blindfolded. The soldier pushed me on the floor on my stomach. Then one soldier was holding my hands and another soldier sat on my legs so that I could not move anymore. Then the soldier who was sitting on my legs put his penis into my anus. It was so painful, and I thought I was bleeding. I was shouting and crying to them to stop. I begged them not to harm me, but they did not stop. They were also making fun of me, and one officer asked me, 'Are you a virgin? Do you have a hymen?' It was because I was bleeding."*³⁷³

266. Young boys were also subjected to rape in detention, such as the case of one 12-year-old boy arrested near Damascus in 2011 and taken to Air Force Intelligence in Douma for interrogation. While there, interrogators hung a bag of water from the boy's testicles and at least one officer raped the child.³⁷⁴

267. Rape of men and boys by detention staff was documented, in *inter alia*, Aleppo (Military Intelligence Branch), Damascus (General Intelligence Branch 251 (Al-Khatib), Military Intelligence branches 215, 227, 285, Air Force Intelligence, and First Military Prison (Sednaya)), Hama (Air Force Intelligence branch), Idlib (Political Security branch), and Tartous (Political Security branch).³⁷⁵

268. Across military and security agencies, beating, electrocution, and other methods to inflict pain on the genitals of men and boys occurred throughout the period under consideration, mostly during interrogation or as a form of punishment. This included beatings, electrocution and burning of the crotch or anus, tying of the penis or testicles with ropes and pulling them or hanging weights from them to cause pain, prevent urination, or both and other methods. Several former detainees described how they were beaten and electrocuted on their genitals during interrogation at General Intelligence Branch 251 (Al Khatib). Wires were held against their testicles and an electric current was applied. Another detainee in the same branch was beaten on his genitals with a pipe (see above case from General Intelligence Branch 251 (Al Khatib)).³⁷⁶ Another former detainee recalled detainees being beaten on their genitals with pipes to extract confessions in Military Intelligence Dara Section in 2012.³⁷⁷ A young man arrested in 2019 recounted how, after multiple beatings and being stripped naked in other facilities, interrogators in Military Intelligence Branch 235 (Palestine) inserted an electric wire into his anus and electrocuted him until he passed out. Later, upon his arrival at the First Military Prison (Sednaya), guards joked that anyone who wants to rape him could take him during the welcome party beating upon his arrival.³⁷⁸ In another case, a former detainee held at Air Force Intelligence Harasta between 2011 and 2012 recounted:

³⁷² COI XI/[REDACTED].

³⁷³ COI VI/[REDACTED].

³⁷⁴ COI IV/[REDACTED].

³⁷⁵ See also, "I lost my dignity", A/HRC/37/CRP.3, para. 45.

³⁷⁶ COI VII/[REDACTED].

³⁷⁷ COI XI/[REDACTED].

³⁷⁸ COI XIV/[REDACTED].

*“One time an interrogator ordered two detainees to strip naked and then he forced one of them to put the other’s penis in his mouth. Then he ordered him to bite it so hard it began bleeding.”*³⁷⁹

269. Mutilation of the genitals of detained boys and men was also carried out by guards and interrogators. In some cases, witnesses have described the mutilation and threats of mutilation directly. In other cases, the mutilation was apparent on bodies that were returned to families, but it is unclear if the detainee was alive when the mutilation occurred. In one of the earliest cases, the body of a 13-year-old boy detained following the Saida massacre in Dar’a in 2011 was returned to his family with his penis cut off.³⁸⁰ One former detainee held at an informal detention centre run by the 4th Division in Sahnaya village in 2013 witnessed an officer cutting a fellow detainee’s penis with grape shears during interrogation. He recounted that he was also threatened with penis-cutting by the same officer during his interrogation.³⁸¹ Another former detainee held in a 4th Division facility in the Mezzeh area of Damascus in 2014 witnessed a fellow detainee return to his cell from interrogation. He had been severely beaten and he was bleeding from his penis as the head had been cut off. Among the fellow detainees were doctors who attempted first aid but the victim died three days later.³⁸²

270. Several interviewees stated that male detainees were also forced to watch the rape of men, boys, women, and girls while detained. Such acts occurred both during interrogations where a fellow detainee was raped in front of others and where a detainee was brought into an office or another room for the purpose of witnessing a rape. These instances were usually accompanied by threats of rape against detainees or the rape of family members. It also occurred in collective cells where detainees were raped by guards or forced to rape one another or where a person was brought to the cell to be raped in front of detainees. One detainee described being forced to witness rapes of multiple women, including the gang rape of one female he described as “approximately 18-years-old” in a Political Security Directorate branch located at their headquarters in Al Mayssat Square in 2014. He described how they threw her in the middle of his cell naked and badly bruised. As she lay naked on the floor, the detainees turned their heads and begged the guards to cover her up. The detainees were beaten and forced to look at the girl while she was raped by five guards. When they finished, the guards reportedly told the male detainees “*We will bring your daughters and mothers and we will do the same thing to them.*” The detainee himself was also anally raped during interrogation and witnessed the rape of two other women by an officer in his office during another interrogation.³⁸³

271. information concerning sexual and gender-based violence related to an individual’s sexual orientation is limited in the Syrian context due to conservative cultural norms. However, Syrian lesbian, gay, bi, and transgender community members reported that security forces often demanded bribes or sexual acts in exchange for being spared arrest and detention.³⁸⁴ Other detainees were subjected to rape and sexual violence in the Government detention facilities because of their sexual orientation. A former detainee recounted how he was violently raped in an Air Force Intelligence detention centre near Damascus in 2011 when the detention guards found out that he was gay. He was taken out of his cells by two guards, who undressed and raped him. Two days later, he was raped again, by three guards.³⁸⁵

272. Male survivors of sexual violence suffered physically and psychologically as a result of rape and sexual torture in detention and a lack access to the necessary medical treatment. Many reported suffering from feelings of shame and being unable to tell relatives or friends what happened to them. Some developed impotence as a result of sexual torture and felt guilty about not being able to conceive. Male survivors also suffered from the stigma

³⁷⁹ COI XI/[REDACTED].

³⁸⁰ COI I&II/[REDACTED], COI I&II/[REDACTED].

³⁸¹ COI VII/[REDACTED].

³⁸² COI V/[REDACTED].

³⁸³ COI VII/[REDACTED].

³⁸⁴ COI XIV/[REDACTED].

³⁸⁵ COI VI/[REDACTED].

attached to rape and sexual violence, leading many to forego appropriate post-rape therapy and medical care even when available.

273. A man who was gang-raped when he was 18 years old described how he was unable to sleep normally following the rape:

*“I would hear their voices while they were raping me. I suffered a seizure. My family does not know that I was raped. I could not tell them about that and I had to keep it to myself. It is very difficult for me to live with them while hiding my secret. I live in fear, rape is a big scandal in our community and would bring a lot of shame, particularly the rape of men.”*³⁸⁶

A. Sexual violence against women and girls in detention

274. Rape and other forms of sexual violence in detention, including sexual assault, sexual humiliation, and threats of rape and sexual and gender-based violence were used against women and girls to extract information, as a punishment, to humiliate them, their families, and, in numerous instances, the person’s wider community.³⁸⁷ Sexual violence or the threat thereof was also used to pressure male detainees to confess to crimes when such assaults on females were perpetrated in front of them. In other cases, such acts appeared to be a means of entertainment and pleasure for guards or officers. In detention, male officers subjected women and girls to intimate and humiliating body searches and, in at least 30 detention facilities countrywide, raped women and girls during interrogations. Many women and girls reported that they were raped multiple times during their period of detention.³⁸⁸

275. In many sexual violence cases, officers were either the direct perpetrators or ordered others to commit the acts, particularly during interrogation and as a form of punishment. For example, early in the conflict, a defector from the Criminal Security Branch in Azaz witnessed the rape of two women by his fellow officers. He reported that the senior supervising officers in the Branch gave orders to the junior officers to do what they wanted with the women who were accused of supporting opposition groups. The two women were raped separately in the Branch, one by six officers and the other by three.³⁸⁹

276. In another case, two women were tied to chairs and interrogated late at night in Military Intelligence in Dar’a city in 2014. The interrogator used a knife to cut off the clothes of one woman as well as the ropes holding her feet to the chair. He then raped her as she screamed. Three other soldiers stood in the doorway but did not intervene. The other woman protested as well but was told to be quiet or she would be next.³⁹⁰

277. Another woman was detained in 2015 by members of the Military Intelligence Branch in Dayr al Zawr when she went to collect her salary from a Government institution. During interrogation she was subjected to electric shocks on her breasts. She was then taken to the chief investigator’s office where he raped her. She recalled that the chief investigator, “warned me not to say a word to anyone, otherwise I would be killed. I told him I was not going to expose myself by telling anyone that I had been raped.” The victim recalled how after that she could not let her husband touch her and she could no longer live a normal life with him.

“After my release, I became traumatised by the rape and I could not sleep because of the humiliation I felt. I was severely tortured and due to that my health is not the same as before. Until today, when I sleep, my family tells me that I cry. I feel that I

³⁸⁶ COI VI/[REDACTED].

³⁸⁷ See also, “I lost my dignity”, A/HRC/37/CRP.3 paras 30 and 32.

³⁸⁸ Ibid, para. 34.

³⁸⁹ COI I&II/[REDACTED].

³⁹⁰ COI X/[REDACTED].

*have lost everything. I lost my job and property. And I lost my dignity. I became a very different person and all I want is to be left alone.”*³⁹¹

278. Gang rapes have been documented in Government detention centres and have occurred in cells, in interrogation and torture rooms, sometimes in the middle of the night. Women and girls reported being gang-raped in detention facilities by two to five male detention officials, sometimes repeatedly, during their detention. Most of these women suffered physical injuries and deep psychological trauma as a result.³⁹²

279. One woman described how she was raped by four men, one after the other in the interrogation room of General Intelligence Branch 251 (Al-Khatib) in September 2016. Two days after the incident, she was taken to the interrogation room, blindfolded and handcuffed. One man extinguished cigarettes on her thigh. The interrogator said, “*hold her*” and then she was raped by another. After this rape, she was taken to a bathroom to wash and was insulted by a female guard who mocked her, “*Which one did you like the best? How was it? Did you like it? Now you are nothing. You are a garbage bin. You are a whore. When you go home, your family will kill you.*” The following day, she was taken again to the interrogation room. She was subjected to the “*dulab*” method, with her head pressed towards her knees and was beaten. After that, she was placed on a tall chair with her arms tied above her head and her legs spread and tied to the ends of the chair. She was then penetrated by the interrogator. She recounted that prior to her detention, she had not had any sexual experience and that while her body slowly healed, the psychological wounds did not. She did not leave her house for six months and contemplated suicide.³⁹³

280. Rape and other forms of sexual and gender-based violence were also directed at girls, both during raids or arrests and in detention. Girls and boys detained with their mothers also witnessed rape and other sexual violence directed at their mothers or the aftermath of such treatment, compounding the trauma for both children and their mothers. In a particularly abhorrent example in 2011, Government forces, including *shabbiha*, raided a home outside of Damascus and arrested a nine-year-old girl, telling the mother that she would be released when the father surrendered himself. She was held for a month and half. When her mother was reunited with her, she could not recognize her as “her face was swollen and her clothes were all torn apart”. When taking the girl for medical treatment, medical personnel determined that the girl had been raped and required post-rape treatment. The girl was psychologically disturbed following the incident, became very quiet, hid away from people and has suffered severe insomnia. Her father reportedly died in detention less than a year after her release.³⁹⁴

281. In another case, a woman who was with her young son was arrested at a checkpoint outside of a school used by Military Intelligence in Homs in 2012 and accused of supporting terrorists. She was separated from her child, and handcuffed. The soldiers took her to the school where two men started searching her. She asked for a woman to search her but it was denied. She was then forced to take off her veil and remove her clothes. As the door to the room was open, more Military Intelligence personnel entered the room until there were seven to eight people present. She was stripped naked and made to kneel down, open her legs and kiss the boots of the soldiers searching her while being subjected to further sexual insults. She recalled:

“I was completely naked and officers and soldiers were all looking at me. My three-year-old child was screaming and crying outside. He saw me naked since the search began when the door was open. The Military Intelligence agents then touched my thighs and vagina and between my buttocks as they searched me”.

³⁹¹ COI VI/[REDACTED].

³⁹² See also, “I lost my dignity”, A/HRC/37/CRP.3, para. 37.

³⁹³ COI IX/[REDACTED].

³⁹⁴ COI VI/[REDACTED]. See also, Report of the Secretary-General on Children and armed Conflict in the Syrian Arab Republic, S/2014/31 (27 January 2014), paras 34-36. See also, e.g. COI I&II/[REDACTED].

After the search, her three-year-old child was returned to her naked and crying. She was told to dress him before they were taken to another location for further interrogation.³⁹⁵ She described how her ordeal continued as she was transferred to a Branch in Damascus:

“During three interrogation sessions, the interrogators ordered the guard to remove my clothes and I was completely naked. My hands were put in steel cuffs behind me and electric shocks were administered. I was then hung from the ceiling with my hands hung up behind my back for two hours. In the third interrogation, I was raped by a metal rod in my vagina and anus. Suddenly, I was violently thrown to the floor. My trousers were taken off. The shabbiha man had a large stick or rod. He took it and rammed it into my anus. The pain was unbearable and I passed out. When I regained consciousness, I was in my cell and incontinent and bleeding heavily from my anus and vagina. The most painful part of the incident was the emotional pain when I regained consciousness. I was in my cell, lying on the floor. My three-year-old son was trying to put bits of food in my mouth. He said to me ‘Mummy, I thought you were dead but I thought if I keep feeding you potato you would come back to life and you did.’ He brought a piece of cloth and wiped my face.”³⁹⁶

282. Women and girls were also subjected to intimate and humiliating searches by male guards in detention. During such searches officers touched their breasts, thighs, and genitals. Several women and girls indicated that officers and guards forcibly removed their clothes and made them strip naked during searches and interrogations. Sometimes detention facility staffed allowed female detainees to keep their underwear.³⁹⁷ The Commission Recorded incidents of humiliating searches of naked females across the country, notably at Military Intelligence Branch 215 (Raids), Military Intelligence Branch 285 (Investigations), Military Intelligence Branch 235 (Palestine) in Damascus and other Military Intelligence Branches in Ladhqiyyah, Homs, and Hama as well as Air Force Intelligence at Mezzeh Military Airport in Damascus and Air Force Intelligence in Aleppo, as well as at unofficial places of detention.³⁹⁸

283. Despite the challenges associated with obtaining interviews with survivors and witnesses of detention violations in more recent years, cases of sexual violence continued to be documented throughout the period covered in this report. For example, a female detainee witnessed the rape of two young women during group interrogation. She was herself subjected to invasive searches by male guards, and was groped and threatened with rape, and rape in front of her family, in Air Force Intelligence Hama in December 2017. She recounted that she confessed to all accusations against her because she thought she would be raped herself if she did not. Following her transfer to Military Intelligence Branch 235 (Palestine), she witnessed women bleeding from their genitals after returning from interrogation.³⁹⁹ In another case in July 2020, a woman was arrested and taken to Air Force Intelligence Kweires Military Airport (Aleppo) where her interrogator assaulted her during interrogation until she lost consciousness. When she awoke she was bleeding from her genitals.⁴⁰⁰ In February 2020, a male detainee reported hearing interrogators threaten women with rape during his own interrogation in an Air Force Intelligence branch in Aleppo.⁴⁰¹

284. The ordeal of victims of rape in detention does not end with their release. Survivors reported having been threatened with honour killings by their relatives who sometimes blamed them for what happened, or accused them of bringing shame onto their families. A medical professional in a neighbouring country recounted how the brother of one woman who was raped in Government custody threatened to kill her if he found out that she had

³⁹⁵ COI VII/[REDACTED], COI VI/[REDACTED], COI XIV/[REDACTED].

³⁹⁶ COI VII/[REDACTED].

³⁹⁷ See e.g., COI VII/[REDACTED] and COI VII/[REDACTED]. See also, “I lost my dignity”, A/HRC/37/CRP.3, para 31.

³⁹⁸ Ibid., COI X/[REDACTED].

³⁹⁹ COI X/[REDACTED].

⁴⁰⁰ COI XIV/[REDACTED].

⁴⁰¹ COI XI/[REDACTED].

been raped. As she had become pregnant due to the rape she had a secret abortion.⁴⁰² Married women were often rejected by their husbands and divorced after arrest. The associated stigma discouraged victims from disclosing what happened and also presented a barrier to obtaining the necessary medical and psychological assistance.⁴⁰³ In cases of rape resulting in pregnancy, women who sought abortions to protect their own lives and any person who assisted them would have also been liable to criminal prosecution in Syria. Syrian law provides no exceptions for cases of rape though having an abortion to protect family honour is listed as a mitigating circumstance for sentencing.⁴⁰⁴

B. Sexual and gender-based violence at checkpoints

285. Sexual harassment of women and girls at former Government checkpoints occurred throughout the period under review, with women and girls regularly subjected to sexual and gender-based insults and unwanted personal or sexualized comments and questions, ranging from inappropriate commentary to direct threats of violence, especially when traveling alone.⁴⁰⁵ Sexual violence, including intrusive intimate searches and rapes also occurred at checkpoints during this period. Victims of sexual violence at checkpoints were mostly women and girls, although many men were also affected.

286. Invasive intimate searches, beatings, sexual harassment, and other forms of sexual and gender-based violence at checkpoints were frequent, in particular in the early years of the conflict.

287. Another woman described being pulled off a bus in April 2012 at a checkpoint in Bab Sbaa, Homs Governorate. She, along with another woman and a 15-year-old girl were severely beaten before being taken to a house where eight other women from al-Houla (Homs) were held naked and injured. The interviewee and the girl were insulted and threatened with rape but released the next day. The other adult woman was also eventually released though reportedly severely traumatized.⁴⁰⁶

288. Girls and boys were also harassed, insulted and subjected to intimate searches at checkpoints in Damascus, Dar'a and Homs. At an Air Force Intelligence installation in Dar'a in November 2013, security services asked a young girl, who was travelling with her mother, whether she was already married and threatened to perform a virginity test on her.⁴⁰⁷ In Homs, a 16-year-old boy described how Political Security Directorate officers stopped the bus in which he was traveling and took him, along with nine other boys aged between 14 and 17, into the adjacent Political Security office at Deir Baalba, Homs in 2013. The children, along with three adult men from the bus, were forced to strip naked and beaten. One of the men was arrested while the children and the other two men were allowed to dress and return to the bus to continue their journey.⁴⁰⁸

289. Women traveling with their children were also subjected to invasive searches at checkpoints. One woman traveling with her young sons was stopped at a government forces checkpoint outside of Darayya in 2013. She was separated from her children and subjected to an invasive search where a male officer aggressively touched her breasts and vagina. When she resisted she was beaten. Her children were released at the checkpoint but she was taken to a local Political Security Directorate office and threatened with rape during transport.⁴⁰⁹

290. In a few cases, women and girls detained at checkpoints were raped in front of male relatives, although abuses more often took place after women and girls were taken away from public view. For example, a young woman who had been stopped at a checkpoint in

⁴⁰² COI IV/[REDACTED], COI VII/[REDACTED], COI IV/[REDACTED].

⁴⁰³ See e.g. COI IV/[REDACTED], COI IV/[REDACTED].

⁴⁰⁴ Syrian Penal Code of 1949, Law No. 148, Articles 526-531.

⁴⁰⁵ COI IV/[REDACTED], COI V/[REDACTED], COI X/[REDACTED].

⁴⁰⁶ COI VI&II/[REDACTED].

⁴⁰⁷ COI IV/[REDACTED].

⁴⁰⁸ COI IV/[REDACTED].

⁴⁰⁹ COI V/[REDACTED], COI VII/[REDACTED].

a suburb of Damascus in October 2012 was taken to a military vehicle, subjected to a mock execution, and then raped by a Syrian army officer. Afterwards, two other officers insulted her, burned her hair with their cigarettes, and she was subsequently taken to a detention centre.⁴¹⁰ In another case, Government soldiers stopped a woman and her driver at a checkpoint whilst travelling from Damascus towards Beirut in 2016. They took them to a nearby abandoned building where they were separated. One soldier raped the woman while others held her and another raped her with an object resulting in internal injuries to her genitals. Prior to the rape, she could hear the screams from the severe beating of the driver.⁴¹¹ Rape, other forms of sexual violence and sexual humiliation of females continued throughout this period, particularly at checkpoints in Damascus, Homs and Aleppo, often in connection with intimate searches conducted by male soldiers.

VI. Enforced Disappearances

291. Already a documented practice in the Syrian Arab Republic prior to 2011, enforced disappearance continued to be perpetrated throughout the period covered by this report.⁴¹² The period 2011-2013 witnessed the highest rates of disappearances during the period under review, and the fate of most of those who disappeared remains unknown to date. The majority of incidents of detention by former Government security and intelligence agencies also amounted to enforced disappearance, given that in most cases the victims' whereabouts remained unknown, sometimes until their release.⁴¹³ In the vast majority of cases, when families attempted to locate the arrested person, the authorities refused to acknowledge the deprivation of liberty or concealed the fate or whereabouts of the disappeared person, either following their initial arrest or as they made their way through the various detention facilities as noted above.

292. Enforced disappearance was systematically committed as a means to stifle dissent, as a punishment, and as a tactic of war.⁴¹⁴

293. Further, the complete removal of detainees from contact with the outside world and any potential oversight facilitated other violations, including torture, other cruel, inhuman and degrading treatment, and sexual violence.⁴¹⁵ The forcible disappearance of individuals by its nature gives rise to other related human rights violations given the complete absence of fair trial and due process guarantees afforded to disappeared persons. Death in custody was also widespread, including through reported hangings following the issuance of death sentences by military courts (see Section VII. Death in Detention).⁴¹⁶ It was exceedingly rare for a family member of a person who died in detention to receive the person's body or be informed of the place of burial, even when official records recorded the custodial death.

A. State Agents involved in disappearances

294. While the intelligence and security elements, including the military (See Section II. Former Government and Pro-Government Forces), were formally part of the Government

⁴¹⁰ COI VI/[REDACTED].

⁴¹¹ COI VII/[REDACTED] and COI VII/[REDACTED].

⁴¹² United Nations Committee against Torture, Concluding Observations on the Syrian Arab Republic, CAT/SYR/CO.1 (2010).

⁴¹³ Most arbitrary detentions by pro-Government forces documented by the Commission since the start of the unrest amount to enforced disappearances as the detention was carried out by Government forces or agents acting on their behalf, and families were unable to obtain information on their fate, whereabouts, or the fact of their detention during the periods they were held in either intelligence facilities or informal places of detention, despite efforts to do so. Incidents of enforced disappearances were reported in 63% of detention-related interviews from 2011-2021.

⁴¹⁴ A/HRC/25/65, para. 49. See also, the Commission's paper, *Without a trace: enforced disappearances in Syria*, 19 December 2013, paras 12-25.

⁴¹⁵ A/HRC/33/55, para. 76.

⁴¹⁶ See for example COI VIII/[REDACTED] and COI IX/[REDACTED].

and therefore acted on behalf of the State, the actions of the National Defence Forces and *shabbiha* were also carried out with the support of the state.⁴¹⁷ This was shown by the large number of arrest operations carried out in coordination with joint military and intelligence forces, the large number of witnesses to such joint operations and the recruitment and equipment of such groups, as well as the ability of former members of the intelligence and security forces to obtain information and release of persons held by such irregular forces after arrest operations.

295. Security forces in charge of the arrest usually did not identify themselves, and rarely were the families able to identify the agency that carried out the arrest, unless by inferring from uniforms or due to inadvertent revelations by such forces. Subsequent violence and intimidation against family members were common as they were searching for their relatives, further impeding families seeking information on the fate and whereabouts of the detained.⁴¹⁸

296. Security forces almost never informed those arrested or their families about the location where they would be taken. Arrests were often carried out at night with civilian vehicles and without number plates.⁴¹⁹ Arrestees were systematically blindfolded and often did not realize where they had been brought or in whose custody they were being held.⁴²⁰ Unless the arrest took place at the victim's home, workplace, or, families often had no indication that a person had been detained or disappeared.

297. In the first years of the conflict, some of those disappeared were held in makeshift detention centres or military bases. However, the overwhelming majority of the cases documented by the Commission related to detainees arbitrarily held at a detention facility belonging to one of the four branches of the intelligence services and at the First Military Prison (Sednaya). As explained by former defectors, all new arrivals to security branches were reported to the head of the branch or to the duty officer on his behalf in order to obtain their signature approving the detention. Without a signed order, no detainees could be kept in detention.⁴²¹

B. Refusal to acknowledge deprivation of liberty or concealment of fate or whereabouts

298. Security and intelligence branches systematically prohibited and prevented any contact between detainees and the outside world. The vast majority of individuals who reported the arrest or disappearance of their family members reported that they were denied information on the fate and whereabouts. The initial arrest and detention was sometimes acknowledged to a degree or at least not explicitly denied. Beyond that families were often unable to obtain further information for days, weeks, months or years, if at all.

299. Despite consistent accounts from former members of the intelligence branches and the military that detainees were meticulously registered, family members who enquired faced a systematic refusal to disclose information about the fate of the disappeared.⁴²² When looking for their missing relatives, interviewees were dismissed with statements such as “*stop looking for your son, he is dead*”⁴²³ or “*all people who were taken before 2015 have been killed*.”⁴²⁴

300. In some cases, families were referred to different agencies without resolution of the fate or whereabouts of their family members. For instance, after hearing about the arrest of her husband on his way to work in January 2014, a woman from Eastern Ghutah enquired

⁴¹⁷ See for instance, COI IV/[REDACTED] and COI IV/[REDACTED].

⁴¹⁸ See also next section.

⁴¹⁹ See e.g. COI XI/[REDACTED].

⁴²⁰ See e.g. COI VI/[REDACTED] and COI XI/[REDACTED].

⁴²¹ COI VI/[REDACTED] and COI VI/[REDACTED].

⁴²² A/HRC/27/60, para. 47.

⁴²³ COI IX/[REDACTED].

⁴²⁴ COI X/[REDACTED].

about his whereabouts at the checkpoint where he had been arrested. The soldiers present there confirmed that he had been taken because he was wanted by Military Intelligence. They also informed her that “*he would quickly be released if there was nothing against him*”. She asked them where he was being detained but the soldiers only told her that he was “*with military security*”, without providing a location. After that, the interviewee went to several Military Intelligence offices in Damascus to look for her husband but she was told that he was being detained by the General Intelligence Directorate. When she went there, she was told that he was in custody of the Air Force Intelligence. She also went to ask about her husband to that agency’s office, but to no avail.⁴²⁵

301. Many families of disappeared did not even dare to approach the security services nor other competent authorities to inquire about their missing ones, due to the widespread fear of reprisals.⁴²⁶ When asked whether they made inquiries about their disappeared brother, father or son, interviewees often shook their heads incredulously and noted that doing so was impossible.⁴²⁷ Witnesses explained that even lawyers feared asking about people presumed to be detained in security branches. Families very often expressed consistent concerns regarding disclosure of information about their missing ones with members of international bodies, including the Commission and the Working Group on Enforced or Involuntary Disappearances.⁴²⁸ Relatives of the disappeared explained that inquires with authorities about the fate of missing persons could actually increase the danger faced by the disappeared.⁴²⁹

302. The gendered nature of the disappearances in Syria was also laid bare by the accounts of families. Men and boys were the overwhelmingly majority of those detained and disappeared. It was predominantly female family members who approached authorities for information. This exposed women and girls to threats, intimidation, detention, and violence including sexual violence as they searched for their husbands and sons. A refugee from Rural Homs recounted how she tried to trace her 15-year-old son, who was forcibly disappeared in 2012 at an army checkpoint as they were fleeing their home. Tormented by her inability to know his fate and unable to pay more bribes to intermediaries through middlemen, she decided in April 2019 to return to Syria and look for him. After being smuggled back to Syria, the woman approached the Military Intelligence Branch 215 (Raids) in Kafar, Damascus, on three occasions. On the last one, she was herself detained and sexually assaulted and witnessed children in detention and violence toward other detainees. She subsequently fled the country again without obtaining information on the fate of her child.⁴³⁰

303. The Commission also documented accounts of male family members being detained when seeking information on the detention of their family members, highlighting the gendered risks associated with seeking such information.

304. The systematic nature of the denial of fate or whereabouts was not only evident from the vast number of accounts from family members indicating they were unable to obtain information from authorities. Numerous former security force members recounted punishment or warnings for attempting or succeeding in passing information to family members of detainees. As a defector from Military Intelligence Branch 235 (Palestine) recalled:

“The branch never informs families of detainees about the presence of their relative in the branch. Informing families of the presence of detainees inside the branch is considered a crime and could lead to arrest. It is considered leaking confidential military information.”

⁴²⁵ COI IV/[REDACTED].

⁴²⁶ See e.g., COI X/[REDACTED], COI VI/[REDACTED], COI V/[REDACTED], and COI V/[REDACTED].

⁴²⁷ See e.g. COI IV/[REDACTED] and COI VII/[REDACTED].

⁴²⁸ [REDACTED].

⁴²⁹ See also, the Commission’s paper, *Without a trace: enforced disappearances in Syria*, 19 December 2013, paras. 34.

⁴³⁰ COI X/[REDACTED].

305. The interviewee added that he was arrested because they found out that he had informed a relative about the presence of an individual in the branch.⁴³¹

306. Despite numerous requests for information sent to the former Government, the Commission is not aware of any effective investigations into the fate and the whereabouts of the thousands of disappearances that it has documented throughout the past decade.⁴³²

C. Detainee Isolation

307. The victims' inability to contact their families and to obtain legal counsel placed their fate at the sole mercy of their captors. As days, weeks, months and years passed isolated from the outside world, anxiety and anguish increased with fading hopes for release. When recalling his isolation, a former detainee remarked that a detainee's emotional state determined one's capacity to survive, concluding that, "*Many detainees died because they lost hope*".⁴³³

308. Newly arrived detainees who would have been able to bring new information from the outside world were frequently placed in solitary confinement to prevent contact between them and those who had been held longer. Interviewees also explained that those who had stayed in detention for longer periods of time were separated from the rest of the detainees to limit communication. Similarly, detainees reported having been punished for attempting to smuggle out information about persons held in security and intelligence branches. Detainees attempted to use pieces of fabric and blood to write down the names and numbers of in detention to inform families if they were ever released.⁴³⁴

309. Though many detainees who were disappeared were kept in collective cells, some survivors recalled being in prolonged isolation throughout their detention where contact with inmates was strictly forbidden and they were constantly monitored. One former detainee recalled how, while in an isolation cell, his only human interaction was through eye contact and interactions with guards, until he one day heard the voice of a relative saying, "*Yes sir*" on his way to the toilet. "*If you do not reply with 'yes sir', the guard hits you*", the interviewee recalled, "*this is how I heard my brother-in-law*,"⁴³⁵ a moment he described as making him feel that he was still alive. Such sporadic moments were often the sole tangible trace of the presence of a relative or an acquaintance in detention. "*The last time I received direct information about my brother was when my father saw him by coincidence in one of the corridors of the security branches*" one person recalled. His father was later released just before dying as a result of treatment in detention.⁴³⁶

310. Many detainees struggled mentally due to sensory deprivation. The lack of daylight made it difficult to have any temporal references. Many detainees reported having been blindfolded during extensive periods during their detention. Even praying was not allowed in certain branches.

311. For most detainees, months would pass before they were presented to a court if that happened at all. Even during court sessions, they were often not allowed to communicate with the judge or any lawyers that may have been present. For those who appeared before military field courts, there were no lawyers permitted and so they remained effectively isolated from the outside world. For many detainees, their isolation ended only when they were released or when they were finally transferred to a regular civilian or military prison. Even then, detainees held at the First Military Prison (Sednaya) recalled that they were still unable to establish contact with their families. Likewise, many families reported the last believed place of a loved one's detention as the First Military Prison (Sednaya) but they

⁴³¹ COI VI/[REDACTED].

⁴³² As should have been the case, see Working Group on Enforced and Involuntary Disappearances, General Comment on the Right to Truth, A/HRC/16/48, para. 39.

⁴³³ COI IX/[REDACTED].

⁴³⁴ See e.g., COI XI/[REDACTED].

⁴³⁵ COI XI/[REDACTED].

⁴³⁶ COI X/[REDACTED].

were not able to obtain any official acknowledgment of such detention from the Government.

D. Scale of enforced disappearance by Government forces

312. There are reportedly at least 100,000 people missing in the Syrian Arab Republic as a result of the conflict, with a significant proportion having been last seen or accounted for in the former Government's custody.⁴³⁷ The vast majority of families who at some point received notification of death in former Government custody, whether formally or informally, have to date not received the remains of their loved ones nor yet information on any investigation into the manner or cause of their death or their place of burial.

313. There are at least four broad categories of those disappeared by former Government and pro-Government forces. The first category comprises those whose fate and whereabouts are completely unknown to the families or any legal representatives. In this category, the families do not even know if the individuals are currently alive. The second category encompasses those who were last seen alive in Government custody and whose families have been notified of the death of their loved ones through intermediaries or other unofficial channels, but without receiving their remains nor sufficient or any information on the location or nature of their deaths or their graves to be able to trust the notifications. The third includes persons whose families may have received formal death notifications confirming the individual's death in detention but the body was never returned and the place of burial and circumstances of the death never clarified. The final general category comprises those who were forcibly disappeared, but some point had their detention acknowledged by authorities and access was granted or who were released and were able to make contact with their families.

314. For these reasons, determining the precise number of persons subjected to enforced disappearances is difficult to quantify, with estimates ranging into the hundreds of thousands. When including all those who were at some point disappeared and subsequently released, such estimates are credible. The vast majority of the more than 10,000 people interviewed by the Commission have recounted the disappearance after arrest of a family member or friend, with the vast majority last seen in the former Government's custody.

315. In almost every arrest campaign described above in relation to demonstrations and early mass arrest operations, significant numbers of people were detained and the whereabouts of a subset of those individuals are unknown to date. In August 2012 for instance, hundreds of young men were detained in towns neighbouring Dara'a city. An interviewee reported that out of the 400 men and boys who were arrested, the fate and whereabouts of 200 men from one town, Al-Hirak, remained unknown as of the preparation of this report.⁴³⁸ Similarly, a woman recounted how, on 19 June 2013, pro-Government forces raided houses and arrested around 500 men of "fighting age" in Beit Saber (Rif Damascus). While the majority of the men were gradually released, approximately 40 men, including the interviewee's husband, remained unaccounted for at the time of writing.⁴³⁹

316. In another case, one individual who was released in 2013 recounted how Air Force intelligence targeted his extended family for arrest when searching for him in January the preceding year:

"The security forces raided my family home. At that time, I was not in the country. In my absence, the security agents took my father and brother, and as if it was not enough, they even abducted my brother-in-law and the two children of my cousin."

While the interviewee and his brother-in-law were released at the start of 2013, the fate of his father and the children of his cousin remained unknown as of the preparation of this report.⁴⁴⁰

⁴³⁷ United Nations General Assembly resolution 76/890 (2 August 2022).

⁴³⁸ COI V/[REDACTED].

⁴³⁹ COI IV/[REDACTED] and COI IV/[REDACTED].

⁴⁴⁰ COI XI/[REDACTED], Brother later released interviewed in COI XI/[REDACTED].

317. As of May 2013, the Commission also noted that enforced disappearances increased following arrests at checkpoints, roadblocks and borders. Large numbers of individuals, mainly young men, were arrested at Government and affiliated militia-controlled checkpoints throughout the country, including in Shin and Tilbiseh (Homs), Nawa (Dara'a) and Qatana (Damascus). Many have not been heard from since.⁴⁴¹

318. The pattern of detention and disappearance, including at checkpoints, continued throughout the period covered by this report.⁴⁴² For example, one young man was arrested by Criminal Security in Damascus in July 2018, after which his family received no information about his whereabouts. Approximately six months later a family acquaintance who worked at a graveyard claimed he had recently buried his body. The family, however, did not receive any death notification or any other information about his fate from any official source.⁴⁴³ In July 2019 in Quneitra, a former humanitarian worker was arrested after being stopped by a Syrian Arab Army vehicle. Though various informal information had been received by the family from released detainees, there was no official information concerning his fate or whereabouts.⁴⁴⁴

E. Impact on families

319. Victims of disappearance were not only those who went missing, but also their family members who were traumatized by the disappearance of family members and the subsequent unwillingness of authorities to assist in the clarification of their whereabouts and wellbeing.⁴⁴⁵ Many of the victims who spoke with the Commission broke down when describing the disappearance of a close family member. While in some cases, the family members witnessed the arrest, in other cases, their loved one vanished without a trace and they only pieced together what had happened through friend or neighbour networks. In most cases, years would then pass by without any information on the status and whereabouts or the disappeared person:

*“Not knowing anything is the worst part. Your thoughts go in all directions, and you make up a long train of scenarios of what may have happened: ‘Is he dead or alive? If dead, how did he die? If alive, where is he being held? Is he still being tortured? Is he hungry, sick? It goes on...’ Then, however, when I was lucky enough to finally have some news, I was torn and in anguish over to what degree I could rely on it, if it was true, or if it was fabricated by the middleman, if not by the security officer, or basically anyone else in the chain of money and information that ran between me and my son. Despite this ordeal, whenever such news came, hope returned, and with this I endured the next period of silence, waiting, and anguish. Most of the time, however, we were just waiting. Years passed without any news.”*⁴⁴⁶

Father whose son was forcibly disappeared by former Government forces in Yarmouk Camp, Rural Damascus in 2014, and who was still looking for him when interviewed in 2019.

320. In some cases, initial detention was acknowledged and families were able to visit detained relatives only for information and communication to suddenly cease and visitation be denied. In other cases, a person's detention was never acknowledged and demands to obtain information remained consistently unanswered by the authorities. In many other

⁴⁴¹ See above Section III(C) Patterns of Arrest, Checkpoints for further information concerning the gendered nature of arrests at checkpoints. See also, e.g., COI VII/[REDACTED], COI IV/[REDACTED] and COI VII/[REDACTED].

⁴⁴² See e.g., A/HRC/27/60, para 50 (2014), A/HRC/30/48, para 168 (2015), A/HRC/33/55, para 75 (2016), and A/HRC/42/51 (2019).

⁴⁴³ COI IX/[REDACTED].

⁴⁴⁴ COI X/[REDACTED], COI X/[REDACTED], and COI X/[REDACTED].

⁴⁴⁵ Human Rights Committee, general comment No. 36 (2018), para. 58. See also, General comment on women affected by enforced disappearances, Working Group on Enforced or Involuntary Disappearances (2013), A/HRC/WGEID/98/2, para 12.

⁴⁴⁶ COI X/[REDACTED].

cases, family members were often too intimidated to dare to inquire about detentions of loved ones. Not knowing whether their loved ones were still alive or dead and, if so, what had happened to their bodies, families could neither fully mourn nor adjust to their loss.

321. Further, the scars of the continuing disappearances have left perennial wounds for formerly besieged communities and areas that were recaptured. In formerly restive or “reconciled” areas, the enduring absence of the many who went missing since the early days of the unrest has wreaked havoc on families, tearing the social fabric of entire communities. The Commission documented several localities where multiple members of the same households were forcibly disappeared and remain missing.⁴⁴⁷ Some communities were acutely impacted, suffering the disappearance of almost all adult males. Thousands of households experienced this sudden absence of fathers and husbands, creating thousands of women-headed households in the process. This occurred for example in Assal al-Ward in April 2013, Homs city in May 2013, and following the recapture of Yabroud in March of the same year.⁴⁴⁸

322. Families of the disappeared desperate for information on their fate have been extremely vulnerable to extortion or bribery. Intermediaries or middlemen, many with ties to security or intelligence forces, or security officials themselves, would sell information, and promises of visits and release to the victims’ families. In many cases they provided hopeful but false information in order to extract more money. A woman interviewed by the Commission in 2019 told how she paid 1,000 USD to someone in 2012 who allegedly had connections with Syrian intelligence in order to get news about her son who had disappeared in 2011. Commenting on the payments, she remarked, “*I know it was not the right thing to do, but I needed hope, human beings need hope.*”⁴⁴⁹ Intermediaries often justified their prices by claiming they used a portion of the money to bribe government officials and security agents for information.

323. In one case, a father explained how, since the day of his son’s arrest in Damascus in 2012, until June 2019, he had paid the equivalent of 5,000 USD in bribes to intermediaries with connections within the security apparatus, hoping to learn about the whereabouts of his son and secure his release. One intermediary had in 2019 proposed that he could secure the son’s release in return for the payment of 25,000 USD, which the interviewee did not have the means to pay. The son was reportedly last seen in Sednaya Military Prison in 2019.⁴⁵⁰

324. In cases where money was exchanged, families were frequently provided unverifiable information or news that was later contradicted by other information. This only prolonged and exacerbated the emotional pain and suffering experienced by the relatives of the disappeared, and drained their financial resources.⁴⁵¹ As bribes have in some cases produced information about detainees or secured their release, an informal information and influence market developed in areas under the former Government’s control.⁴⁵² False information was also provided to those looking for the missing. A survivor explained that during his detention in 2013 his parents had been told by an intermediary that he was dead. They only found out that he was alive when he was transferred to Adra Central Prison a month later.⁴⁵³ The Commission documented a number of such cases, including cases in which detainees for whom official death notifications were provided later emerged alive. Such cases further fuelled mistrust among families in information provided without details on the circumstances or whereabouts of the remains. On occasions, individuals deliberately concealed having found out about the death of their relatives to some of their family

⁴⁴⁷ See for example, COI V/[REDACTED], COI V/[REDACTED], COI V/[REDACTED], COI V/[REDACTED], COI V/[REDACTED], COI V/[REDACTED], COI V/[REDACTED], COI V/[REDACTED].

⁴⁴⁸ The commission previously report on these events in A/HRC/27/60, paras. 46 and 49.

⁴⁴⁹ COI X/[REDACTED].

⁴⁵⁰ COI X/[REDACTED].

⁴⁵¹ See, e.g., COI X/[REDACTED], COI X/[REDACTED], COI VII/[REDACTED] and COI XI/[REDACTED].

⁴⁵² See e.g., COI X/[REDACTED].

⁴⁵³ COI IX/[REDACTED].

members, either because they did not believe the information or because they did not want them to lose hope.

325. Often, released detainees were the only hope for relatives to obtain information about the missing, given that their paths may have crossed during detention.⁴⁵⁴ One man detained for a year at the Military Police facility in Hama explained how upon his release in 2013 he was approached by dozens of women with photographs of their loved ones asking if he recognized them.⁴⁵⁵ Sporadic information through former detainees was also a source of anxiety, as released detainees often reported to have seen their relatives in abysmal conditions, without being able to confirm a given detainee's status. A number of families also recounted having recognized their relatives among the "Caesar" photos. The process of looking for their missing relatives through the thousands of photographs had been described as extremely painful for many.⁴⁵⁶

326. On occasions, individuals deliberately concealed having found out about the death of their relatives to some of their family members, either because they did not believe the information or because they did not want them to lose hope.

VII. Death in Detention

327. The Commission has obtained more than 460 accounts providing information on the death of detainees in former Government detention facilities between 2011 and 2020. At least a quarter of these were collected from former detainees, witnesses and family members of deceased persons included information about multiple victims, including members of the same family.⁴⁵⁷ While the overwhelming majority of those who died in such facilities were men, women and boys as young as seven years old also died in State custody.⁴⁵⁸

328. While custodial deaths can also occur due to natural or unavoidable illness, the vast majority of custodial deaths in Syria were directly linked to deliberate infliction of violence or substandard conditions of detention (see subsection A below).

329. Conservative estimates put the number of such custodial deaths at tens of thousands. Accounts of high-level former members of the Syrian military and intelligence forces are consistent with such estimates and indicate that the true toll may be greater. Former security and military officials with direct knowledge of reported deaths estimate death rates of 20 or more individuals per day in 2011 to 2012 to dozens of people dying in custody weekly.

330. The numbers of reported deaths in detention peaked between 2011 and 2015 according to the Commission's data with a second spike occurring in 2018.⁴⁵⁹ Similar findings were made by a statistical analysis report produced upon the Commission's request. According to the Human Rights Data Analysis Group's review of data from eight different documentation entities, over 17,000 deaths occurred in Syrian Government detention facilities between 1 March 2011 and 31 December 2023.⁴⁶⁰

⁴⁵⁴ A/HRC/25/65, para. 46.

⁴⁵⁵ COI IV/[REDACTED].

⁴⁵⁶ See e.g., COI VI/[REDACTED], COI VI/[REDACTED], and COI VI/[REDACTED].

⁴⁵⁷ See e.g., COI XI/[REDACTED].

⁴⁵⁸ A/HRC/31/CRP.1, para 22.

⁴⁵⁹ In recent years, after neighbouring countries closed their borders, the number of Syrians who were able to leave the country decreased, challenging the Commission's ability to document cases of deaths in Government detention through eyewitness reports as speaking to released detainees who remain in Government controlled area entails inherent risks for their safety. The information is indicative of trends but the decreasing information should not necessarily be interpreted as proof of reductions in custodial deaths.

⁴⁶⁰ This is based on over 21,300 unique, identifiable victims of deaths in detention facilities controlled by any party to the conflict in the Syrian Arab Republic, with 80%, or over 17,000, likely to have occurred in Syrian Government detention facilities. From the more than 21,300 observed deaths in custody, an overall total of 34,000 victims are estimated killed in custody between 1 March 2011 and 31 December 2023, within a 95% uncertainty interval between (32,000, 37,000). These killings

331. The higher documented number of deaths between 2011 and 2015 can, at least in part, be attributed to the presence of a much higher number of detainees who had been arrested during mass arrest campaigns that were conducted by security and army forces across the country in 2011 and 2012 (see Section III, Patterns of Arrest) and following recapture of population centres in 2017 and 2018.

332. Deaths in Government detention facilities due to violence and subhuman conditions continued to occur throughout the period covered in this report.⁴⁶¹ The Commission documented several cases of deaths of detainees who were arrested between 2018 and 2019 shortly after the so-called “reconciliation” agreements in retaken areas in Dar’a, Quneitra and Rural Damascus.⁴⁶²

333. In Dar’a, individuals who were arrested after the Russian-brokered agreement in the summer of 2018 were announced as dead via various formal and informal means (see the section on death notifications) within one year of the date of their arrest.⁴⁶³ This includes a 16-year old child who decided to voluntarily approach a checkpoint in Izra’ District in Dar’a governorate in December 2018 to obtain a settlement status. He was immediately arrested and taken to Military Intelligence Branch 235 (Palestine) in Damascus, then to Sednaya Military Prison. He was declared dead one year later, in December 2019, at the age of 17.⁴⁶⁴ In another case, a 45-year old civilian from Dar’a who underwent “reconciliation” procedures was arrested in December 2018. His family found out about his death while processing unrelated papers at the personal status registry office in February 2020 (see the section on *death notifications*). The death notice received by his family reflected that he had died on 1 October 2019, approximately 10 months after his arrest.⁴⁶⁵ In a similar pattern, other testimonies were also collected for victims from Quneitra and Rural Damascus who were arrested after the Government’s takeover in 2018 and later declared dead in 2019.⁴⁶⁶

334. The detention places where the most cases of death in detention have been documented by the Commission were also those with the highest prevalence of torture. The most notorious places of torture with the largest number of deaths in custody were in Damascus and adjacent areas. These places include Sednaya Military Prison, the Military Intelligence Branch 235 (Palestine), the Military Intelligence Branch 215 (Raids), the Military Intelligence Branch 227 (Branch 227), and the Air Force Intelligence Investigation Branch (Mezzeh Branch). Other key security branches where a high number of deaths amongst prisoners have been documented include the Air Force Intelligence, Mezzeh Airport Branch, as well as the detention facilities under the control of the General Intelligence Directorate, mainly the General Intelligence Branch 251 (Al-Khatib). Deaths in detention were widely reported also in the security branches at the governorate level, in particular in Aleppo, Hama, Homs and Dar’a, as well as in Idlib.

335. To illustrate, in General Intelligence Branch 251, during the early years of the conflict, both defectors and former detainees described seeing several detainees die every

occurred most frequently early in the conflict, with an estimated peak in 2013, and a second notable spike in deaths in custody in 2018. It is important to note that for this analysis all groups who might be holding a victim in custody were considered, not just Syrian Government actors, but it is estimated that 80% of deaths in custody are attributed to Government actors. Though this study was commissioned by the Office of the High Commissioner for Human Rights, the analysis was undertaken independently by the Human Rights Data Analysis Group in 2024 and will be published in a forthcoming report on their website, <https://hrdag.org/report/20241210-deaths-in-custody.pdf>

⁴⁶¹ A/HRC/ 48/70, para. 31.

⁴⁶² See for example COI X/[REDACTED], COI X/[REDACTED], COI X/[REDACTED], COI X/[REDACTED], COI XI/[REDACTED], COI XI/[REDACTED], COI XI/[REDACTED], and COI XI/[REDACTED].

⁴⁶³ COI X/[REDACTED], COI X/[REDACTED] and COI XI/[REDACTED]. The Commission has received information about the death of 55 detainees from Dar’a alone between 2019 and 2020, most of them were arrested after they had taken part in the “reconciliation” process.

⁴⁶⁴ COI X/[REDACTED].

⁴⁶⁵ COI X/[REDACTED].

⁴⁶⁶ COI XI/[REDACTED] and COI X/[REDACTED].

day.⁴⁶⁷ One survivor recalled that on the day of his arrival at his cell in the Branch, which held hundreds of detainees, “*the smell was unbearable. I did not know what it was at first, but it was the smell of dead bodies*”. Three dead bodies were located in his cell, with clear marks of torture on their backs. He had to step over the corpses in order to reach the only available water tap.⁴⁶⁸ In Branch 251, bodies would be placed in a corner of the cell until there were four or five of them, upon which the guards would provide a plastic bag for them to place the corpses inside. The bodies were so emaciated that former detainees reported being able to put two bodies in the same bag.⁴⁶⁹

336. While the total number of deaths in former Government detention facilities remains unconfirmed, based on the information received and collected by the Commission since 2011, it is estimated to be in the tens of thousands.⁴⁷⁰ The former Government of Syria did not respond to the repeated inquiries regarding an independent, transparent and comprehensive investigations into the thousands of death cases in intelligence and security detention facilities.

A. Causes of death in detention

337. Based on the Commission’s holdings, there were five main categories of deaths reported by detainees in former Government detention facilities: death resulting from severe torture, extrajudicial killings distinct from death caused by torture, executions, denial of medical care, and the conditions of detention.

Death resulting from torture

The methods described in Section IV included those that routinely caused severe and permanent injury to detainees, with survivors regularly reporting the death of other detainees either during interrogation sessions or soon after individuals were returned to their collective cells.

“Although he told his torturers that he had a serious heart problem, they didn’t listen, and continued beating him using electric shock sticks on a wet floor, while pouring cold water on him until he died”. A former detainee who witnessed the death of his cellmate in Air Force Intelligence, Harasta in 2011.⁴⁷¹

338. Both survivors and former members of intelligence and security forces reported the deaths of individual detainees during and after interrogation sessions. Former detainees described individuals who died as a result of severe beating, electrocution, stabbing, when anally penetrated with objects, and through drowning, among other methods during interrogations.

“While they were bringing in another detainee, they were stabbing him with knives. They hung him on the balanco [Shabeh]. Five minutes later, the guards brought five long nails and nailed his back with a hammer until he became paralysed. He bled a lot. The guards left him until he died. I was still sitting in front of the torture room when he died. One of the guards came and beat me with a chain on my dislocated shoulder. Then he took me to the interrogation room blindfolded. He said: ‘Did you see what happened to the others? Confess that you participated in demonstrations’. I replied ‘Whatever you want. I am ready’”. Interviewee describing the last in a succession of detainees tortured in front of him prior to his confession in Military Intelligence, Homs Branch, 2012.⁴⁷²

339. Many detainees died after being returned to their cells. A former detainee held at the First Military Prison (Sednaya) stated that he witnessed at least 45 cases of death in custody

⁴⁶⁷ COI VI / [REDACTED] and COI VI / [REDACTED].

⁴⁶⁸ COI V / [REDACTED].

⁴⁶⁹ COI V / [REDACTED].

⁴⁷⁰ A/HRC/46/55, para. 23.

⁴⁷¹ COI XI / [REDACTED].

⁴⁷² COI V / [REDACTED].

in his cell alone between 2012 and 2019.⁴⁷³ Detainees explained how they used to be sent in batches to so-called “interrogation sessions”, which they described as “long sessions of torture”. When the sessions ended, guards brought detainees back to their cells with serious injuries, after which some of them died. A former detainee explained how his cellmate was brought back to the cell covered in injuries and black bruises from torture. Detainees asked guards for help when they realized that he was in a critical condition. The guards replied: “*tell us when he dies.*” The detainee died in his cell few hours later.⁴⁷⁴

340. Although in some cases the deaths may have taken the form of extrajudicial executions, in many cases detainees who were severely injured during interrogation were sent for medical treatment, indicating that captors intended to keep them alive, at least for further questioning. In this subset of cases, the resulting deaths were clearly caused by the treatment inflicted though it is not clear that death was the intended result.

Extrajudicial executions

341. In many other cases, however, it was clear that the interrogators or captors intended to kill the detainee. Such cases included those where detainees were bludgeoned to death through severe beating, including with metal rods or hammers, stabbing individuals with knives, and gunshots.⁴⁷⁵

342. One Air Force Intelligence defector recounted the following execution of a 16-year-old boy that he witnessed in the courtyard at Air Force Intelligence, Dara Branch in 2012.

*“He was lying facedown on the ground, with his hands cuffed behind his back. An AFI soldier lifted the boy's head high off the ground and asked him “Are you with the revolution?” The boy said no and the soldier dropped his head to the floor. Then he rolled the boy over so that he was lying on his back. The soldier stood on the boy's chest with both feet and asked the boy again, “Are you with the revolution?” When the boy denied it for a second time the soldier began jumping on the boy's chest. Each time he jumped he brought his feet down on the boy's chest with full force. He did this around eight times until the boy was dead. To make sure he then drew his pistol and shot the boy in the head.”*⁴⁷⁶

A former detainee described the following at Air Force Intelligence, Mezzeh, in 2012 described another extrajudicial execution that also had the trappings of a mock execution,

*“During the first 15 days... I was called with three other detainees and taken to the courtyard in front of the main entrance to the cells –it is different from the courtyard where I was taken often for the [other] interview... Four of us were forced to stand against the wall. There were two meters between each detainee. In front of each detainee, there was a guard pointing a Kalashnikov towards us. [Redacted], who was supervising this, asked one of the detainees: “Are you going to confess?” The detainee said: “No”. [Redacted] ordered the guard to shoot him. The guard emptied the magazine of the gun containing 30 bullets on the detainee. I could see everything because I was not blindfolded. I do not know why they executed him.[Redacted] did not ask the three other detainees whether they want to confess. He did not ask us anything. I believe that they wanted to execute the detainee anyway but we three were called in order to scare us and show us what possibly could happen.”*⁴⁷⁷

343. Indicia of extrajudicial executions on a larger scale emerged periodically, such as in Aleppo city in January 2013. Around that time, bodies started appearing in the Queiq river, reportedly after having been dumped in the Government-controlled area of the city. Some of the victims were identified and confirmed to have been detained by State forces, including the Air Force Intelligence Branch in Aleppo. Many of the more than 140 victims had their hands tied behind their backs and appeared to have been executed by gunshot.⁴⁷⁸

⁴⁷³ COI X/[REDACTED].

⁴⁷⁴ COI V/[REDACTED].

⁴⁷⁵ COI VIII/[REDACTED], COI V/[REDACTED], COI V/[REDACTED].

⁴⁷⁶ COI III/[REDACTED].

⁴⁷⁷ COI V/[REDACTED].

⁴⁷⁸ A/HRC/31/CRP.1 para. 34.

Bodies also reportedly appeared along roads around Damascus during the same time period. (See also the below section on mass graves).

Executions following judicial proceedings

There is also a large body of information concerning the execution of individuals following summary criminal trials before the Military Field Courts prior to their formal abolishment in 2023, or other judicial proceedings.⁴⁷⁹ Persons sentenced to imprisonment by field courts routinely recounted the lack of legal counsel, lack of presentation of evidence or ability to field a defence of any kind with proceedings lasting mere minutes.⁴⁸⁰ Some did not even realize that they had in fact appeared before a Field Military Courts due to the near complete absence of anything resembling a judicial process. Security detainees tried by the regular military courts similarly faced summary proceedings failing to respect basic fair trial standards.

344. The application of the death penalty in such proceedings has been reported consistently through both defector interviews and the review of Syrian Government documentation where individuals were sentenced to death but had their sentences reduced by Government Amnesty and were subsequently released (See also Section VIII. Due Process).⁴⁸¹

Former detainees described how fellow detainees were regularly taken, sometimes in groups, from their cells and never seen again. In some cases, they were told they had been taken for execution, while in other cases this was presumed since none of those taken returned.

Former military judiciary and prison staff reported that executions were typically carried out by hanging in designated spaces within military prisons, such as Sednaya military prison.

Denial of medical care

345. As demonstrated in the examples above, former detainees routinely reported that individuals would be returned to their cells severely injured following interrogation or punishment. Detainees received little or no medical care to treat diseases or heal their wounds, and thus developed severe infections that eventually led to death.⁴⁸² When detainees requested medical assistance for persons who appeared to be in life-threatening situations, such requests were often ignored or the reply was “*tell us when he is dead.*”⁴⁸³ In other cases, requests for treatment would result in beatings as detailed in Section IV, above. In certain locations, survivors were categorical that no medical treatment was provided. As one former detainee recounted, describing his imprisonment in Military Intelligence Branch 215 in 2014-2015:

*“One of the causes of death was the fever. Some detainees had very high temperature and died. Others became crazy and stopped eating and drinking and then they died. Other detainees had severe diarrhoea. One of my male cousins, [redacted], died because of the diarrhoea. He became very skinny. He had also an abscess in the leg, it swelled. He was in the same cell [as me] when he died...He did not receive any medical treatment. None of the other detainees received medical treatment. Not even one pill was allowed...no one was treated.”*⁴⁸⁴

⁴⁷⁹ Legislative Decree No. 32/2023, available at <https://sana.sy/en/?p=316110>.

⁴⁸⁰ COI V/[REDACTED], COI X/[REDACTED], COI XIII/[REDACTED], COI XII/[REDACTED], COI VI/[REDACTED].

⁴⁸¹ COI III/[REDACTED], COI X/[REDACTED], COI VI/[REDACTED], COI VI/[REDACTED].

⁴⁸² A/HRC/31/CRP.1, para. 25.

⁴⁸³ COI V/[REDACTED].

⁴⁸⁴ COI VI/[REDACTED].

346. The presence of doctors and availability of medical care for persons accused of anti-Government activity varied from one detention centre to another though nearly all detainees complained of lack of adequate medical supplies or treatment in intelligence and most military prisons. For instance, in Military Intelligence Branch 227,⁴⁸⁵ Military Intelligence Branch 235 (Palestine),⁴⁸⁶ and General Intelligence Branch 251⁴⁸⁷ witnesses reported that doctors would periodically check on the patients but would provide at most only a mild painkiller regardless of the ailment. As a result, consistently high numbers of untreated infections were reported, notably at Military Intelligence Branch 235 (Palestine), with subsequent deaths reported from such infections.⁴⁸⁸

347. Denial of medical care for detainees perceived to be linked to the opposition was reported by defectors to be a deliberate policy, departures from which would be punished. In one example, a guard in General Intelligence Branch 251 was sanctioned for attempting to treat an injured detainee who kept screaming in his cell. The prisoner had had a severe infection in his leg and had just returned from Tishreen Military Hospital where the leg had been amputated. The guard administered pain killers, subsequent to which he was himself detained, accused by the Head of the Branch of being “emotional” towards the prisoner, and held for some 60 days.⁴⁸⁹

348. For serving members of the military who were held at different intelligence branches for other reasons, medical care was reported to be adequate, as was the level of care provided at Military Hospitals.⁴⁹⁰

349. Military medical defectors and detainees further reported that medical staff would also engage in abuse of detainees, in situations including the use of torture, both in case of visits to detainees in their cells and when transferred to Military Hospitals.⁴⁹¹ As one former nurse at Mezzeh Military Hospital recounted of colleagues in 2012:

*“Some of the medical staff would go to the detainee's rooms in their free time to have some fun with the detainees. They would beat them, give them electric shocks and make them shout 'Only God, Assad and Syria' or 'People must be raised to behave'.”*⁴⁹²

350. Beating, electrocution, and summary executions were also reported by intelligence agency personnel embedded at the military hospitals.⁴⁹³

351. In certain cases, detainees were transferred to Military Hospitals for treatment and were in fact treated. For individuals suspected of anti-Government activities, however, medical staff military hospital were instructed to do the minimum necessary to keep detainees alive.⁴⁹⁴ Though in many cases the Commission cannot determine whether the treatment provided was reasonable from a medical standpoint with the information available, the following account is illustrative of the perspective of witnesses to many deaths in military hospitals as recounted to the Commission:

“There was also another young man, he was 19 and he was from one of the largest families in Daraya. He had hepatitis and he needed insulin. They were not giving it to him and he was just dying in front of us while he was begging them to treat him. The nurse came, gave him an injection and said it would have a slow effect. By the evening, the boy was crazy. He spent three days in agony, he was vomiting and he

⁴⁸⁵ COI XIII/[REDACTED].

⁴⁸⁶ COI VI/[REDACTED], COI VI/[REDACTED].

⁴⁸⁷ COI VI/[REDACTED].

⁴⁸⁸ COI XIV/[REDACTED], COI V/[REDACTED], COI V/[REDACTED], COI VII/[REDACTED], COI VI/[REDACTED].

⁴⁸⁹ COI VI/[REDACTED].

⁴⁹⁰ COI VI/[REDACTED].

⁴⁹¹ COI VI/[REDACTED], COI VIII/[REDACTED].

⁴⁹² COI III/[REDACTED].

⁴⁹³ COI VIII/[REDACTED], COI III/[REDACTED].

⁴⁹⁴ COI III/[REDACTED], See also COI I&II/[REDACTED], COI I&II/[REDACTED].

*was vomiting black, peeing on himself, spitting, and his teeth were falling out. He was chained to his bed and after three days he died.”*⁴⁹⁵

352. In some locations, in particular Military Prisons, detainees had to pay doctors to be treated or for medicine, either using funds that they had on them at the time of arrest (which were usually transferred along with detainees), or funds provided by family members during visits. Detainees described pooling contributions in order to pay for medicine as many detainees had no money available in detention.⁴⁹⁶

Other Conditions of detention contributing to death

As described above, the conditions of detention in most intelligence detention facilities and military prisons were characterized by severe overcrowding, unclean drinking water, insufficient latrines, poor ventilation, inadequate heating and cooling, lack of regular bathing facilities, and lack of blankets, beds, and clean, adequate and in some cases any clothing. Detainees were often forced to stand and sleep in shifts. The lack of clean drinking water, sanitation, lice infestations and other unhygienic conditions caused the spread of disease and infections:

“Due to severe overcrowding, but also pain inflicted during interrogation, we were sleep deprived. A squat toilet without water was adjacent to the cell. We wore no clothes and many developed stomach disorders. It often happened that a sick detainee who had severe diarrhoea would discharge over other inmates while trying to reach the toilet. The floor in the cell was covered in human sweat, blood, saliva and faeces. There were detainees who died in the cell, but the guards would not take them out. Only when the number of deceased detainees reached three or more would they come and bring the dead out. The cell was underground. No doctor or any sort of medical help was available.”

A former detainee in the Military Intelligence: Branch 235 (Palestine) in early 2018.⁴⁹⁷

353. Many prisoners were forced to use their toilet as a source of drinking water. Others reported how minimal access to lavatories forced prisoners to relieve themselves inside the cell, often used plastic bread bags to collect their faeces and plastic bottles for their urine. Detainees also described how toilets, when available in collective cells, would clog or water would be cut, resulting in overflow in the cells of excrement and vomit. Prisoners frequently suffered from scabies and other skin diseases. In some detention facilities, guards threw cold water on the floor of cells, forcing detainees to sustain long periods of cold temperatures, further weakening their resilience to illnesses.⁴⁹⁸

354. In numerous intelligence branches, the Commission documented the practice of leaving the corpses of detainees either in collective cells with other people, or in temporary locations near to or used by living detainees, such as bathrooms, for hours or days at a time. One former detainee described the following at Military Intelligence Branch 291 in Damascus in 2014:

*“Also in cell 10 was [redacted]...from Idlib... [redacted] was tortured and eventually “lost his mind”. He died in cell 10 three days after my arrival. Cell 10’s occupants called out for his body to be taken away, but the body remained in the cell for the next 10 hours. At midnight, when we went to the bathroom, me and five others took the body to the bathroom where bodies were kept. There were already two bodies in that bathroom.”*⁴⁹⁹

355. Prisoners received minimal rations of food that caused dramatic weight loss, resulting in a deterioration of detainees’ general health and reducing their ability to recover from injuries. Some families who received the bodies of their relatives described the

⁴⁹⁵ COI VIII/[REDACTED].

⁴⁹⁶ COI VII/[REDACTED].

⁴⁹⁷ COI IX/[REDACTED].

⁴⁹⁸ A/HRC/31.CRP.1, para. 26.

⁴⁹⁹ COI VI/[REDACTED].

emaciation of the corpses. Former detainees in some facilities described the food provided to them as spoiled, causing acute gastro-intestinal illnesses. A high number of prisoners across detention facilities died of severe and continuing diarrhoea, likely caused by the unhygienic conditions and the inadequate standard of food in the prisons. The victims would often suffer for months before dying.⁵⁰⁰

356. Detainees shared additional details explaining the extremely poor quality and quantity of food provided to them. A former detainee who spent nine years in several detention places talked about his two-week stay in the Military Intelligence Branch 248 (Investigation) in summer 2011. He stated that: “*the food was disgusting, the breakfast was jam but inside you could see small insects crawling. On several occasions, the bread was too hard to eat*”.⁵⁰¹ Others described how one boiled potato used to be shared as a meal among several detainees, sometimes with a small loaf of bread. A meal could also be two to three olives with a small piece of bread, with detainees described eating the olive pits in order to get extra nutrition.⁵⁰² Interviewees described how some detainees died from hunger. A former detainee described the conditions in the Military Intelligence Branch 235 (Palestine) in Damascus:

*“[E]very four days a prisoner would die because of ill-treatment or lack of food. After spending 70 days in Palestine Branch, I lost approximately 25 kilos in weight; I was only skin and bones, without muscles. I was released after approximately four months in [redacted] 2019.”*⁵⁰³

357. Combined with the lack of medical care or other intervention to reverse the decline of detainees, deaths of detainees from preventable causes were widely reported by former detainees and many defectors.

B. Mass Graves

358. Since 2011, the Commission has received information concerning the use of mass graves to bury persons who died in Government custody, with two main sites in Rif Damascus, Najha and Qutayfa, mentioned most frequently by both former security forces personnel and families. During the trial of two former members of the Syrian General Intelligence Directorate in Koblenz, Germany that concluded in 2023, a witness stated before the court how he had participated in the burials of detainees in the Najha area, as well as at Qutayfa. In his estimate, the number of victims possibly exceeded hundreds of thousands of detainees.⁵⁰⁴ Dozens of other alleged mass grave sites remain under investigation.

359. In the overwhelming majority of cases where families received information from official or unofficial sources that their loved one had died in detention, no mortal remains were returned to the family, nor was information forthcoming on the person’s final resting place. On occasion, families were told that their loved ones were buried at Nahja, without any official notification or further detail. This lends further support to accounts concerning both the large number of custodial deaths and the likelihood that mass graves were employed by the Government for their burial.

Transfer and burial of detainees’ bodies

360. The disposal of the bodies of those killed in custody involved military, intelligence, and civilian agencies, primarily in Damascus and Rif Damascus, working in coordination. Former security officials reported that the bodies of persons who died at intelligence and military facilities were transferred to military hospitals, including Tishreen Military

⁵⁰⁰ A/HRC/31.CRP.1, paras. 27 -28.

⁵⁰¹ COI XI/[REDACTED].

⁵⁰² A/HRC/45/31, para. 26.

⁵⁰³ COI X/[REDACTED].

⁵⁰⁴ See Koblenz Higher Regional Court File no. 1 StE 3/21, Judgement of 24 February 2021, (*Anwar R.* case), pages 109-117 (available in English at <https://www.eurojust.europa.eu/document/higher-regional-court-koblenz-germany-24-february-2021-case-number-1-ste-321>).

Hospital, Harasta Military Hospital and Mezzeh Military Hospital where the deaths would be formally declared and registered with a medical number.⁵⁰⁵ Persons who died in Criminal Security and Political Security Directorate custody would normally be transported to civilian hospitals, though sources reported that during the crisis, the Ministry of Health-run hospitals were also placed under the direction of the Ministry of Defence.⁵⁰⁶ The mortuaries of each hospital held the remains both of individuals who died at each hospital as well as the remains of individual who transited after death in a detention centre.

361. Following registration at military hospitals, bodies of security detainees were transported onward. A small number of families received the bodies of their loved ones for burial, primarily in the very early stages of the crisis and in certain particular cases. The vast majority of bodies moved out of the hospital morgues, however, were not returned to families,⁵⁰⁷ and were likely transported to mass grave sites. Members of intelligence agencies were responsible for such transport as recounted by defectors.

362. The decision to bury the bodies of persons who died in custody reportedly resided with the head of the security or intelligence agency. On occasion, military hospitals complained through official channels at the delayed decision to bury detainees, as bodies had piled up beyond the capacity of their morgues. One defected employee of the General Intelligence Directorate told the Commission that staff at Harasta hospital who were in charge of burials of dead detainees often complained about the delayed handling of bodies. A member of the Military Intelligence Directorate stationed at Harasta Military Hospital once told him: *"you at the General Intelligence Directorate, you are always late in deciding what to do with the bodies."*⁵⁰⁸

Najha Mass Grave Site

363. A number of sources, including defected staff from different parts of the Syrian government and security apparatus, have indicated locations near Najha village, (Rif Damascus), as among the sites where detainees who died in custody were buried.⁵⁰⁹

364. An interviewee explained how officers of the Military Intelligence Directorate were in control of an operation to dig mass graves for the purpose of burying detainees who died in detention. Starting in September 2011 and until April 2012, he witnessed the digging of trenches where dead detainees were buried in unmarked graves. After dark, vehicles from military hospitals would arrive at the location, carrying bodies of detainees who died in the custody of the intelligence agencies or at the First Military Prison (Sednaya). The vehicles were accompanied by personnel from the security apparatus. Bodies would then be brought into the trenches and covered with earth. The interviewee recalled how bodies displayed marks of torture and emaciation. He also recalled being told by intelligence staff in charge that bodies wrapped in white fabric were women. According to his observations, this represented a small percentage of the corpses. The operation he participated in was designated as strictly confidential. Officials of the security apparatus attending the site warned him not to tell anyone about the operation, or else *"you will end up with these bodies."*⁵¹⁰

365. Satellite imagery analysed by UNOSAT indicates a significant soil disturbance occurring since 2011 and at least until 2013 at the site with corresponding coordinates. Such earth disturbances are consistent with the visual attributes of possible mass graves in the area.⁵¹¹

⁵⁰⁵ COI VI/[REDACTED].

⁵⁰⁶ COI VI/[REDACTED].

⁵⁰⁷ See for instance, COI IX/[REDACTED].

⁵⁰⁸ COI VI/[REDACTED].

⁵⁰⁹ COI VI/[REDACTED], COI VIII/[REDACTED], COI VI/[REDACTED], and COI XI/[REDACTED]. See also, Koblenz Higher Regional Court File no. 1 StE 3/21, Judgement of 24 February 2021, (Anwar R. case), pages 109-117 (available in English at <https://www.eurojust.europa.eu/document/higher-regional-court-koblenz-germany-24-february-2021-case-number-1-ste-321>).

⁵¹⁰ COI XI/[REDACTED].

⁵¹¹ Satellite imagery on file with Commission.

366. A number of family members of detainees who died in custody have told the Commission that when they inquired regarding the whereabouts and fate of a detainee, they were told that the victim had died and was buried at Najha. In one case, a woman whose husband had been arrested by security forces in February 2012 from their home in Sanamayn (Dar'a), was informed about his death in early 2013 by a local official. An official at the Military Police Headquarters in Qaboun, referred her to the Tishreen military hospital. There, an employee confirmed the death of her husband, indicating that she could not see his body as he had been buried at Najha some four months earlier.⁵¹²

367. The ground in which the detainees were buried is reportedly the property of the Syrian Ministry of Endowments.⁵¹³ The use of the same gravesite for regular burials has been widely reported in the public domain and is visible in satellite imagery.⁵¹⁴ More recently, information indicates that victims of the COVID-19 pandemic were buried at the same site.⁵¹⁵ This information is consistent with evidence obtained by the Commission, indicating that, after detainees were placed in unmarked mass graves and covered by soil, a one metre deep trench would remain for the possible use for official burials. Eyewitness also confirmed that the site had been used in recent years for marked gravesites.⁵¹⁶

368. While the use of the area for normal burials could explain some of the earth disturbance in the area observed on satellite imagery, the accounts from direct witnesses and examination of satellite imagery at the site are consistent with the burial of substantial numbers of detainees who died in custody. The information of the site's use for marked graves raises the concern that the bodies of tens of thousands of detainees who died while in State custody are potentially mixed with regular marked graves, suggesting an intention to conceal evidence.⁵¹⁷

Qutayfa Mass Grave Site

369. Corroborated information obtained by the Commission indicates that detainees who died in custody were also buried in mass graves in Qutayfa, some 45 kilometres north of Damascus.⁵¹⁸ The site was under the control of the 3rd Division of the Syrian Arab Army.⁵¹⁹ Bodies were transported from Tishreen, Harasta and 601 Mezze military hospitals in Damascus and included detainees who had died in the custody of the four main intelligence agencies, as well as those who died in custody or were executed at First Military Prison (Sednaya) following convictions by the military field courts.⁵²⁰

370. Satellite imagery analysis conducted by UNOSAT of the site in question shows significant disturbances in the earth's surface, consistent with the visual attributes of possible mass graves. The expansion of surface changes indicating the location of graves was significant between 2014 and 2019.

371. Similarly to the Najha grave site, the Commission obtained information regarding relatives being informed by State officials that detained family members were buried at Qutayfa.⁵²¹

⁵¹² COI V/[REDACTED]. See also COI V/[REDACTED], and COI V/[REDACTED].

⁵¹³ COI XI/[REDACTED].

⁵¹⁴ Satellite imagery on file with Commission.

⁵¹⁵ COI XI/[REDACTED].

⁵¹⁶ COI XI/[REDACTED]. See also See Koblenz Higher Regional Court File no. 1 StE 3/21, Judgement of 24 February 2021, (Anwar R. case), pages 109-117 (available in English at <https://www.eurojust.europa.eu/document/higher-regional-court-koblenz-germany-24-february-2021-case-number-1-ste-321>).

⁵¹⁷ A/HRC/46/55, para. 24.

⁵¹⁸ COI VI/[REDACTED], COI XI/[REDACTED].

⁵¹⁹ COI VI/[REDACTED], COI XI/[REDACTED]. See also, Koblenz Higher Regional Court File no. 1 StE 3/21, Judgement of 24 February 2021, (Anwar R. case), pages 109-117 (available in English at <https://www.eurojust.europa.eu/document/higher-regional-court-koblenz-germany-24-february-2021-case-number-1-ste-321>).

⁵²⁰ Ibid.

⁵²¹ COI XI/[REDACTED] and COI V/[REDACTED].

372. While it cannot be excluded that other burials of individuals, who were not detainees, also occurred there, the accounts from direct witnesses and examination of satellite imagery at the Qutayfa are consistent with the burial of substantial numbers of detainees who died in Government custody. The potential for mixing or layering graves also raises concerns that there was an effort to conceal evidence at the site.

C. Notification of Deaths

“People say that those who have perished are resting in peace while those who continue living suffer more.”

373. Man from Dar’a reflecting on the grief of his and many families of his village after learning in 2020 that their loved ones had died in Government detention.⁵²²

374. Obtaining information on the fate and whereabouts of persons last seen in Government custody remains an ongoing challenge for family members. As noted above, the fact of an individual’s detention in security and intelligence facilities was not notified to family members as a matter of policy. Even when individuals were moved to military or civilian prisons, it was not guaranteed that families will obtain information on the location of family members. For the majority of families, the fate of their loved ones remained unknown. Others have been able to obtain some information through intermediaries or through civil registries, military hospitals, or Military Police. Only in isolated cases were individuals able to recover the bodies of their loved ones and arrange for burial rites. For the vast majority of persons notified formally of the death in custody of a loved one, the bodies were not returned to family member and the circumstances of their deaths and their final resting place remains unknown.

Information from the Military Police and Military hospitals

375. Two components of the Syrian Arab Army possessed information concerning persons who died in detention: the Military Police and the Military Medical Services Administration.⁵²³ The Military Police, being the entity responsible for the management of Military Prisons, held detainee data for persons held at such facilities.⁵²⁴ It also held information on persons who died in detention facilities controlled by the security and intelligence services. As recounted by former intelligence, security, and military members, the death of detainees in custody were regularly reported by security and intelligence directorates to the Military Police.⁵²⁵

376. Such former insiders also recalled that bodies of detainees who died in security and intelligence facilities in Damascus were normally taken to Tishreen or Harasta military hospitals in Damascus prior to burial.⁵²⁶

377. Detainee information was electronically stored, including at the Military Police Headquarters at Qaboun, Damascus. Military Police regional headquarters were reported to play a similar role in cases of death in detention places of detention outside Damascus.⁵²⁷

378. In many cases, while inquiring with intelligence branches or the Military Judiciary about the whereabouts of a detainee, families were instructed to approach the Military Police headquarters at Qaboun.⁵²⁸ Family members of detainees who were informed that their detained relative had died were often referred to Tishreen Military Hospital to obtain a death certificate.⁵²⁹

⁵²² COI XI/[REDACTED].

⁵²³ A/HRC/31/CRP.1, paras. 60-61.

⁵²⁴ A/HRC/31/CRP.1, para. 41.

⁵²⁵ A/HRC/31/CRP.1, para. 94.

⁵²⁶ COI III/[REDACTED].

⁵²⁷ COI IX/[REDACTED].

⁵²⁸ See for example COI VII/[REDACTED] and COI VII/[REDACTED].

⁵²⁹ See for example COI X/[REDACTED].

379. In one such case, a woman described approaching the Military Police Headquarters at Qaboun in mid-2016, to make a request to visit her husband held at the First Military Prison (Sednaya). She had last been approved for a visit in 2014. The Military Police, however, informed her that her husband had died. She recalled that other families waiting for visitation approval that day were also told that their loved ones had died. The Military Police referred her to Tishreen Military Hospital where she obtained a death certificate.⁵³⁰

380. Similarly, a woman attempting to visit her 17-year-old son detained at the First Military Prison (Sednaya) in 2019 was also informed by the Military Police that he had died. He had been arrested the previous year and reportedly transferred between various intelligence branches before arriving at the First Military Prison (Sednaya), where she had been able to visit him previously. During those visits, she remarked that his physical condition had deteriorated significantly. The Military Police informed her that he was dead and referred her to Tishreen Military Hospital to obtain a death certificate. When insisting that she receive his body, she was informed that it was no longer there.⁵³¹

381. The medical death certificates examined by the Commission invariably indicated a military hospital as the place of death, despite the widely documented deaths of detainees in security and intelligence facilities and military prisons. The cause of death on every death notification reviewed to date was listed as cardiac arrest or natural causes. Families have uniformly recounted that they were not presented with any formal documentation or evidence to clarify the circumstances of their relative's death or any indication that an investigation was undertaken. In most cases, the body of the deceased was not provided to the family, and family members were not allowed to personally see and identify the dead, nor provided with information on the location of the remains.

382. Women were much more likely than men to approach authorities seeking information on the fate and whereabouts of loved ones. This was because in families that still had male heads of household, men feared they were more likely to be detained themselves, in addition to the fact that greater numbers of women headed households, since many more men and boys had been detained and killed. As noted previously, this also placed women in situations where they were placed at risk of discrimination and abuse, as well as detention.

383. In a few cases, interviewees reported that the Military Police sent a telegram directly to families in Government-controlled territory or to village *mukhtars*⁵³² informing them of custodial deaths. As one interviewee recounted, their family living in Government-controlled territory received a telegram that a family member had died in detention in Hama in late 2014. The message requested that someone come to claim his body at the Hama Military Police Headquarters. As the men in the family feared they may have been wanted for arrest, a close female family member was sent to collect the body. She was informed however that as a woman she could not claim the body or collect the deceased's belonging and a male family member must be sent instead. As male family members feared arrest, no one dared to claim his body.⁵³³

384. The procedures related to registration of death and processing of bodies involving the Military Police and the Military Hospital reportedly predated the current conflict. All available information indicated that the Military Police Headquarters at Qaboun and the Tishreen Military Hospital continued to perform these functions during the period covered in this report.⁵³⁴

⁵³⁰ COI VII/[REDACTED] and COI VII/[REDACTED].

⁵³¹ COI X/[REDACTED].

⁵³² Traditional village leaders.

⁵³³ COI IX/[REDACTED]

⁵³⁴ See e.g., COI VII/[REDACTED], COI VIII/[REDACTED], COI XI/[REDACTED], COI IX/[REDACTED], COI IX/[REDACTED], COI IX/[REDACTED], COI IX/[REDACTED], COI X/[REDACTED], and COI XI/[REDACTED].

Civil registry status updates

385. Civil registries were also a conduit through which individuals discovered that family members had been recorded as dead after having been last seen in Government custody. Throughout the Commission's mandate, individuals occasionally reported obtaining information concerning the death of a family member by chance when attending to other business at civil registries. Starting in April 2018, however, and continuing through the reporting period, information emerged that civil registries in Hama, Ladhikiyah, Hasakah, Damascus, and Dar'a governorates had updated the status of thousands of individuals known to have been taken into State custody as dead.⁵³⁵ These changes had been made without any separate notification to the affected families. In some cases, Governorate authorities made public lists of those recently registered as deceased. When families examined the lists, they reported that many deaths were recorded as having occurred on the same date, possibly indicating group executions.⁵³⁶

386. As an example of how families obtained information through civil registries, one man approached a civil registration office in 2018 after hearing about lists of deceased detainees from Mo'adhamiyya being posted. His daughter had been detained years prior and hoped to learn about her fate or whereabouts. He was first told by officials at the registration office that no women were named, and indeed, her name was not on the list. Asking the officials to check the general status of the family in the civil registers, however, he learned that the status of his daughter had been changed to "dead".⁵³⁷

387. In other cases, families learned about the change of status by coincidence.⁵³⁸ The experience of one family from Mohajjah, Dar'a, in 2020 is illustrative. When consulting the civil registry office in relation to an unrelated family matter, the parents learned that their son, who had been detained by Government forces in 2018, was now registered as deceased. As their fellow villagers heard about the incident, more families whose relatives were detained by the Government went to consult the civil registry. Ten people detained from the same village had had their civil status changed to dead. They had all been arrested at different times and under different circumstances after the "reconciliation" process in Dar'a in July 2018.⁵³⁹

388. In addition to published lists, coincidence, and word of mouth, families were in some cases also informed by State agents, including mukhtars or the police, about the death of their relatives. They would then be instructed to approach civil registries for official confirmation.⁵⁴⁰ In January 2020, in Ghabaghib village (Dar'a), the families of ten men detained by Government agents in 2012 were informed by the local *mukhtar* that their relatives were dead. The families were instructed to approach the Civil Registry Office where some reportedly were asked to sign a statement that they had been notified. The did not, however, receive medical death certificates.⁵⁴¹

389. As with information on deaths provided by the military police and the military hospitals, the updates of the civil registries and other ways that families were notified of the death of a detainee occurred without further supporting documentation regarding the circumstances of the detainee's death. In no case was a family provided information concerning any official investigation into the custodial deaths.

Information through payment to intermediaries

390. Beyond the official and semi-official processes described above, the majority of families of detained persons resorted to intermediaries (with official or informal links to authorities) or to individual officials to obtain the location, fate, and whereabouts of family members. Obtaining such information was always in exchange for payment of some kind.

⁵³⁵ COI IX/[REDACTED] and COI XI/[REDACTED].

⁵³⁶ A/HRC/40/70, paras. 75-77.

⁵³⁷ COI IX/[REDACTED].

⁵³⁸ COI IX/[REDACTED].

⁵³⁹ COI XI/[REDACTED].

⁵⁴⁰ COI IX/[REDACTED] and COI X/[REDACTED].

⁵⁴¹ COI XI/[REDACTED].

In some cases where a detainee was alive and the family was able to make the payments, they were able to secure information on the person's whereabouts, contact with or a visit to the person, or secure their transfer to a military or civilian prison or even the person's release. In the majority of cases however, the information received was unverifiable or contradictory, the family did not find it credible, or the intermediary simply took the payment and never provided any information.

391. Families of the missing would sometimes reach out through their networks to individuals they knew were well-connected to Government, military, or intelligence sources for information. Families were also contacted directly with unsolicited offers to assist.

392. Many interviewees reported selling homes, agricultural land and other family assets to pay for release of persons or information on their fate. In most cases, families said they paid money to an intermediary. Some, however, paid money directly to government and security officials. Others paid such officials indirectly through lawyers on the understanding that a portion of the payment was earmarked for specific Government officials. In a small subset of cases, women reported officials demanding sexual favours in exchange for information on missing relatives.

393. For example, a mother of five explained how she attempted to obtain information on her husband through intermediaries between 2012 and 2019. She had paid various intermediaries since the initial arrest of her husband in Zabadani in 2012. Although she was informed by the Military Police at Qaboun that her husband had died in 2014, she continued looking for him, refusing to believe that he was dead. Subsequent to that, she paid 2,000 USD to an intermediary who claimed that he had information that her husband was alive in the First Military Prison (Sednaya). Afterward, the same person requested an additional 4,000 USD to have her husband moved to a safer prison, which she paid. Despite of the payments, she received no evidence that he was still alive or moved to a different location.⁵⁴²

VIII. Due process for those arrested and detained

394. This section concerns two distinct areas related to the Syrian domestic legal framework concerning procedural safeguards to ensure arrests and detention are not arbitrary, and domestic accountability in a broad sense for families and survivors of torture and ill-treatment. The two areas intersect to a degree on the issue of use of information derived from torture or ill-treatment to support either convictions or continued pre-trial detention.

395. As the former Syrian Government has noted in its various public communications to the Human Rights Committee and the Committee against Torture, the Syrian Constitution and legislation provide for a range of due process guarantees.⁵⁴³ At the same time, throughout the reporting period, there existed specific extraordinary legal regimes that took large numbers of individuals outside of regular legal process whenever they were accused of state security or terrorism-related offenses. The most well-known components in the pre-2011 period were the state of emergency (declared and in place since 1963) and the State Security Court. The state of emergency was lifted in mid-2011 while the State Security Court was abolished the same year in response to increased protests.⁵⁴⁴ Despite this, two existing official parallel legal regimes continued to function, the regular military courts and the field military courts (until the latter's abolishment in 2023), while a third, the counter-terrorism court, was created in 2012.⁵⁴⁵ This section will briefly introduce the

⁵⁴² COI X/[REDACTED].

⁵⁴³ CCPR/C/SYR/4, Fourth periodic report submitted by the Syrian Arab Republic under article 40 of the Covenant, due in 2009, 30 May 2022 [Date received: 29 December 2021) and CCPR/C/SYR/RQ/4 (2 February 2024). See also, National report of the Syrian Arab Republic for the Universal Periodic Review, (A/HRC/WG.6/40/SYR/1) (2021), paras 38-40.

⁵⁴⁴ See Decree No. 161 of 21 April 2011 and Decree No. 53 of 21 April 2011, respectively.

⁵⁴⁵ On the abolishment of Field Military Courts, see Legislative Decree No. 32/2023, available at <https://sana.sy/en/?p=316110>.

due process standards and the extraordinary courts provided for under Syrian law and then briefly examine the application in practice.

A. Relevant Provisions of Syrian Domestic Law and Fair trial guarantees

396. The Syrian Constitution of 2012 stipulates in Article 53(1) that no one may be arrested without an order or decision of a competent judicial authority unless arrested *in flagrante delicto* or, vaguely, with the intent of bring a person before judicial authorities on criminal charges. Article 53(3) further states that any person arrested must be informed of the reason for arrest and their rights. The Syrian Code of Criminal Procedure of 1950 (Legislative decree no. 112 of 13 March 1950) also requires judicial review and approval prior to issuance of a summons or arrest warrant in articles 102-121. Article 104 of the same code had required that any arrested individual must be presented to a competent judicial authority within 24 hours of arrest. This requirement was loosened considerably by the promulgation of Legislative Decree no. 55 of 2011, Article 1 of which allowed any entity exercising the function of judicial police to detain individuals for up to seven days before review by a prosecutor, renewable for up to 60 days before a suspect must be presented to a court.⁵⁴⁶

397. Entities such as the Military Intelligence Directorate and the Air Force Intelligence Directorate are not included in the list of entities that can exercise the power of judicial police under Article 17 of the Criminal Procedure Code. Legislative Decree no. 55 of 2011, however, provides for detention by entities “authorized in its duties” to investigate certain crimes. Given that much of the legislation pertaining to the functioning of security and intelligence forces remains unpublished, this has been suggested by current and former Syrian lawyers and judges as a legal basis for the exercise of judicial police functions by those entities.

398. Article 51(3) of the 2012 Constitution provides for the right to mount a defence and the provision of legal aid for persons who are incapable of retaining legal representation. The Code of Criminal Procedure in Article 69(1)-(3) also provides for the appointment of a lawyer if a defendant in a felony case is unable to appoint counsel and a limited right to refuse to answer questions without the presence of a lawyer, unless there is a fear that evidence will be lost if the interrogation is delayed. Article 72(2) of the same code stipulates that defence counsel can contact defendants at all times, even if isolation of a defendant is otherwise ordered by the court.

B. Grounds for arrest and detention

399. Despite the procedures described above, the process of presenting legal justification and presentation before judicial authorities were extensively reported to be either entirely absent or extraordinarily delayed in almost all cases of detention by intelligence, security or military forces.

400. Rather than presentation of evidence or sufficient cause for the issuance of an arrest warrant or enforceable summons as per the provisions cited above, former security and intelligence force members, as well as former military and police officers, reported that arrests of persons wanted for anti-Government activities were generally conducted on the basis of lists of wanted individuals gathered by the intelligence and security agencies. These lists were based on information gathered from a vast network of informers, as well as information obtained through interrogations. This included information derived through

⁵⁴⁶ In its General Comment no. 35, para 33. The UN Human Rights Committee in interpreting Article 9(3) of the International Covenant on Civil and Political Rights stated that a maximum of 48 hours would be considered reasonable to prepare for the presentation of a suspect to a judge and in no case should such a period exceed “a few days from the time of arrest.” See also, A/HRC/21/50, para 46.

torture.⁵⁴⁷ Moreover, security reports submitted by members of the public against individuals, including against those perceived to be insufficiently loyal to the Government, or reportedly in revenge for personal grievances, were used to populate such wanted lists. These lists would in turn be used to inform raids and arrest operations, as well as being provided to military, security and intelligence forces at checkpoints.⁵⁴⁸ There was no indication that the content of these lists were subject to any judicial oversight or review process.

401. In nearly all cases, persons arrested by intelligence, security or military forces were given no information regarding the reason for their detention at the time of arrest. Instead, they learned of the reasons in the course of their interrogation.

C. Lack of judicial oversight

402. Despite the constitutional and legislative requirements above, the majority of detainees appeared before courts months, or in some cases years after their initial arrest or detention. For those informed of the charges prior to being presented to a court, only a small minority reported being presented with evidence supporting the allegations against them in order to prepare a meaningful defence. Frequently, detainees were transferred between numerous places of detention under the authority of various security and intelligence agencies without being informed of specific charges or presented to a competent judicial entity.

403. Of the more than 550 former detainee accounts reflected in this report, only a handful reported that they were presented before the judiciary within a matter of weeks.⁵⁴⁹ Those who would be presented to either the military courts, a field military court, or the counterterrorism courts, which as described below operated outside the regular Syrian criminal justice system. Most interviewees reported detention that lasted well beyond the domestically mandated period of 60 days before being presented to a judge.

404. As a result, trials took anywhere between several months and several years from the time of arrest to commence. In many cases, detainees reported that they were held, interrogated, and released after years of detention without ever setting foot in a courtroom.

D. Lack of access to legal counsel

405. Whether arrested in their homes, during raids by security forces, or at checkpoints, many detainees were kept for months, or even years, without access to a lawyer or the outside world. More than 1,200 individuals interviewed by the Commission reported having experienced, witnessed, or being faced with incommunicado detention of their families or clients, indicating denial of access to legal counsel despite the above provisions. Lawyers were not permitted at military field court trials and their ability to mount a

⁵⁴⁷ See e.g. COI VI/[REDACTED], COI VI/[REDACTED], COI VI/[REDACTED], COI VI/[REDACTED] and COI VI/[REDACTED].

⁵⁴⁸ See COI XI/[REDACTED], COI XI/[REDACTED], and COI XI/[REDACTED]. See also, A/HRC/43/75, para 74. With hundreds of thousands of individuals estimated to be wanted by the Government security apparatus, civilians sought information to verify whether they were wanted by the Government's security branches. The names of several wanted individuals were also leaked or made public. Civilians who considered themselves at risk of arrests checked their status through any such list. Alternatively, they also resorted to intermediaries to verify their status. The process, also known as "*darb fiche*" (or "checking their file"), represents one of the few recourses before considering moving across Government areas. The ubiquitous checkpoints have further enabled members of the security services to extort bribes from travellers by threatening to arrest them. In Duma, eastern Ghutah, authorizations from the security branches were required in order to enter and exit the city. Without such authorizations, residents reported having to pay large bribes at checkpoints to gain access to hospitals to treat their medical conditions. These practices and restrictions impeded civilians' access to basic services, including health care and education, and confined those lacking financial resources to their homes.

⁵⁴⁹ See also, A/HRC/31/CRP.1, para 16.

meaningful defence at trials before the counterterrorism court and regular military courts was minimal. For the vast majority of detainees, no lawyer or legal counsel was present when they were first brought before a judge. Instead, lawyers were only able to engage with their clients shortly before the start of their trials at the counterterrorism or regular military courts, if at all.

E Principle of legality

406. Notwithstanding that certain crimes and offences are well-defined within existing Syrian legislation, a substantial portion of the counter-terror framework, political and state security crimes are so vaguely defined that they raise issues under the principle of legality and the arbitrary application of substantive law.⁵⁵⁰ Detainees recounted being charged and convicted of such crimes as “weakening the national sentiment,” providing “moral support” to armed groups through maintaining basic family contact with family members living in opposition areas, and providing healthcare services to sick or injured alleged members of armed groups. Some domestic law prohibitions arguably criminalise the right to freedom of expression and opinion, at least as applied in practice, rendering detention on such charges arbitrary.⁵⁵¹

407. According to the Syrian Penal Code of 1949, as amended, acts such as undertaking propaganda tending to weaken the national sentiment in times of war or peril of war;⁵⁵² spreading news that the accused knows to be false or exaggerated⁵⁵³ or susceptible to affect the morale of the nation in times of war or peril of war;⁵⁵⁴ knowingly spreading to a foreigner false or exaggerated news of a nature that undermines the prestige of the state or its credibility,⁵⁵⁵ and ‘insulting the President or publicly insulting the national flag or emblem,’⁵⁵⁶ constitute criminal offences. These and other broadly defined crimes carry prison terms of up to two years.

408. Similarly, in July 2012, the Syrian Government promulgated Law No. 19, the Counter-terrorism Law. Article 8 of the law prescribed imprisonment and forced labour for a variety of ambiguously defined terrorism-related offences. Article 1 of the law criminalizes “all collection or direct or indirect supply of weapons, ammunitions, explosives, and means of communication, information or any other thing with the intention to be used to commit a terrorist act by a terrorist person or terrorist organization”. The formulation “any other thing” has been used to charge individuals who have contacted relatives living in besieged areas or attempted to smuggle them food under this provision. One lawyer recounted that he had represented hundreds of clients in front of the counter-terrorism court who had been charged for such acts.⁵⁵⁷ The provision has also been used to criminalize those who provided medical assistance to civilians and fighters in opposition held areas.⁵⁵⁸

F. Arbitrariness as a result of corruption

409. Corruption within the judicial system was widely reported by former detainees and families of the detained and missing. In cases where individuals were released or transferred to detention facilities with better conditions, money was frequently reported to have changed hands to secure such an outcome.⁵⁵⁹ Payment of bribes was also a means of transferring a criminal case from the counter-terrorism court to a military court, where

⁵⁵⁰ A/HRC/S-17/2/Add.1, para 90.

⁵⁵¹ See, Human Rights Committee, General Comment 35, paragraph 17.

⁵⁵² Syrian Penal Code, article 285.

⁵⁵³ Syrian Penal Code, article 286.

⁵⁵⁴ Syrian Penal Code, Law no. 148 of 1949, Article 286 (1).

⁵⁵⁵ Syrian Penal Code, Law no. 148 of 1949, Article 287 (1).

⁵⁵⁶ Syrian Penal Code, Law no. 148 of 1949, Article 374.

⁵⁵⁷ COI VI/[REDACTED].

⁵⁵⁸ A/HRC/28/69, Annex, paragraph 255.

⁵⁵⁹ A/HRC/22/59, para 69.

access to legal counsel was more likely. In some cases, payments were required to ensure a detainee's file was overseen by a court at all, at least from the perspective of families. Such payments would also be required in many cases to allow for release on bail pending trial. When field military courts were in operation, however, legal practitioners reported that payment of bribes was not effective to obtain a transfer to a different jurisdiction.

G. Use of Information obtained through torture and other forms of coercion

410. Although torture has been prohibited by each Syrian Constitution since 1950 and Article 391 of the Penal Code of 1949 specifically criminalises obtaining confession through “acts of hardship” there is no explicit provision identified by the Commission prohibiting the use of evidence obtained through torture or coercion in the Syrian Penal Code or Criminal Procedure Code. Former Syrian judges have indicated that they were nevertheless bound to investigate any reasonable suspicion that a crime had been committed, including regarding obtaining information or confessions through torture or ill-treatment. Former judges also reported they were pressured not to investigate such allegations in the post-2011 period for security and alleged terrorist detainees.

411. Despite *de jure* prohibition of torture and criminalisation of using coercion to obtain confessions, the vast majority of detainees held on security, political and anti-terror grounds described having been tortured and subject to ill-treatment in order to extract confessions, or being forced to sign pre-written declarations that they had not been able to read.⁵⁶⁰

412. As one former detainee held in General Intelligence Directorate Branch 285 (Damascus) in 2018 recalled, *“They threatened me with three days in the shabeh position unless I confessed and fingerprinted the statement. I was still blindfolded, so I fingerprinted four pages without having read a word”*. He later understood that the pre-written statement amounted to a confession to charges of armed opposition to the Government of Syria, an accusation he denied.⁵⁶¹

413. The Commission has documented hundreds of accounts of detainees attempting to challenge use of confessions obtain through torture, only for their claims to be dismissed without investigation. As one former detainee recalled his first appearance before the Counter-Terrorism Court after more than one month in Government detention in 2018:

*“I was taken before the [redacted] Investigative Judge in the [Counter-]Terrorism Court. There I was read the charges, 'arrested for possession of a weapon of war to be used in terrorist acts'. I tried to tell the judge the confessions had been taken from me under torture. I showed the scars on my body, but the judge simply said that it didn't matter.”*⁵⁶²

414. Detainees who were eventually referred to various parts of the Syrian court system on criminal charges, often after spending months in detention of the security apparatus without being afforded the opportunity to challenge the grounds of their detention, were invariably subjected to an array of violations of the right to a fair trial.

415. Detainee accounts consistently indicated that confessions extracted through torture were admitted as evidence in court proceedings, sometimes as the sole basis for a conviction. This included cases where the charges entailed severe sentences, such as lengthy prison terms or the death penalty.⁵⁶³

H. Extraordinary Courts

416. The general functioning of the Syrian criminal justice system is beyond the scope of this report, which focuses primarily on individuals held at some point by intelligence and

⁵⁶⁰ See e.g., COI XI/[REDACTED]. See also, A/HRC/31/CRP.1, para 16.

⁵⁶¹ COI XI/[REDACTED].

⁵⁶² COI V/[REDACTED].

⁵⁶³ A/HRC/31/CRP.1, para. 16.

security agencies or the military. Being held by such entities generally brought individuals outside of the regular criminal justice system and into an exceptional criminal law regime with extraordinary special courts and legislation relating to military, political, security and counterterrorism matters.

I. Regular Military Courts

417. The expansive personal and subject matter jurisdiction of the military justice system is such that civilians often came under such jurisdiction whenever the alleged offence involved any member of the military or security apparatus as either a victim, perpetrator, or co-party and for a wide variety of offences related to security issues. Despite detailed provisions concerning procedural rights and processes in regular military court proceedings, in cases of civilians involved in security, political, or intelligence matters, they did not appear to be followed, as elaborated below.

418. The functioning and jurisdiction of the regular military courts is set out in the Syrian Military Penal Code, Legislative Decree No. 61 of 1950. Article 50 of that law allows for jurisdiction over current or former members of the military as well as civilians accused of attacking the military, prisoners of war, and civilians who are co-defendants of anyone who would normally be tried before military courts.⁵⁶⁴ The Military Courts are hierarchically under the Minister of Defence and not the Supreme Judicial Council, though judgments may be appealed according to the law to the Court of Cassation, which has a military chamber.⁵⁶⁵ Regular military court chambers are composed of three judges,⁵⁶⁶ which may be a mix of civilian judges and military personnel who are not strictly required to have any legal qualifications.⁵⁶⁷ Single judges may also hear cases in situations prescribed by the Military Penal Code. The requirement of defence counsel and the provision for appointing a lawyer if the defendant is unable to is contained in Articles 70-72 of the Military Penal Code.

419. The Commission has documented cases where suspects were provided with access to legal counsel and had at least *prima facie* indications that defendants were provided with basic due process rights where defendants were charged with minor offences or those not linked to security issues. The lack of fair trial guarantees afforded to defendants charged with more serious security-related crimes before the military courts, however, was well-documented, with judges passing sentences without the presentation of evidence, providing no access to legal counsel, and routinely failing to investigate allegations of torture and ill-treatment alleged by defendants.⁵⁶⁸

420. In one of many such cases, a man from Jasem, Dar'a, was arrested in 2014 at a Military Intelligence Directorate checkpoint near his hometown and taken to the Military Intelligence Directorate office in Jasem. He stayed there for 31 days in a severely overcrowded cell without any information on the reason for his arrest before being brought to the Military Court of Dar'a for a pretrial hearing. He was not provided with a lawyer and was unable to appoint one of his own. The judge asked him one question: whether he belonged to the armed opposition. The interviewee attempted to explain that his name must have been confused with that of another person, but the court hearing lasted only two minutes. He was only able to answer "no" before the judge dismissed him. He was then transferred to the Military Police in Dar'a where he was subjected to the *shabeh* position daily while held for another 55 days. He was released only after his family paid a bribe equivalent to 4,000 USD. Subsequently he was provided, through an intermediary, with an official paper confirming that there were no charges against him.⁵⁶⁹

⁵⁶⁴ Article 50, Military Penal Code, Legislative Decree no. 61 of 1950.

⁵⁶⁵ On the Military Chamber of the Court of Cassation see Articles 31-34 of the Military Penal Code, Legislative Decree no. 61 of 1950. On the functioning of the Supreme Judicial Council see Decree no. 98 of 1961, article 65 et seq.

⁵⁶⁶ Article 14 of the Military Penal Code, Legislative Decree no. 61 of 1950

⁵⁶⁷ See Article 34 of the Military Penal Code, Legislative Decree no. 61 of 1950.

⁵⁶⁸ See, A/HRC/S-17/Add.1, para 90, and A/HRC/31/CRP1, para 89.

⁵⁶⁹ COI X/[REDACTED].

J. Military field courts

421. Military field courts were established through Legislative Decree No. 109 of 1968. Under Article 5 of the decree, Military Field Courts are exempted from the standard judicial procedure set out in Syrian law. Originally these courts had jurisdiction only in times of war and over military operations. Legislative Decree No. 32 of 1980, however, extended the jurisdiction of Field Courts to times of internal disturbance. The courts remained in use throughout the Syrian crisis until their abolishment in 2023 and regularly tried civilians.⁵⁷⁰ Military field court sessions could have in theory been held in different locations, however most known hearings were held at the Military Police facility at Qaboun, Damascus. Proceedings of the Field Court were closed and its rulings were not made public.⁵⁷¹ The law did not allow for appeals of Military Field Court judgments.

422. According to former members of the Syrian intelligence and security forces, former judicial staff, lawyers, and other sources, between March 2011 and December 2021, military field courts sentenced tens of thousands of detainees pronouncing death sentences and lengthy terms of imprisonment without the possibility of appeal.⁵⁷²

423. The Commission has gathered numerous accounts from hearings before the field courts. Most interviewees reported that court sessions would only last a few minutes, with no witnesses or lawyer present. Confessions obtained during torture were routinely presented as evidence, subsequent to which terms of imprisonment and death sentences were issued.⁵⁷³ Some defendants were not informed of the verdict at the hearing or after and only learned of their actual conviction and sentence years later. Others learned that they had been sentenced by the field court without ever being present at a hearing. Some former detainees recalled sessions taking place in a simple office or room and not realising until later that their brief encounters had in fact been their hearing. It is possible that some detainees were in fact present at such a court without ever realizing it. Interviewees attending hearings also reported how defendants displaying visual injuries and signs of abuse appeared before the judge. In no documented cases before a field Military Court did the judicial authorities take steps to inquire whether confessions were obtained during duress, or to investigate possible torture.

424. A former employee of the Military Judiciary in Damascus with knowledge of the contents of the case files based on which a defendant before the military field court was sentenced to death in 2012 recalled that the evidence consisted of one document only: a confession. The file contained no other piece of documentary or physical evidence. The defendant, a medical doctor, was convicted of providing medical treatment to terrorists, which “led to the death of a police officer”.⁵⁷⁴ Under Syrian law, all death sentences including those pronounced by the Military Field Courts, must have been approved by the President of the Republic. The President of Syria had reportedly delegated the authority to approve death sentences to the Minister of Defence.⁵⁷⁵

425. One interviewee was brought before the Military Field Court in Qaboun in early 2014 after being detained in various security branches and, eventually, the First Military Prison (Sednaya). He described a short hearing before a judge. The judge accused him of being complicit in an explosion at a public facility. He denied any involvement, noting that he had been made to confess under torture. The judge did not make any further inquiries regarding the allegation of torture, but asked the man to make a print with his finger on a paper that he was not permitted to read. He was then dismissed by the court, without being informed of the verdict. After another two and a half years of imprisonment in the First

⁵⁷⁰ Legislative Decree No. 32/2023, available at <https://sana.sy/en/?p=316110>.

⁵⁷¹ COI VI/[REDACTED].

⁵⁷² COI VI/[REDACTED], , COI VI/[REDACTED], COI VI/[REDACTED], COI VI/[REDACTED] and COI VI/[REDACTED].

⁵⁷³ A/HRC/31/CRP.1, para. 35.

⁵⁷⁴ COI VI/[REDACTED].

⁵⁷⁵ Ibid.

Military Prison (Sednaya), he was transferred to Homs Central Prison where he was eventually informed that he had been sentenced to 15 years of imprisonment.⁵⁷⁶

426. Another man, arrested in 2011 and transferred to the First Military Prison (Sednaya), only learned of the verdict rendered against him four months after it was issued by the Military Field Court when he was transferred to a Suwayda Central Prison. After spending a total of nine years in prison he was released in 2020 as part of a presidential amnesty, but even then only after his family had paid a bribe to secure his inclusion in the amnesty.⁵⁷⁷

427. It should be noted that subsequent to the reporting period, on 3 September 2023, Legislative Decree No. 32, halted the work of the military field courts and required the transfer of all cases to the regular military courts. In its report of 9 February 2024, the Commission noted the lack of clarity on the fate of those previously sentenced by such courts, including possibility of appeals, how detainees would be informed of the transfer of their cases, and the preservation of the archives of the military field courts.⁵⁷⁸

K. Counter-terrorism Court

428. Following the abolition of the Supreme State Security Court in 2011, the Counterterrorism Court was established through Law No. 22 of 25 July 2012. The court, operating under the authority of the Ministry of Justice, had jurisdiction over civilians and military personnel for “terrorism”-related offences. Similar to the Military Field Courts, Article 5 of Law 22 explicitly exempted the counter-terrorism court from adhering to the due process principles stipulated in the Criminal Code.

429. Individuals tried before the Counterterrorism Court indicated that hearings were brief, with scant, if any, evidence presented in support of serious charges. Although lawyers reported that they were able to attend trial sessions at the counter-terrorism court, they described their impact on the proceedings as minimal.⁵⁷⁹ According to former detainees and lawyers, objections that confessions were extracted from torture were routinely ignored, even when detainees had clearly visible injuries consistent with such treatment.

430. In one of many such cases, a man brought before the Counterterrorism Court in Damascus in April 2018 recounted how he was confronted with his own confession, which he had signed under duress. He was charged with possession of weapons with intent to carry out acts of terrorism, which he denied in court. Despite displaying his marks of torture, the judge dismissed his allegations of torture as irrelevant. The former detainee recalled that prior written approval from the judge was required to speak to his lawyer, after which he was given only three minutes to consult his counsel. The interviewee explained that each session before the judge lasted only a few minutes and that around 200 cases of defendants held with him in Adra Central Prison were heard that day.⁵⁸⁰

431. Given the difficulty of challenging evidence in the counter-terrorism court, many resorted to bribes to secure their release.⁵⁸¹ For instance, one man who was brought before the Counterterrorism Court in 2019 recounted how he was not presented with any evidence supporting the charges against him. He stated that he had previously confessed to anti-government activities under duress while detained in a security branch. The judge dismissed his claim of duress and his family paid the equivalent of 13,000 USD to the judge via an intermediary to secure his release on bail.⁵⁸²

⁵⁷⁶ COI X/[REDACTED]. See also COI XI/[REDACTED].

⁵⁷⁷ COI XI/[REDACTED].

⁵⁷⁸ A/HRC/55/64, paras. 64 and 66.

⁵⁷⁹ COI IV/[REDACTED], COI X/[REDACTED], COI X/[REDACTED], COI VI/[REDACTED].

⁵⁸⁰ COI XI/[REDACTED].

⁵⁸¹ COI X/[REDACTED], COI XI/[REDACTED], COI XI/[REDACTED].

⁵⁸² COI XI/[REDACTED].

432. According to estimates, nearly 91,000 cases were heard by the court between 2012 and 2021 and the court had an average docket of some 11,000 pending cases at any given time.⁵⁸³

IX. Domestic accountability for victims of unlawful deprivation of liberty and torture and ill-treatment

433. Torture has been prohibited by consecutive Syrian constitutions since 1950.⁵⁸⁴ Since then and throughout the period covered by this report, however, torture was neither defined nor specifically listed as a criminal offence under Syrian law, despite the Syrian Arab Republic becoming party to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2004. During the period covered by this report, the Syrian Government's official position was that Article 391 of the Penal Code on the imposition of violence or hardship (*al-shiddah*), a misdemeanour, amounted to the criminalisation of torture.⁵⁸⁵ The imposition of violence or hardship prohibited by Article 391 is punishable by a maximum of three years of imprisonment and is subject to a three-year statute of limitations. In cases where an individual died as a result of torture, the statute of limitations could extend up to 25 years, depending on the offence charged under the Syrian Criminal Code.⁵⁸⁶

434. Subsequent to the period covered in this report, in 2022, the Government adopted Law no. 16/2022 formally criminalizing torture at least partially as a felony, providing more significant criminal sanctions for such conduct and a longer statute of limitations. Ill-treatment was not addressed directly in the law and presumably would still fall at least partially under Article 391, subjected to a maximum of three years imprisonment and a three year statute of limitations.⁵⁸⁷

435. Similarly, the former Syrian Government noted that Syrian law also did not provide an offence of "enforced disappearance", although national reports to the Universal Periodic Review and the Human Rights Committee noted that abduction and deprivation of liberty were criminalised by virtue of Decree No. 21 of 2012 and Legislative Decree No. 20 of 2013.⁵⁸⁸

436. A consistent hurdle for holding members of the Syrian intelligence, security and military forces accountable for acts of torture or ill-treatment, or any other criminal conduct, was the requirement of approval of the decision of the General Command of the Army and the Armed Forces or approval of superior officers, depending on the concerned branch, prior to the initiation of any criminal investigation stemming from Syrian Military Penal Code, Legislative Decree no. 61/1950 as amended by Decree no. 64/2008, and the legislation establishing the General Intelligence Division, Decree no. 14/1969.⁵⁸⁹ The scope of application of Decree 64/2008 which had extended this pre-approval requirement appears to have been narrowed through Decree No. 1/2012 with Ministry of Interior forces, including the Political Security Directorate, subject to the jurisdiction of ordinary criminal courts with a Police Disciplinary Body established to determine whether cases should be

⁵⁸³ See COI IV/[REDACTED] and COI V/[REDACTED].

⁵⁸⁴ See for example, Syrian Arab Republic Constitutions of 1950 (Article 10(3)), 1973 (Article 28(3)) and 2012 (Article 53(2)).

⁵⁸⁵ See Syrian Penal Code, Law no. 148 of 1949, as amended, Article 391. See also, CAT/C/SYR/1 (2009), paras 61 and 91.

⁵⁸⁶ See Syrian Penal Code, Law no. 148 of 1949, as amended, Articles 533 et seq. and Articles 162 and 163.

⁵⁸⁷ "The new law makes only general reference to victims' and survivors' ability to file complaints, seek reparations, and be protected from reprisals, which remains largely governed by existing legislation and subject to various legal hurdles. Given the principle of non-retroactivity, the criminal provisions of law do not apply to torture or ill-treatment before April 2022." See also, A/HRC/53/CRP.5, paras 79-86.

⁵⁸⁸ A/HRC/WG.6/40/SYR/1, para. 44.

⁵⁸⁹ Although Decree 14/1969 remains secret, portions of it were disclosed in Syrian Court of Cassation ruling No. 25/1979.

referred to the military justice system.⁵⁹⁰ Though not technically providing for functional immunity for official acts, former members of the military judiciary, former security and intelligence officials, and a wide range of Syrian legal practitioners described the system as providing *de facto* immunity for any crime linked to the treatment of a detainee, though investigations could be approved for other topics such as treason or non-political matters.⁵⁹¹

437. Despite the existence of a framework that at least in theory would allow for individual criminal responsibility in the Syrian domestic legal system for the acts described in this and other Commission reports, the Commission is not aware of a single conviction or acquittal of a Syrian Government official under the legislation above since 2011. As set out below, in submissions to the Universal Periodic Review mechanism and the Human Rights Committee, the former Government stated that it had in fact held certain numbers of individuals accountable for mistreatment of detainees, but it provided no details concerning the identities or functions of individual accused and judicial outcomes.

A. Syrian Government Information on Domestic Accountability for Torture and Ill-treatment

438. In March 2011, the then Government established a “National Independent Legal Commission” that it stated was composed of four judges to carry out investigations into crimes in the context of the crisis. In correspondence with the Commission in January 2012, the Syrian Government stated that their National Independent Legal Commission and its branches in governorates across the country were investigating more than 4,070 cases and that it would inform this Commission of the outcome at the conclusion of the national commission’s work.⁵⁹² In a televised speech also in January 2012, the President of Syria stated that a limited number of people working for the State had been arrested for murder and other crimes. Despite requests for further information, the Government provided no update on the outcome of any of the 4,070 cases allegedly opened by the national commission nor any of the criminal processes reported in January 2012.

439. The next update on Government efforts to hold members of its own forces accountable for torture and ill-treatment came nine years later in the form of the Government’s national report to the Universal Periodic Review process in 2021, in which the Syrian Government asserted that its legislation did not envisage immunity for anyone for offences involving torture.⁵⁹³ There were no indications from the Government’s submissions, however, that provisions of Syrian law requiring approval from their chain of command prior to the initiation of any criminal investigation had been repealed or amended.

440. The Government also indicated in its 2021 report that “Some sentences have been handed down while other cases are still pending before the military and the ordinary courts” in relation to “illegal practices in the course of military operations.” It did not provide any details on the facts, crimes, individuals, verdicts or sentences. In relation to alleged criminal conduct of military forces, which would include the actions of members of the Military Intelligence Directorate, the Air Force Intelligence Directorate, and arguably, the General Intelligence Directorate, the Government’s report further elaborated that:

“A military committee of inquiry, created by the Ministry of Defence, the Ministry of the Interior and other competent security agencies – which was first constituted in 2011 then re-established on 3 October 2016 under Administrative Order No. 11768 – has the task of investigating citizens’ complaints against members of the army, the security forces and the police. The committee continues to receive, process and resolve complaints and, if any act that contravenes the law is shown to have taken place, it refers the matter to the competent court which applies criminal law

⁵⁹⁰ Chapter 1, Section 4, Article 6(1)(a) and Chapter 2, Section 5, Article 23 of Legislative Decree No. 1/2012 on the Internal Security Forces Law.

⁵⁹¹ Se e.g., COI VI/[REDACTED], COI IV/[REDACTED], COI X/[REDACTED], COI X/[REDACTED], COI VI/[REDACTED].

⁵⁹² A/HRC/19/69, paras 84-86.

⁵⁹³ A/HRC/WG.6/40/SYR/1, para 46.

in line with the nature of the offence. From the date it was re-established to the date the present report was drafted, the committee has dealt with 214 complaints, a number of which have been duly referred to the courts.”

441. It is unclear whether this 2011 military committee of inquiry was the same entity as the National Independent Legal Commission that the Government referred to in its communications with this Commission in 2012.⁵⁹⁴ Regardless, the 214 complaints it reportedly received only appeared to refer to the period from its reestablishment in October 2016. There was no available data on complaints received or cases investigated by the Government between January 2012 and October 2016, nor the disposition of the thousands of cases reportedly opened between March 2011 and January 2012. In its 2024 Replies of the Syrian Arab Republic to the list of issues in relation to its fourth periodic report to the Human Rights Committee, the Syrian Government referred to “more than 400 complaints” received, “a number of which have been duly referred to the courts.”⁵⁹⁵ Again, no further details were provided.

442. The Government did state in its 2021 UPR report, also without details, that dozens of police officials were investigated for the use of coercive acts in custody between 2016 and 2019 and either referred to the judiciary or subject to disciplinary penalties. It did not provide any information on specific cases, nor whether any individuals were convicted of any crimes, nor any sentences imposed. Similarly, the Government’s 2021 fourth periodic report to the Human Rights Committee, states that a total of 95 individuals had been “held accountable” for torture or mistreatment of detainees between 2016 and 2020.⁵⁹⁶ The figures presented again appear to refer exclusively to police personnel of whom 49 were referred to the courts and 46 were subject to “disciplinary measures”. No information was included on the outcomes of those proceedings. Neither report further refers to any police officers being held accountable (criminally or in terms of disciplinary measures) for any use of coercive measures during the period 2011 to 2015, which, as noted previously, concerned the period of the most widespread detention, torture, and ill-treatment in Government facilities.⁵⁹⁷

443. Although technically members of the Political Security Directorate and the Criminal Investigation Branch may have been included in the above figures referring to “police officers”, there was no specific information to that effect. The national reports did not refer to any cases of intelligence or military forces being referred for investigation for coercive acts, torture, or ill-treatment.

444. In relation to accountability for enforced disappearances under the abduction and kidnapping frameworks, the 2024 Government replies document referred to 228 convictions for abduction and kidnapping between 2017 and 2020. There was no information included as to whether any of these convictions were of Government personnel, private citizens, or members of anti-Government groups.⁵⁹⁸

445. Under Syrian law, any conviction handed down by the regular criminal courts or the regular military courts should in fact be made public, even if there may be valid national security grounds for elements of the case files or judgments to remain classified. The Government did not refer to any publicly available information on any such convictions or acquittals in its reports for the Universal Periodic Review and Human Rights Committee.

446. Throughout this period the Commission regularly requested detailed information concerning accountability for torture and ill-treatment from the former Government of the Syrian Arab Republic, with the last such request sent on 4 June 2024.⁵⁹⁹ It also regularly

⁵⁹⁴ In the Government’s 2024 “Replies of the Syrian Arab Republic to the list of issues in relation to its fourth periodic report” to the Human Rights Committee, the government stated that the “military committee of inquiry” was “first constituted in 2011 and since re-established on several occasions”, which is not further explained. See CCPR/C/SYR/RQ/4, para 5.

⁵⁹⁵ See CCPR/C/SYR/RQ/4, para 11.

⁵⁹⁶ CCPR/C/SYR/4, paras 39-40.

⁵⁹⁷ See A/HRC/46/55.

⁵⁹⁸ “Replies of the Syrian Arab Republic to the list of issues in relation to its fourth periodic report” to the Human Rights Committee, CCPR/C/SYR/RQ/4 (2024), para 37.

⁵⁹⁹ Annexed to the Commission’s regular mandated reports to the Human Rights Council.

requested detailed information on detention practices and other measures to prevent torture and ill-treatment in Government detention facilities. Since 2013, the Commission did not receive any reply from the former Government and was subsequently left to examine its publicly available reports and other public Government information. To date, the Commission has still not been able to identify any individual case of a former government official, member of the police, intelligence or security agencies or military, being convicted by Syrian State courts of any crime related to torture, ill-treatment, murder, enforced disappearance (abduction or kidnapping), in relation to any of the practices documented and presented in this or any other report of the Commission.

447. It is always possible that someone may have complained regarding the use of statements and confessions obtained as a result of torture in court proceedings to one of the various iterations of the military committee of inquiry, but the Commission is not aware of a single instance in which such assertions, made in front of any judge in court, were subject to a subsequent investigation or the confession or statement was stricken from the record. Similarly, despite the general Government overview described above, the Commission had not received information on any identifiable case where the Government opened an investigation into complaints of torture by a Government official raised by individuals or where a conviction has been secured as of the preparation of this report, either from the Government or from interviewees or legal professionals active in Syria. There is also not a single documented instance in which a survivor or surviving family has been compensated or provided other forms of reparation for torture or ill-treatment or for deaths in custody resulting from such treatment.

X. Impact of detention, torture and ill-treatment

448. Like the impact of enforced disappearances (examined under Section VI, above), the physical and mental harm following detention, torture and ill-treatment, and in particular sexual and gender-based violence, is extensive and has been consistently recounted to the Commission throughout the years.⁶⁰⁰ The majority of persons interviewed by the Commission had relocated outside areas under Government control or fled abroad at the time of the interview. Other interviewees lived in areas previously under the control of armed groups that were subsequently recaptured by the Government. Regardless of where survivors were located, even if they have managed to flee to relative safety, they carried the physical and psychological trauma with them. They and their families remained in dire need of support.

A. Physical and psychological trauma

449. Many former detainees interviewed by the Commission bore visible physical wounds and scars inflicted upon them while detained when they were interviewed by the Commission.⁶⁰¹ Bone fractures often went untreated, either because medical care was denied to them or due to a lack of adequate healthcare in their area of residence after being released. Numerous interviewees further narrated that, as a result, they suffered from back pain, heart problems or, in cases of the most severe physical torture, organ failure.⁶⁰² Such complications often evolved into chronic pain, most frequently back and joint pains associated with direct beatings, or due to the use of torture methods such as the “*Bisat al Rih*” (see Section IV, Patterns of Torture (Methods), above). Permanent physical harm also manifested as permanently damaged teeth or eyes. As one survivor who had been detained at by National Defence Forces in Mezzeh in 2013 recalled, his left eye became severely

⁶⁰⁰ See for example, A/HRC/31/CRP.1, A/HRC/37/CRP.3, A/HRC/43/CRP.6, A/HRC/46/55, and A/HRC/53/CRP.5.

⁶⁰¹ Images on file with the Commission. Among many others see, COI VII/[REDACTED], COI/[REDACTED], COI IV/[REDACTED], and COI VII/[REDACTED].

⁶⁰² Majority of victims, e.g. interviews COI VI/[REDACTED], COI X/[REDACTED], COI VII/[REDACTED].

infected after having been beaten with electric cables. As a result, he lost his eye and now has a prosthetic replacement.⁶⁰³ Some survivors also described being unable to walk, sometimes for up to six months, as they endured partial paralyses, limping or, on occasion, amputations due to infections following beatings or whippings.⁶⁰⁴

450. The psychological impact on adults and children has also been profound, in particular for female survivors (see below), causing severe social and family disfunction and with many families and health practitioners linking subsequent suicides to the impact of torture and ill-treatment in detention. Even if their physical scars had in some cases eventually healed, survivors of detention shared their experiences of emotional and mental torment from the effects of the psychological torture that they had experienced. Due to inhuman conditions of detention, many developed the inability to tolerate light, or continuously recalled the smell of the cell they had been held in.⁶⁰⁵ Many detainees reported daily intrusive thoughts of the faces or voices of those who had tortured them, or the cries of their cellmates as they were being beaten, tortured or killed either before their eyes or in nearby cells.⁶⁰⁶ One interviewee told the Commission how, five years after his release, he remained terrified by the sound of metal clinking as it reminded him of the metal chains he had been beaten with in the First Military Prison (Sednaya) between 2011 and 2015.⁶⁰⁷ Almost all interviewees described suffering from insomnia or other irregularities in their sleep patterns, recurrent nightmares, anxiety, anger outbursts, the inability to concentrate, memory loss, depression and, on occasion, suicidal tendencies.⁶⁰⁸

451. Regarding those subjected to or experiencing psychological torture, interviewees described how watching other detainees being tortured, being threatened with rape or with the rape of their female relatives, or when coerced into torturing others, reinforced feelings of hopelessness and helplessness and triggered guilt or shame for not being able to prevent the abuses. After release, many former detainees reported developing pathological anxieties including phobias when seeing members of the State security apparatus or militia who had detained them.⁶⁰⁹ A woman explained how she could no longer tolerate armbands or bracelets, as they reminded her of the handcuffs guards used on her when detained between 2017 and 2018 in the Air Force Intelligence in Mezzeh (Damascus).⁶¹⁰

452. Certain practices used by parties to the conflict, such as solitary confinement have further exacerbated these traumatic experiences.⁶¹¹ Prolonged isolation throughout which detainees' basic needs, such as sleep, food or sanitation, were denied, reinforced their dependency and demonstrated dominance of the detention authorities over them. Prolonged isolation where basic human interaction is severely restricted often caused serious mental harm. Long after his release from solitary confinement, an interviewee told the Commission that he would often spend his days alone in a room (in his family home) with the lights turned off, obsessing over the questions he had been asked and the torture endured during interrogation sessions at the Military Intelligence branch 291 (Damascus) in 2013.⁶¹² Similarly, a woman described how she would still crouch down at home, in the manner she

⁶⁰³ COI VII/[REDACTED].

⁶⁰⁴ COI VI/[REDACTED], COI X/[REDACTED], COI VII/[REDACTED], COI X/[REDACTED], COI III/[REDACTED], COI XI/[REDACTED].

⁶⁰⁵ COI III/[REDACTED], COI VIII/[REDACTED], COI IX/[REDACTED], COI IX/[REDACTED], COI X/[REDACTED] and COI XI/[REDACTED].

⁶⁰⁶ COI IX/[REDACTED], COI IX/[REDACTED], COI VIII/[REDACTED], COI X/[REDACTED], COI VI/[REDACTED], COI VIII/[REDACTED], COI X/[REDACTED], COI X/[REDACTED], COI XI/[REDACTED].

⁶⁰⁷ COI XI/[REDACTED].

⁶⁰⁸ Common narrative among victims, e.g.: COI X/[REDACTED], COI VI/[REDACTED], COI VIII/[REDACTED], COI XI/[REDACTED], COI XI/[REDACTED].

⁶⁰⁹ COI XI/[REDACTED] and COI X/[REDACTED].

⁶¹⁰ COI X/[REDACTED].

⁶¹¹ Interim report of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment, A/66/268, at para. 62-65 (2011).

⁶¹² COI VIII/[REDACTED].

was forced to sit in her 1 X 2 metre solitary confinement cell while detained in the Military Intelligence branch 235 (Palestine branch) in 2015.⁶¹³

453. As with adult detainees, children were also held in abhorrent and inadequate detention conditions, and subjected to torture or ill-treatment, including rape and other forms of sexual violence, or witnessed the rape or sexual assault of their mothers or fathers, and were routinely denied food or medical care.⁶¹⁴ Due to their physical and emotional development and specific needs, children experienced the trauma of their time spent in detention differently than adults. Detained children were particularly prone to developing depression, severe anxiety disorders manifested by anger outbursts, or suicidal tendencies, as shown after their release.⁶¹⁵ With psychological assistance largely unavailable throughout the majority of the Syrian Arab Republic, parents also struggled to help their children cope with their pain, suffering, and trauma.⁶¹⁶ An interviewee described to the Commission the impact on her daughter, who was under 10 years old when she was detained by Government forces in Dara'a in 2011:

“After 6 months she regained her memory, and she was scared all the time. She doesn’t want to meet people. She is very quiet and keeps to herself. My daughter rarely talks and doesn’t mingle a lot with other children...She told me that there were many kids in detention. [Redacted] told me they put her in a dark room, they hit her, they slashed her on her back...[When she goes to her psychiatrist] she always draws a detention room, a dark room.”⁶¹⁷

B. Impact of rape and other forms of sexual violence

454. Rape and other gender-specific forms of torture and ill-treatment were inflicted on women, men, girls and boys (See Section IV, Patterns of Torture, and Section V, Rape and other sexual and gender-based violence). Such treatment caused profound physical injuries to survivors, in addition to severe emotional and mental harm that endured after their release:

“Six months after my release, I underwent four surgeries, and was bedridden for three months. I cannot move my neck properly and cannot sit for a long time. I do not feel anything in my vaginal area, and I have to use diapers every day. I cannot live without diapers. I suffer from severe pain all over my body. There is no hope for me. My life is completely ruined.”⁶¹⁸
Torture and rape survivor, detained in Military Security Homs Branch and Branch 215, Damascus, 2012

455. Female survivors of violent rapes, including rape with objects or gang rapes, suffered physical impairments to their reproductive systems, urinary or faecal incontinence, sensation of genital burning, excessive bleeding, and pelvic pain. Medication preventing women from menstruation or for birth control was also distributed in some State run detention facilities, resulting in irregular menstruation or interruption thereof. Some attributed their development of ovarian cancer to these pills.⁶¹⁹ Moreover, some male survivors who were victims of sexual violence, such as genital mutilation, electrocution, or

⁶¹³ COI IX/[REDACTED].

⁶¹⁴ See CoI Syria, “They have erased the dreams of my children”: children’s rights in the Syrian Arab Republic”, A/HRC/43/CRP.6, para. 50-58.

⁶¹⁵ A/HRC/28/68, para. 16-17.

⁶¹⁶ COI X/[REDACTED] and COI VI/[REDACTED].

⁶¹⁷ COI VI/[REDACTED].

⁶¹⁸ COI VI/[REDACTED].

⁶¹⁹ See for example COI IX/[REDACTED], COI X/[REDACTED], COI IX/[REDACTED], and COI VII/[REDACTED].

violent beatings to the genitalia, reported becoming impotent, or in some cases requiring surgical removal of their testicles as a result of injuries sustained in detention.⁶²⁰

456. In the context of sexual violence, both male and female survivors interviewed by the Commission spoke of feelings of deep shame, humiliation, guilt, and pain, in addition to developing suicidal tendencies, depression, and severe anxiety. The Commission documented cases of female survivors who were married off in attempts to conceal their rapes from their communities due to the stigma attached to violations of a sexual nature; other women were subjected to surgical repair of their hymens in order to increase their chances of future marriage.⁶²¹ Due to widespread belief in some communities that all women and girls detained by Government forces and allied militia were raped, even many of those who did not face such treatment were left with social stigma that can affect them for life. Men and boy survivors of sexual and gender-based violence in detention consistently stated that they never divulge such events to their families or communities due to the stigma attached. They were highly unlikely to seek medical or psychological assistance for the trauma they endured.

C. Reintegration and impact on economic, social, and cultural rights, including housing, land and property rights

457. The suffering caused by these abusive practices has affected the ability of survivors to reintegrate into their communities and re-establish social relationships. Many interviewees released from detention described struggling to resume relationships with their children and spouses and often avoided social contacts with friends and extended family members.⁶²² In other cases, released detainees returned to find that relatives had gone missing or had fled their homes. Disabilities caused by torture suffered in detention, and subsequent loss of employment and livelihoods have also increased economic hardship for families, and compelled many to relocate to internal displacement camps or abroad. Others were left with no other option but for themselves or their children to do whatever work was available to obtain some income for their families. Financial constraints further impeded the ability of survivors to receive medical assistance and trauma therapy necessary for their recovery.⁶²³

458. Beyond the economic consequences faced by survivors and their families upon release, a pervasive sense of fear emanating from the prospect of being re-detained confined many to their homes, while others felt compelled to flee Government-controlled territory.⁶²⁴ Released detainees, and in particular those who returned to previously besieged areas such as eastern Ghutah or Homs, feared detention including for the purposes of military conscription, and avoided venturing outside or crossing Government checkpoints.⁶²⁵ Fears of being placed on lists of wanted individuals (see above) and being detained at Government checkpoints prevented civilians from travelling across governorates including to access basic services.⁶²⁶

459. While obtaining valid civil documentation and property deeds have posed major challenges for Syrian civilians overall during the conflict, former detainees charged with vaguely defined terrorism-related offences, or individuals who supported - or were perceived to have supported - opposition groups, were even more adversely affected.⁶²⁷ Registrations of new vital events is undertaken by a family member with the relevant civil

⁶²⁰ See “‘I lost my dignity’: sexual and gender-based violence in the Syrian Arab Republic”, A/HRC/37/CRP.3, Section VII, para. 96; See also COI III/[REDACTED], COI VII/[REDACTED], and COI VII/[REDACTED].

⁶²¹ Ibid.

⁶²² COI VI/[REDACTED], COI IX/[REDACTED].

⁶²³ See e.g., COI VII/[REDACTED], COI VI/[REDACTED], COI XI/[REDACTED], COI VI/[REDACTED], and COI IX/[REDACTED].

⁶²⁴ See for example COI VIII/[REDACTED] and COI X/[REDACTED].

⁶²⁵ COI IX/[REDACTED].

⁶²⁶ A/HRC/42/51, para. 68-69.

⁶²⁷ See e.g., COI XI/[REDACTED]. See also, A/HRC/40/70, para. 9, 79 and 90.

registry offices (administrative bodies operating under the Syrian Ministry of Interior)⁶²⁸ located in each governorate. Many persons who had been arbitrarily detained and then released were unable to obtain a security clearance. Civil registry offices, however, reportedly provided civil documentation only upon the receipt of a security clearance from the State authorities.⁶²⁹ In the absence of such security clearance, civil registry offices were unable to proceed with the registration of vital events, thus undermining access to medical care, education, or inheritance rights.⁶³⁰ The absence of security clearance also affected the exercise of housing and property rights, including renting or selling personal properties.⁶³¹ Furthermore, as many former detainees were also heads of households, their absence during detention made it more challenging for families to remain in their homes whether for financial or security reasons, leaving them disenfranchised from their properties even if they had not been destroyed or damaged during the conflict.

XI. Legal findings

460. No warring party in the Syrian Arab Republic has respected the rights of detained persons in accordance with their international legal obligations.⁶³² The factual findings contained in this report further support the Commission's conclusions that from 2011 to the end of Bashar al-Asad's rule in December 2024, Government and pro-Government forces arbitrarily arrested and detained individuals and committed war crimes and crimes against humanity in the context of detention. Little information is available on steps third States supporting Government forces took to engage the Syrian Government to cease documented violations in the context of detention related to the armed conflict. This, in and of itself, may amount to a violation of those third States own obligations under common article 1 of the Geneva Conventions (to "ensure respect" for the Conventions).

461. The applicable international legal framework has already been set out in numerous reports of the Commission but is briefly outlined here for ease of reference. The Syrian Arab Republic is party to most major international human rights treaties and has been since March 2011. Of particular relevance for this report, Syria is party to the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); the Convention on the Rights of the Child (CRC) and the Optional Protocol thereto on the involvement of children in armed conflict.⁶³³ Syria also remains bound by customary international human rights law.

⁶²⁸ See generally, *Civil Documentation and Registration in the Syrian Arab Republic*, Syrian Arab Republic Ministry of Interior Civil Affairs Directorate and United Nations High Commissioner for Refugees (2018).

⁶²⁹ See for example COI IX/[REDACTED], COI XI/[REDACTED], COI X/[REDACTED].

⁶³⁰ COI IX/[REDACTED] and COI X/[REDACTED].

⁶³¹ The Commission has previously reported on the use of counter-terrorism law by presidential decree, "Law" No. 19/2012, whereby both the movable and immovable property of individuals deemed to have engaged in terrorism activities may be frozen or confiscated. In some cases, decisions by the counter-terrorism court to seize property have been amended to include wives and children, including minors, of males convicted of terrorist acts. See also Presidential Decree No. 22/2012 on Establishing a Counter-terrorism Court and A/HRC/40/70, paras. 80-82 and the Commission's regular mandate reports.

⁶³² A/HRC/46/55, para 83.

⁶³³ The Syrian Arab Republic is a party to all major international human rights conventions prohibiting arbitrary detention, torture, cruel and inhuman treatment, violations of the right to a fair trial, as well as killings and summary executions. These international legal instruments include: the International Covenant on Civil and Political Rights (ICCPR); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); the Convention on the Rights of the Child (CRC) and the Optional Protocol thereto on the involvement of children in armed conflict; and the Convention on the Prevention and Punishment of the Crime of Genocide. It has to be noted that Syria is not a party to the Convention for the Protection of All Persons from Enforced Disappearance (CED), nor to the Rome Statute of the International Criminal Court (ICC). The

462. The Commission determined that the intensity and duration of the conflict combined with the organisational capabilities of anti-Government armed groups met the legal threshold for the existence of a non-international armed conflict at least as of February 2012. As a result, international humanitarian law applies for most of the period covered by this report, in particular article 3 common to the Four Geneva Conventions of 12 August 1949, as well as customary international humanitarian law.⁶³⁴ The Commission also recalls that international human rights law remains concurrently applicable in situation of armed conflict.⁶³⁵

463. Based on the information above, there are reasonable grounds to believe that the Syrian Government engaged in arbitrary and unlawful deprivation of liberty on a massive scale and was responsible for violations of the right to life as well as various other human rights violations in the context of detention under the ICCPR (arts. 2, 6, 7, 9, 10, 14, 17, 18, 19, 24 and 26), the CRC (arts. 2, 3, 6, 12(2), 24(1) and (2), 32, 34, 37, 38 (1) and (4), 39, and 40) and the CAT (arts. 2, 4, 6, 12, 13, 14 and 15, 16).

464. State forces continued throughout the period to inflict cruel, inhuman or degrading treatment on the next of kin of those forcibly disappeared, including through the deliberate practice of concealing the fate and whereabouts of such persons. The effective removal of such persons from the protection of the law, insofar as such protection exists in this context, and the failure to account for the fate of such persons, or to investigate custodial deaths, also amount to violations of the right to life.⁶³⁶

465. Furthermore, by its failure to provide appropriate medical care or assistance to detainees, the Government also violated the prohibition of cruel, inhuman or degrading treatment, as well as the right to health.

466. Regarding the detention of current and former members of the Syrian military, the Commission notes that restrictions that may amount to arbitrary deprivation of liberty for a civilian may not necessarily be so during periods of military service. The infliction of severe physical pain and suffering for the purpose of punishment, however, amounts to torture regardless of the military status of any individual.

467. There are reasonable grounds to believe that the Government continued to carry out a widespread and systematic attack against the civilian population in the context of arrest and detention, in pursuance of a firmly established policy to commit such acts, comprising the crimes against humanity of murder, extermination, imprisonment, enforced disappearance, sexual violence and torture, and other inhumane acts.⁶³⁷

468. In addition, for acts described above that have a nexus to the armed conflict after at least February 2012, the Government engaged in widespread violations of international humanitarian law. Substantial numbers of individuals are likely individually responsible for the commission of a multitude of war crimes in the context of arrest and detention operations, including murder, torture and cruel, rape and sexual violence, outrages upon personal dignity, and the passing of sentences and the carrying out of executions without

Secretary-General has not received any notification of a state of emergency in Syria since the beginning of the conflict (the 38 years-long state of emergency was lifted in April 2011). Also, it has to be noted that a state of emergency cannot justify any derogation to the right to life, the prohibition of torture or cruel, inhuman or degrading treatment or punishment, and freedom of thought, conscience and religion, which are non-derogable rights. The commission furthermore recalls that article 2(2) of the Convention against Torture states that “no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture”.

⁶³⁴ A/HRC/46/54, para. 4, with references to A/HRC/21/50, Annex II, paras. 1-3.

⁶³⁵ ICJ, Legal Consequences of the Construction of a Wall in the occupied Palestinian territory, Advisory Opinion of 9 July 2004, ICJ Reports 2004, para. 106; ICJ, Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion of 8 July 1996, ICJ Reports 1996, para. 25.

⁶³⁶ Human Rights Committee, general comment No. 36 (2018), para. 58.

⁶³⁷ See “*Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic*”, A/HRC/31/CRP.1.

previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognized as indispensable.⁶³⁸

469. Regarding internment for the purposes of vetting civilians believed to pose a security threat, this may be justified only when absolutely necessary to address “imperative reasons of security”. A case-by-case evaluation must nevertheless take place in relation to each individual prior to depriving him or her of liberty, as well as regularly during the detention. The burden of proof fell upon the Syrian Government to show that each interned individual posed a threat which cannot be addressed by alternative measures, a burden which increased with the length of the detention.⁶³⁹ The blanket internment of all civilians who fled eastern Ghutah, Aleppo and other formerly besieged areas through humanitarian corridors, including women and children, could not be justified by Syrian Government forces. In many instances, the internment of these individuals amounted to arbitrary deprivation of liberty.

470. Customary international humanitarian and human rights law require States to investigate allegations of war crimes and grave breaches as well as serious violations respectively, to prosecute suspected perpetrators, and to provide effective remedies for violations, including through compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition.⁶⁴⁰ The Syria Government consistently failed to fulfil such obligations.

471. While the Government asserted that it has investigated or held individuals accountable for “illegal practices in the course of military operations,” the use of coercive acts in custody, and torture and ill-treatment in public on a number of occasions between 2012 and 2021, it did not provide a single example of a conviction for such offences. Furthermore, the information provided appears limited to civilian police personnel rather than personnel attached to the intelligence and security forces responsible for the bulk of violations. There is also no indication that any survivor or their family were provided with effective remedies for such violations (see Section IX Domestic accountability for victims of unlawful deprivation of liberty and torture and ill-treatment). In the circumstances, the Government failed to meet their obligations to investigate and hold perpetrators accountable, or to provide effective remedies, including reparations for victims.

A. Conclusions

472. Recalling the conclusions from A/HRC/46/55, the factual and legal findings above demonstrate the use of arbitrary detention, torture and ill-treatment, including through sexual violence, and enforced disappearance to intimidate, punish, and coerce perceived political opponents, dissenting civilians, family members of the former, and civilians who were simply detained because they were in or from the wrong place at the wrong time. This conduct played out repeatedly over the nearly ten-year period covered by this report. Many of the acts documented were accompanied with discriminatory intent underscoring the persistent grievances that contributed to and have since sustained the evolution of the crisis into armed conflict.

473. Given that government detention practices were implemented on a vast scale and given the existence of easily ascertainable and consistent patterns of conduct over the years, individuals within each duty bearer’s chain of command at a minimum knew or should have known that such practices continued, and failed to take appropriate action. Limited public statistics provided by the Government claiming that individuals had been held accountable under Syrian law for abuses in detention were welcome, but hardly sufficiently transparent

⁶³⁸ Common article 3 of the Geneva Conventions. See also International Committee of the Red Cross (ICRC) Study on Customary International Humanitarian Law, Rules 87, 89, 90, 93, 99, 100 and 156.

⁶³⁹ A/HRC/38/CRP.3, para 67, Human Rights Committee, General comment No. 35, at para. 15.

⁶⁴⁰ Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, General Assembly resolution 60/147 (2005), A/HRC/45/31, para. 46 and A/HRC/46/54, paras. 73–77.

and verifiable enough to demonstrate meaningful action to eliminate torture and the suite of violations and abuses documented in Syrian Government detention. There was almost no public information concerning accountability for allegations of torture or ill-treatment by Government forces between early 2012 and 2020, the period covered in this report. Public information was not made available in this regard until the start of the Syrian Government's Universal Periodic Third Cycle Review process.⁶⁴¹ Even then, there was no information on any persons investigated or held accountable for the period 2012-2015. In short, there remained a massive gap between the documented violations and Government action to address them.

474. Conversely, the volume, scale and consistency of government policies and practices across Governorates and military and security actors reinforces the Commission's findings that crimes against humanity continued unabated for nearly the nearly 10 years covered in this report.

475. This was paralleled by the continuing violations related to the tens of thousands of victims of enforced disappearance whose fate and whereabouts remain unknown to date. Regardless of the legality of any initial arrest for those persons, their detention was also rendered arbitrary by the subsequent actions of Government agents to bring such persons outside the protection of the law. The families of the missing are still seeking answers concerning their loved ones. The Government, though it had provided information directly and indirectly concerning whether a person was still alive in some cases, did not provide information on the location of the vast majority of the remains of the dead, nor the fate of the tens of thousands that families hoped were still alive somewhere in detention. Despite the highly organised and bureaucratic system of detainee registration and tracking between security facilities, information concerning the movement of individuals, their location, or the circumstance of their death was not provided to family members by Government offices during the period under review. This situation persisted as of the preparation of this report, underscoring the Commission's previous findings that such information was being intentionally withheld, to subjugate the affected communities.

476. It is imperative to recall once more that the victims of enforced disappearances are not limited to the persons who were forcibly disappeared, but also comprise their families.⁶⁴² Given the extent of enforced disappearances in the Syrian Arab Republic, the issues of detainees represent a national trauma that will affect Syrian society for decades to come.

477. Men and women, boys and girls were targeted for abuse on the basis of sex by Government and pro-Government forces, and the resulting impact, including in relation to sexual violence and rape in detention, has been and will remain long-lasting and deeply gendered.

478. Extortion and bribery were described as a common feature of Government detention. Many of those who were released from detention reported that this was due to the payment of bribes by family members through intermediaries to Government officials. Families of the missing and detained in many cases sought out intermediaries who could intervene in exchange for payment, and in other cases were approached by such intermediaries. As noted above, the effectiveness of bribes and the reliability of information varied widely, but in all cases, the pain and desperation of families was exploited by people within and closely connected to the official Syrian detention system.

479. Member States that supported the Government during these years have had knowledge of these violations that have been extensively documented and reported since 2011. Though the Commission was not privy to discussions and engagement between such States and the Syrian Arab Republic, it is clear that whatever interventions may have been undertaken were not effective during the period covered in this report.

⁶⁴¹ Syrian Arab Republic National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1, A/HRC/WG.6/40/SYR/1, 17 November 2021, para 46.

⁶⁴² Human Rights Committee, general comment No. 36 (2018), para. 58.

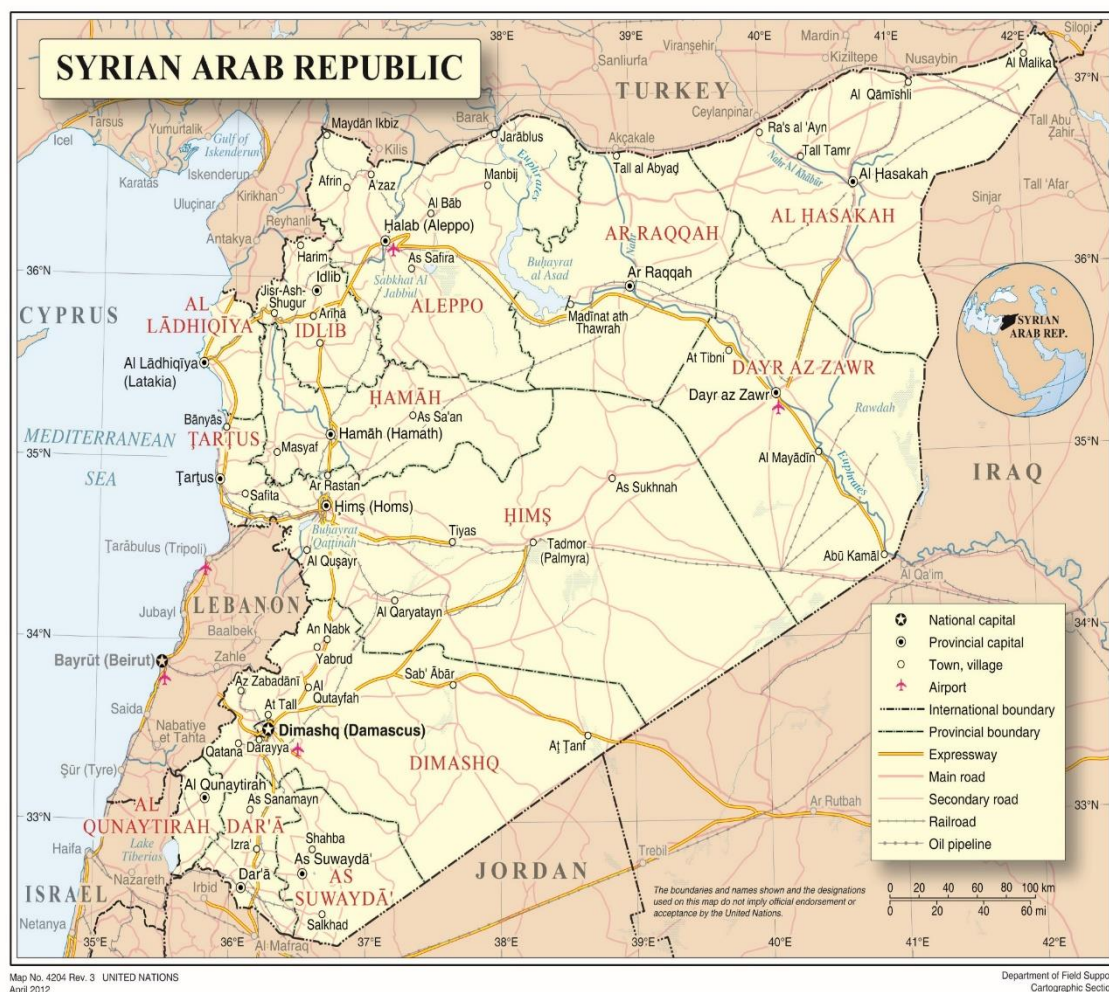
480. Indeed, the only factor that appears to have had a significant impact on the number of violations documented is the fact that much of the population that would have been previously targeted for arrest and detention were displaced to areas outside the Government's control or had fled the country entirely.⁶⁴³

481. Though the previous Government ceased to exist as of 8 December 2024, and the vast majority if not all persons held in Government detention for political, security and terrorism-related offences were released, providing both accountability and remedies for survivors of violations perpetrated against persons in detention will be a massive undertaking. Tragically, despite these releases, most people last seen in Government custody remain unaccounted for and are now presumed dead. Efforts to identify their remains and the circumstances of their deaths will likely continue for years to come and entail continuing suffering for their families. Survivors of torture, ill-treatment, and arbitrary detention and families remain in dire need of social, psychosocial, and other forms of support that will remain challenging given the economic devastation in the country and delicate security situation during political transition. As this report was being finalised, in December 2024, armed conflict continued in the country, and the various armed factions had not yet coalesced into a centralised structure, underscoring the fragility of the situation. It will be a long path ahead toward justice and full realisation of human rights for all survivors of Government and pro-Government forces' detention, torture and ill-treatment, and enforced disappearance. The caretaker government has placed great emphasis on breaking from the past and ensuring accountability for detention-related crimes and violations. Syrian civil society has expressed great hope that a new Syria is emerging that can hold accountable past perpetrators and chart a new path forward. It, including the many Syrian human rights organizations, lawyers and family associations that have built impressive expertise and experience in this regard since 2011, both inside and outside Syria, can play a key role going forward. Expectations will be high despite the challenges that lay ahead. In this regard, the Syrian people will require political, moral, humanitarian, and financial support to help ensure remedies are available for all victims and survivors, and that guarantees of non-repetition will be effective and sustainable.

⁶⁴³ See e.g. regular surveys by UNHCR of Syrian refugees, e.g.: <https://data.unhcr.org/en/documents/details/109624>.

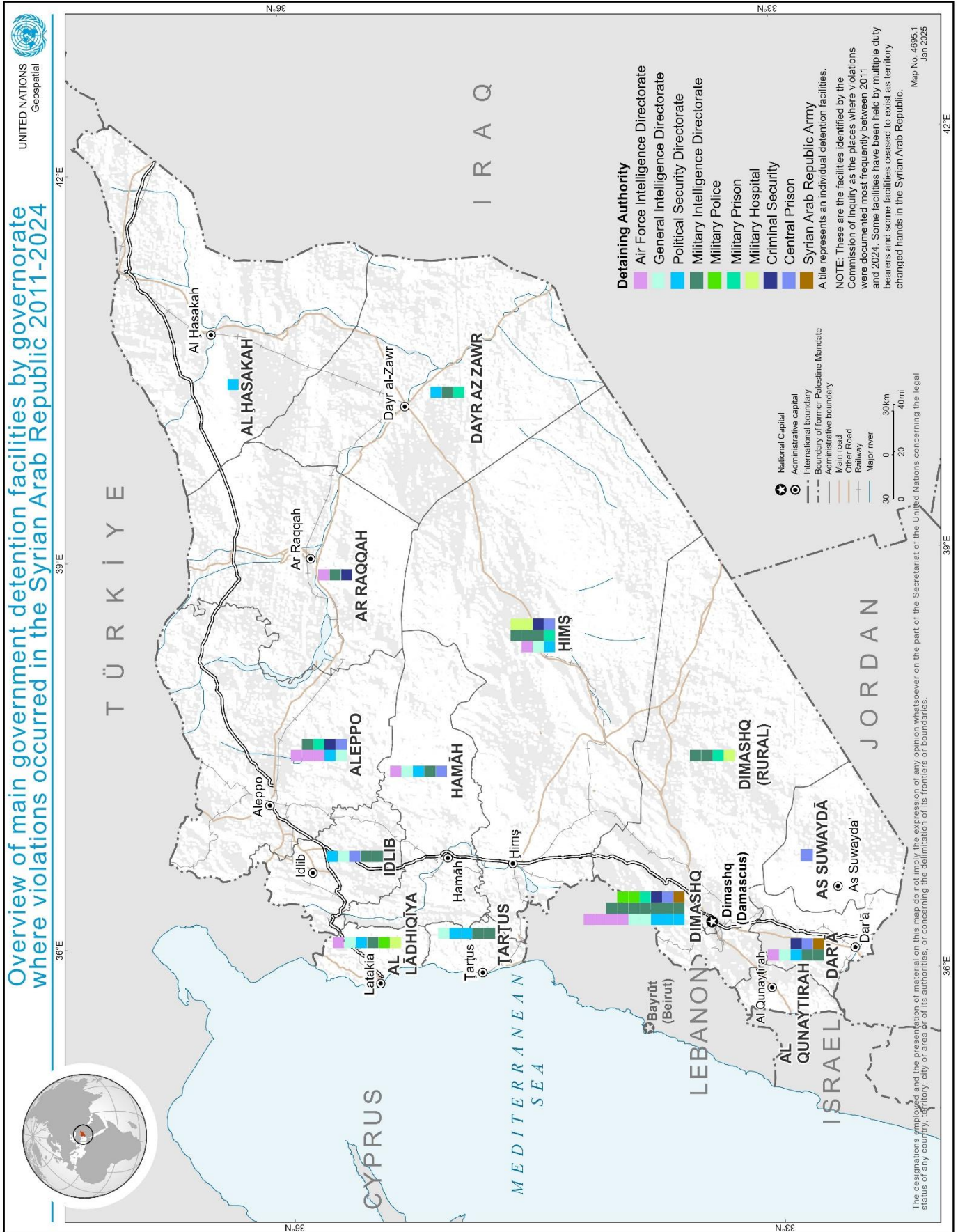
XII. Annexes

A. Map of the Syrian Arab Republic⁶⁴⁴

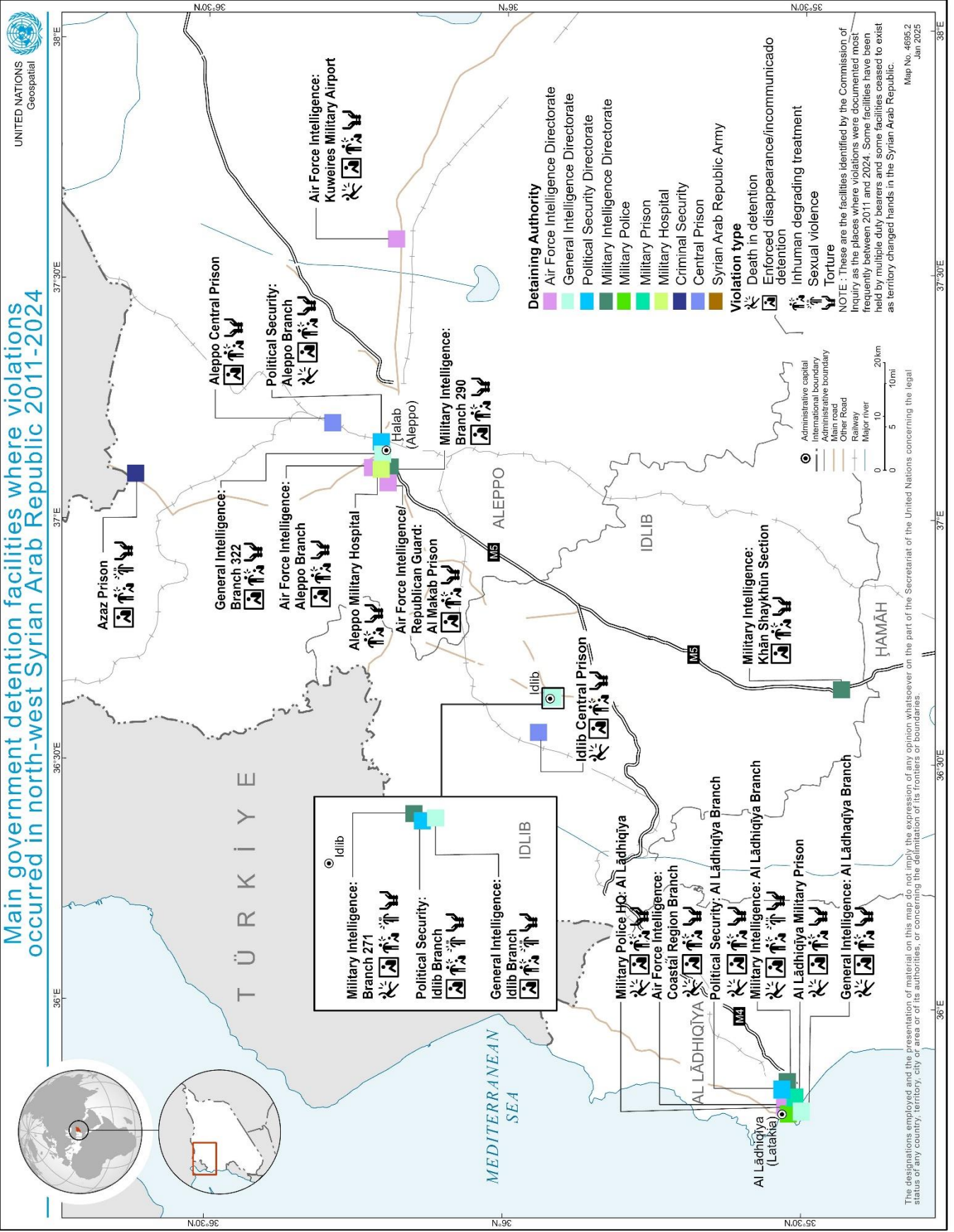


⁶⁴⁴ The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

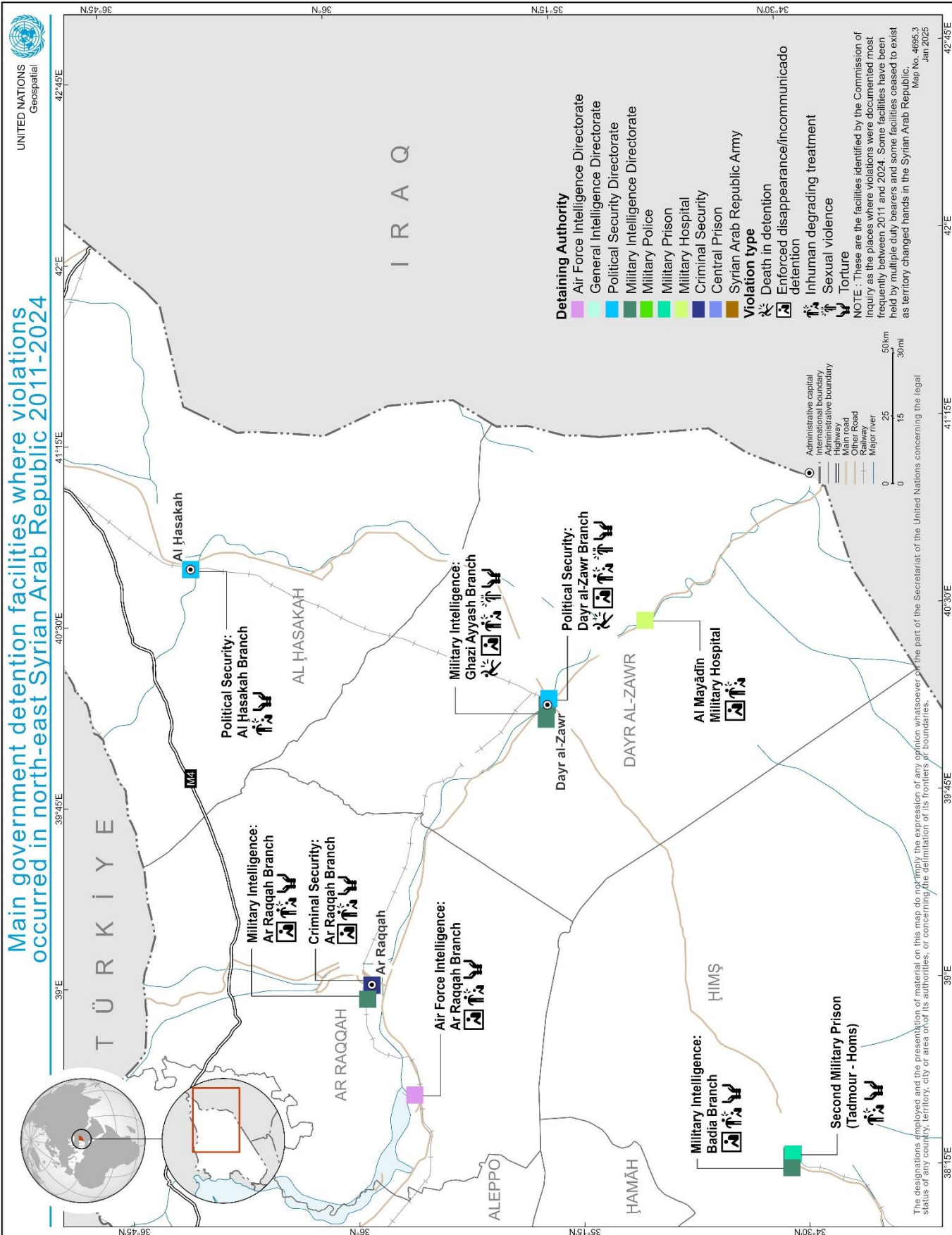
B. Maps of main Government-operated detention facilities in the Syrian Arab Republic where the Commission has verified violations



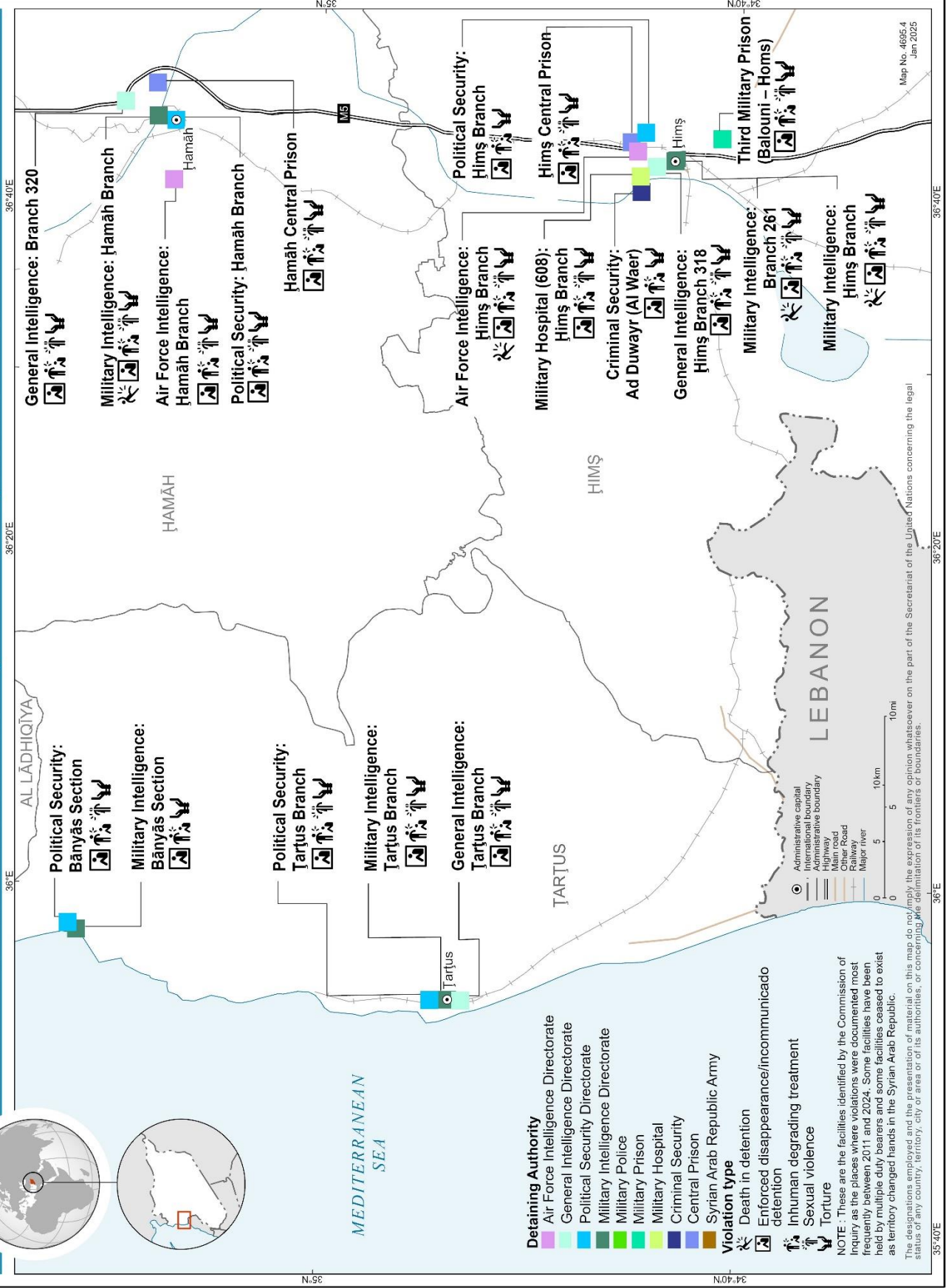
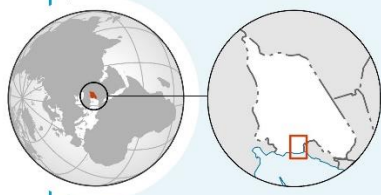
Main government detention facilities where violations occurred in north-west Syrian Arab Republic 2011-2024



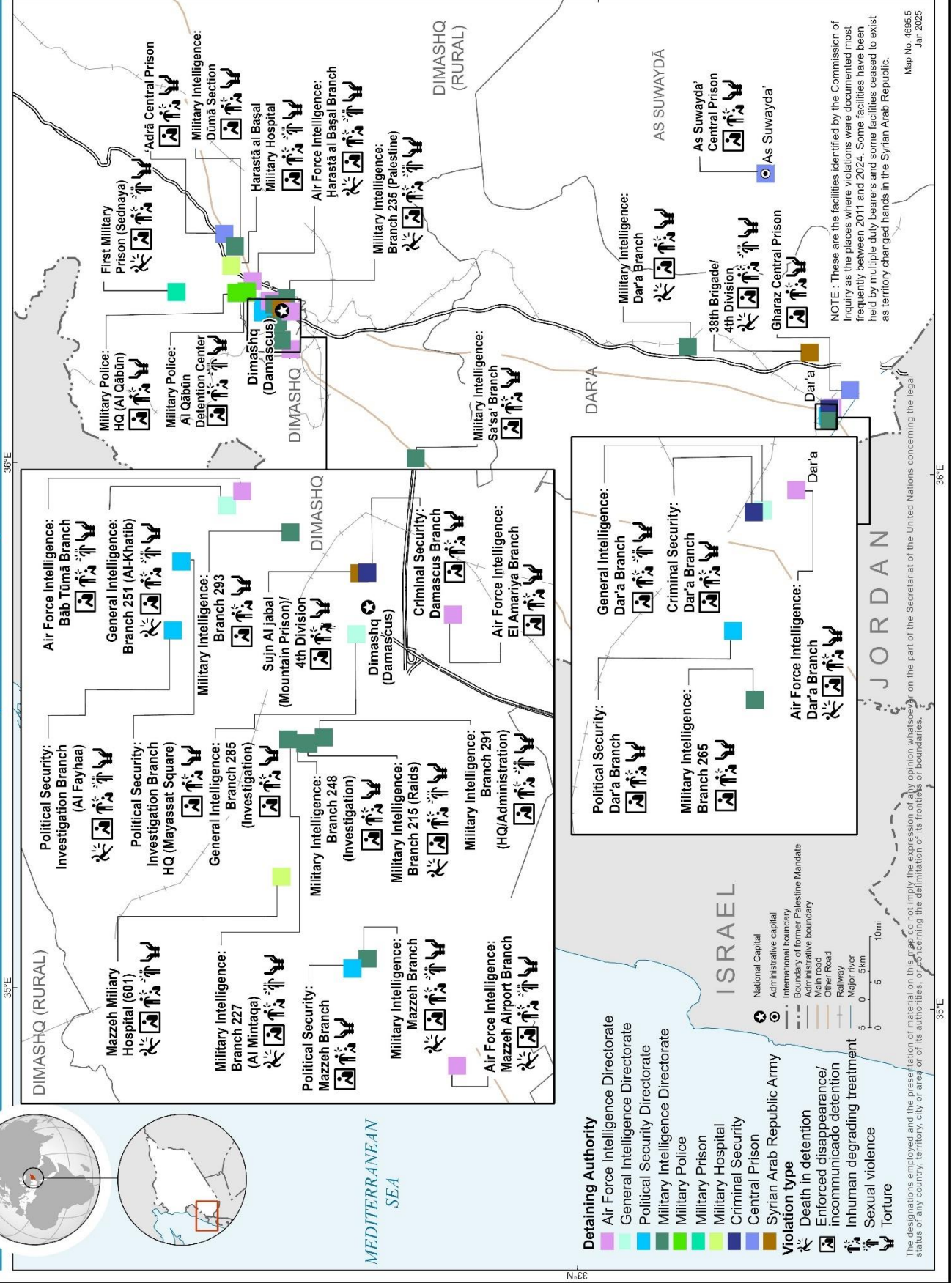
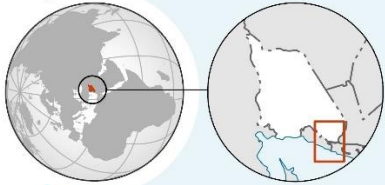
Main government detention facilities where violations occurred in north-east Syrian Arab Republic 2011-2024



Main government detention facilities where violations occurred in central-west Syrian Arab Republic 2011-2024



Main government detention facilities where violations occurred in south Syrian Arab Republic 2011-2024



C. Methodological note regarding redactions

1. Between 2011-2024, the Commission conducted more than 2,000 interviews related to arbitrary detention by the previous Government of Syria and pro-Government forces which form the basis of this report. These include interviews with survivors of detention-related violations perpetrated by former Syrian Government officials and pro-Government forces as well as interviews with other who witnessed and reported on such violations, including defectors.
2. For protection reasons, details that could identify individual sources or interview records cited in this report have been redacted. Where specific interview records were cited, therefore, only the relevant mandate period of the Commission (“COI I-COI XV”) during which the relevant interviews were conducted is provided, with the remaining details redacted (marked “[REDACTED]”). A non-redacted version of the report is on file with the Commission.
3. The below table indicates during which time period the cited interviews were conducted.

Commission of inquiry mandate number:	Dates during which interviews coded to the relevant mandate period were conducted by the Commission:	
I	August 2011	March 2012
II	April 2012	August 2012
III	September 2012	March 2013
IV	April 2013	March 2014
V	April 2014	March 2015
VI	April 2015	March 2016
VII	April 2016	March 2017
VIII	April 2017	March 2018
IX	April 2018	March 2019
X	April 2019	March 2020
XI	April 2020	July 2021
XII	August 2021	January 2022
XIII	February 2022	February 2023
XIV	January 2023	December 2023
XV	January 2024	December 2024