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Human rights situations that require the Council's attention**“No End in Sight”: Torture and ill-treatment in the Syrian Arab Republic
2020-2023*****Independent International Commission of Inquiry on the Syrian Arab Republic***Summary*

This report highlights the continuing widespread and systematic patterns of torture and cruel, inhuman or degrading treatment, including enforced disappearances, in detention facilities in the Syrian Arab Republic between 1 January 2020 and 30 April 2023. With respect to the Government of Syria, the report focusses on the four main intelligence directorates in whose detention facilities torture and ill-treatment are most often reported – namely the Military Intelligence, Air Force Intelligence, Political Security and General Intelligence Directorates – and additionally the Criminal Security department of the Police and the military prisons. The report also documents torture and ill-treatment by three non-State armed groups that control territory and hold detainees and prisoners, i.e. Hay'at Tahrir al-Sham (HTS), the Syrian National Army (SNA), and the Syrian Democratic Forces (SDF).

* Reproduced as received, in the language of submission only.

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I. Introduction

1. This report of the Independent International Commission of Inquiry on the Syrian Arab Republic (the Commission)¹ highlights the continuing widespread and systematic patterns of torture and cruel, inhuman or degrading treatment ('ill-treatment'),² including enforced disappearances,³ in detention facilities in the Syrian Arab Republic between 1 January 2020 and 30 April 2023. It provides an update on the Commission's previous findings covering the period 2011-2020.⁴

2. With respect to the Government of Syria, the report focuses on the four main intelligence directorates in whose detention facilities torture and ill-treatment are most often reported – namely the Military Intelligence, Air Force Intelligence, Political Security and General Intelligence Directorates – and additionally the Criminal Security department of the Police and the military prisons. Each of the four Government intelligence directorates has headquarters in Damascus composed of several central branches and administers branches throughout the country, together holding thousands of detainees in their custody.⁵ This report highlights violations in particular detention facilities including Military Intelligence branches 235 (also known as Palestine branch), 261 at Homs, 271 at Khan Sheykhun, Idlib; Air Force Intelligence branches at Harasta, Aleppo, Mezzeh and Kuweires airports; Political Security branches at Al Fahya, Damascus and Homs; General Intelligence branches at Aleppo and Khan Sheykhun, Idlib; Criminal Security branch at Homs; military prisons in Sednaya and Balooni.

3. The report also documents torture and ill-treatment by three non-State armed groups that control territory and hold detainees and prisoners i.e. Hay'at Tahrir al-Sham (HTS),⁶ the Syrian National Army (SNA),⁷ and the Syrian Democratic Forces (SDF).⁸ With respect to HTS, facilities where violations have been documented since 2020 include Sarmada and Harem detention centres; branches 107, and 77; as well as branch 33 in Idlib and a detention facility reportedly attached to a courthouse in Sarmada. SNA Facilities where such violations have been documented since 2020 include prisons and makeshift facilities operated by individual SNA factions (including Suleiman Shah, Hamza, Sultan Murad, Ahrar al-Sham, Ahrar al-Sharqiyah, Faylaq al-Sham and Muhammad al-Fatih) as well as facilities operated by the SNA military and civilian police. Lastly, SDF Facilities where such violations have been documented since 2020 include a dozen facilities holding alleged former Da'esh fighters, including the Al Sina'a prison in Hasakah city; other prisons and makeshift facilities operated by the SDF or the Kurdish internal security forces (*Asayish*)⁹ detailed below as well as the Hawl and Rawj camps.

4. Nearly all former detainees held in Government facilities and interviewed for this report were held incommunicado for prolonged periods of time, without access to their family, friends and lawyers. During their detention, they described being subjected to varied acts of torture and ill-treatment, usually to force them to "confess", as punishment or as intimidation. These included suspension by one or two limbs for prolonged periods (*shabeh*) or being folded into car tyres (*dulab*). Severe beatings all over the body including the genitals,

¹ The Commissioners are Paulo Sérgio Pinheiro (Chair), Hanny Megally and Lynn Welchman.

² The Commission applies the generally recognised definition of torture and cruel, inhuman or degrading treatment ('ill-treatment') in international human rights law, such as that found in the International Covenant on Civil and Political Rights (ICCPR) Art. 7 or the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) Arts. 1 and 16.

³ An enforced disappearance may amount to torture and ill-treatment, for both the detainee and the family. Enforced disappearances also amount to violation of other human rights, including the right to life, right to liberty and security and recognition as a person before the law.

⁴ A/HRC/46/55

⁵ A/HRC/31/CRP.1, para. 36. For a map, see A/HRC/46/55, annex II.

⁶ The Commission continues to regard the group as a terrorist entity as designated by the Security Council in its resolution 2170 (2014), with links to Al-Qaida globally. See A/HRC/46/54, para. 7, footnote 13.

⁷ A/HRC/42/51, para. 16

⁸ A/HRC/46/54, para. 12.

⁹ A/HRC/39/65, para. 68.

often with green hosepipes, sticks, cables or other tools, usually accompanied both *shabeh* and *dulab* and also took place independently. Other mentioned methods included electric shocks, burning of body parts and sexual violence. In addition, most detainees described being held in inhumane conditions which amount to ill-treatment, and may in some cases amount to torture: severely overcrowded cells, lack of food, drinking water and sanitary facilities, widespread illness and diseases, and denial of medical care. Detainees released and interviewed after 1 January 2020 also reported witnessing deaths in detention. Similar patterns of torture and ill-treatment in these facilities covering the period 2011-2020 have previously been documented by the Commission.¹⁰

5. Torture and ill-treatment remain a significant risk for those who live within Government-controlled parts of Syria, including areas retaken in recent years, and for Syrian nationals abroad who return. This risk is particularly concerning given increasing pressure on Syrian refugees and asylum seekers to return from neighbouring countries and elsewhere. The issue is also particularly relevant given recent and ongoing attempts at accountability. At the individual level, these include the landmark convictions for crimes against humanity by a German court of two former members of the General Intelligence Directorate regarding torture of detainees at Branch 251 ('Al Khatib' branch). At the state level, this includes ongoing efforts to hold Syria responsible for violations of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

6. Torture and ill-treatment also remain serious issues of concern in parts of Syria under control of non-State armed groups, particularly against those perceived to be opposing the group in control. The forms of torture and the patterns of arbitrary detention and enforced disappearances also mirror those by the Government of Syria, even though the scale is significantly smaller. Such patterns of torture and ill-treatment covering the period 2011-2020 have previously been documented by the Commission.¹¹

A. Methodology

7. This report is based on 254 interviews conducted by the Commission between January 2020 and April 2023. Where possible, interviews were conducted in-person. Of the interviewees, 107 had experienced and/or directly witnessed torture or ill-treatment in relation to detention in Government facilities after 1 January 2020, while 105 related to detention by non-State armed groups. A further 20 were secondary interviews with e.g. family members of detainees in Government detention facilities, and 15 were secondary interviews in relation to detention by non-State armed groups. This information was supplemented by interviews with seven medical practitioners and others working with survivors of torture and ill-treatment. Dozens of additional interviews were also conducted with family members, lawyers, and other sources in relation to the camps and detention centres in northeast Syria.

8. The Commission also reviewed corroborating video and photographs, medical and other relevant documentation. The Commission also requested, in writing, information from the Syrian Arab Republic on steps taken to criminalize, investigate and prosecute torture and ill-treatment and from some other Member States on cooperation provided by the Syrian Arab Republic on steps towards accountability in their jurisdiction. To date, no reply was received from the Syrian Arab Republic.

9. While the interviews conducted for this report are indicative of the ongoing practices of torture and ill-treatment in Syria, particularly in Government-detention centres, the report does not provide exhaustive coverage of practices. It focuses on Government and non-State armed groups' detention centres which featured repeatedly in recent interviews. Accounts were cross-checked against pattern information and previous interviews collected by the Commission. The standard of proof was considered met when there were reasonable grounds to believe that incidents had occurred as described, and, where possible, that violations had been committed by the party identified. In all interviews, the information was probed and

¹⁰ A/HRC/46/55, A/HRC/37/CRP.3, A/HRC/31/CRP.1, "Without a trace" (2013)

¹¹ A/HRC/46/55, A/HRC/37/CRP.3, A/HRC/31/CRP.1, "Without a trace" (2013)

assessed to determine its reliability and credibility – along with other evidence provided, typically in the form of visible injuries or medical records, consistent with the conduct described – in line with the best practices of fact-finding missions and commissions of inquiry.

10. Most of those interviewed for this report were men: this is representative of the situation in Syria where most of those tortured in detention are men. Access to female detention survivors remains extremely limited, as do details relating to their detention, or information regarding women subjected to enforced disappearances or custodial deaths. Although far from all women detained are subjected to rape, the stigma attached to sexual violence - and the widespread belief that rape and other sexual violence is invariable in detention - often make women detainees reluctant to come forward. The Syrian Government has rarely included female detainees in its sporadic civil registration updates whereby detainees are declared dead.

11. Protection concerns in relation to interviewees, in particular the “do no harm principle” guided the interviews, analysis and drafting of this report – sometimes requiring redaction of identifying details. In addition to the denial of access to Syria, risks of reprisals and other protection concerns continue to affect the Commission’s ability to investigate, including concerns related to torture and ill-treatment in detention. Fear of deportations of Syrian refugees from host States also led to the cancellation of interviews, with many refugees fearful of drawing attention to themselves. The Commission thanks all those who provided information, in particular victims and witnesses, despite the difficult context.

II. Continuing torture and ill-treatment in Government detention facilities

“For twelve days, they asked the same questions and tortured me pretty much in the same way... in the morning dulab, then they would use the ghost or shabeh position, and tie my hands at the back and put me in a ‘flying carpet’ position’....”

A 42-year-old man detained by Air Force Intelligence in Harasta in September 2020.

12. The Commission has previously documented that Government forces have committed torture and ill-treatment on a massive scale since 2011.¹² This was part of the Government’s widespread or systematic attack against the civilian population, in pursuance of an established policy to commit such acts, comprising the crimes against humanity of murder, extermination, imprisonment, enforced disappearance, torture, rape and sexual violence, and other inhumane acts.¹³ Such acts occurred in multiple places of detention throughout the country, controlled by Government forces, including intelligence directorates (also called security agencies), civilian and military police. The justice system, notably the military and counter-terrorism structures, have been complicit in the commission of these violations.

13. The key parts of the Syrian security apparatus involved in the torture and related violations described in the present report include four intelligence directorates. All four directorates have their headquarters and central branches in Damascus, and control regional and local branches in governorates throughout the country. Officially, these directorates have different reporting lines. The General Intelligence Directorate is a stand-alone intelligence entity reporting directly to the National Security Bureau. The Military Intelligence Directorate and the Air Force Directorate are technically subordinate to the Ministry of Defence, while the Political Security Directorate is under the Ministry of Interior. In practice however, sources indicated that each of the four directorates report directly to the National Security Bureau. Since 2011, the National Security Bureau has coordinated counter-protest and intelligence operations country-wide, as well as translating policy directives into joint strategic plans underlying security operations. Based on the Bureau’s directives, directors of the various security agencies pass orders on to their branch offices in the governorates. According to sources, the National Security Bureau reports directly to the President of the

¹² A/HRC/46/55. Government forces refers to all four intelligence directorates, civilian police, military forces.

¹³ A/HRC/46/55

Republic, who – as per the Syrian Constitution – is also the commander in chief of the army and armed forces.¹⁴

14. The four intelligence directorates each have a defined subject matter and/or geographic jurisdiction, with governorates divided into districts under the responsibility of a particular security branch, which collaborates with the Police and Military Police.¹⁵ The Civilian Police – including the criminal security department in each governorate – fall under the Ministry of Interior. The Military Police, Military Prisons, and Military Hospitals operate under the Ministry of Defence and through the military chain of command. At the local level, military and security agencies, civilian authorities and Baath Party officials coordinate operations through local security committees, which are usually comprised of local representatives of security agencies and commanders of army units deployed in the area.¹⁶

15. While this report is divided into distinct sections on the main intelligence directorates and some other Government departments, most detainees opposing or perceived to oppose the Government are typically held, interrogated and tortured by more than one directorate.¹⁷ Detainees brought before the Counter-Terrorism Court or military courts, including military field courts, are also commonly held at military or civilian prisons for part of their detention.¹⁸ Many detainees will also pass through a military hospital. In some instances, detainees may not be aware of one or more directorates which detained and tortured them, as they are often blindfolded with communication with other detainees discouraged or barred.¹⁹

16. Continuing a previously reported pattern,²⁰ nearly all those interviewed for this report and detained by Government forces had been interrogated and tortured for perceived anti-Government activity. While torture and ill-treatment remain pervasive for perceived opponents of the Government, it is not exclusively reserved for such persons. For example, a young man from a ‘loyalist’ family was arrested for alleged drug-use in late-2021, beaten in military intelligence custody and detained for several months.

A. Military Intelligence Directorate

17. The Military Intelligence Directorate, also known as Military Security, has branches throughout Syria. The Commission has previously identified several branches of Military Intelligence as sites of serious human rights violations, including Branch 215 (Raids Company);²¹ Branch 227 or ‘Al Mintaqa’ branch (Damascus regional branch);²² and Branch 235 or ‘Palestine’ branch (north of Al-Qazzaz neighbourhood in south-eastern Damascus).²³

18. Many interviewees recounted torture and ill-treatment at the ‘Palestine’ branch. For example, a 19-year-old who tried to return to Syria was arrested at the border of Lebanon in December 2019 and taken to the ‘Palestine’ branch. Interrogations seeking a confession started at dawn. Every day guards would take five detainees from the cell. When it was his turn, they beat him severely: “before any question there was a beating, but I was young and told them that I was not involved in anything, and they kept beating me on my head and body

¹⁴ Article 103 of the 1973 Constitution and Article 105 of the 2012 Constitution.

¹⁵ A/HRC/31/CRP.1 para. 49.

¹⁶ A/HRC/19/69, para. 91.

¹⁷ One detainee reported being held at 11 different facilities in 11 months of detention in 2021, including ill-treatment by all the intelligence directorates mentioned in the report.

¹⁸ The Commission has also received sporadic reports of arbitrary detention, torture and ill-treatment by Syrian Arab Army units.

¹⁹ For example, one man from southern Syria detained for three months in the first half of 2022 said that he was interrogated and tortured in at least four distinct facilities. A fellow detainee informed him that one was a Political Security branch in Damascus, while the affiliation of the other three facilities remained unknown to him.

²⁰ A/HRC/46/55

²¹ A/HRC/31/CRP.1, para. 37.

²² A/HRC/31/CRP.1, para. 50.

²³ A/HRC/31/CRP.1, para. 51.

with the green hosepipe called *lakhdar brahimi*.²⁴ As the questioning continued, he also suffered from other means of torture including cigarette burns. A social worker who met the detainee soon after his release described to the Commission the terrible state of his body, showing signs consistent with reports of torture.

19. Another man from Idlib was arrested from a hospital in July 2011 where he went to meet his brother who was beaten while protesting against the Government. He spent over ten years in detention before being taken before the Counter Terrorism Court in November 2021 which sentenced him to 3.5 years in prison. However, instead of being released, he was moved to other detention facilities for further interrogation, including the ‘Palestine’ branch where he was beaten as soon as he arrived. “They questioned me after one week. I was questioned two times. Each interrogation session would last 30 minutes. I refused to confess.” Beatings were not limited to interrogation alone: “you would be beaten anywhere with batons and sticks or green hosepipe – the *lakhdar brahimi*.” He spent two months there, before being released in April 2022. He was unable to walk for seven months due to the torture. His account is consistent with those of other detainees in the ‘Palestine’ branch.

20. Torture and ill-treatment were also reported by detainees at several other Military Intelligence facilities, including Branch 261 in Homs. According to one detainee, he was interrogated for a confession and beaten for three days and nights. Another detainee at the same facility witnessed “inmates badly beaten with iron sticks while handcuffed and bloodied”, many with broken hands and lost or broken teeth. A third detainee, held at multiple detention facilities, described Branch 261 as the worst one, as torture was routinely carried out every day during the interrogations, even of elderly detainees including a 70-year-old man: “You would hear screaming of detainees every day”.

21. Other Military Intelligence detention centres where interviewees reported torture and ill-treatment include Branch 271 in Khan Sheykhun, Idlib. One interviewee said the guards there had interrogation sessions every day to force him to confess: he was made to undress, and then tortured with *shabeh* and *dulab* or beaten with the green hosepipes for about an hour. Detainees also reported regular beatings for confessions in other branches in Damascus – Branch 215, Branch 227, and Branch 248.

B. Air Force Intelligence Directorate

22. Air Force Intelligence Directorate also has branches throughout the country. The Commission has previously found serious violations at some of the key branches, i.e. the Investigations branch at Mezzeh military airport, southwest of central Damascus;²⁵ Harasta (Damascus and southern region branch);²⁶ Aleppo, Dar’a, Homs, Latakia, and Dayr Az-Zawr.²⁷

23. Many interviewees reported torture occurring in Air Force Intelligence detention facilities. For example, a former member of an armed group active in Dara’a before 2018 was detained at an Air Force Intelligence mobile checkpoint in late 2020 and taken to the Harasta branch. He was subjected to a range of torture techniques during interrogations for confession including *shabeh*, with regular beatings on the body – often repeatedly on the head or on the chest. Officials used various sticks, hosepipes and hard electric cables to beat detainees. He was also subjected to *falaqa* (placed on the back on the floor or on a chair with the feet higher up, to enable easy beating on the soles) “until [his] feet would go black”. These interrogation sessions would take place every two to three days and for several hours, sometimes up to 10-12 hours. When the man would faint because of the pain, interrogators would wake him by kicking his head or chest and continue. After more than one month of

²⁴ Akhdar is the Arabic word for green. The name given to the ‘green hosepipe’ is a pun referring to the former United Nations-League of Arab States’ Joint Special Representative on Syria, Lakhdar Brahimi.

²⁵ A/HRC/31/CRP.1, para. 53.

²⁶ A/HRC/31/CRP.1, para. 54.

²⁷ A/HRC/31/CRP.1, para. 55.

incommunicado detention, the man was released after his family paid several thousands of dollars through intermediaries.

24. A young man from Idlib was held for many weeks in 2020 by Air Force Intelligence in Damascus, where he suffered severe beating while undergoing *shabeh*. He was questioned for information about terrorist groups. Prior to being moved to Damascus, he had also been detained in unnamed facilities in Aleppo, where he was severely beaten, and in Hama, where he was beaten directly on a gunshot wound he suffered during the arrest. However, he does not know which agency held him at either of those places. Another interviewee who spent approximately one month in an Air Force Intelligence facility in Homs also described how he was questioned extensively for information – interrogations lasted 4-5 hours and were accompanied with various forms of torture, including *shabeh* and beating with iron bars.

25. In 2021, a construction worker from rural Aleppo was held at the Air Force Intelligence branch in Aleppo for 38 days, one of many detention centres he was held in. Interrogation sessions for him lasted two days including severe beatings and *dulab* repeatedly. Most of the beatings were by a guard, who also put some iron inside the green hosepipe to make it more painful. Occasionally the interrogator also joined in – beating and shouting at the man to thumb-print a document with a confession. Torture was used by the branch for purposes of receiving information or confessions, but also for intimidation or punishment. A young man detained at the Air Force Intelligence branch at Mezzeh airport told the Commission: “They were always beating us ... once, one of the guards beat me and broke three of my teeth. They thought that I was trying to look at another co-detainee, but I was only staring out in the air. But they punched me and then beat me on my feet. They also used the *shabeh* position on me once.”

26. One woman from Aleppo was arrested in 2020, detained and tortured at the Air Force Intelligence branch at Kuweires airport (see section H). She was also forced to see others tortured and beaten: “The sounds were frightening – torture, crying, screaming and wailing...” Her account of the detention centre is consistent with that of another detainee who was tortured at the same facility a few months before. A teenage boy briefly detained at the same facility said that he saw army defectors being taken for interrogation and returning with blood on their mouths and nose and red marks on their limbs. He could also hear the screaming – the defectors told him that they had been beaten with electric cables and sticks to punish them for defecting.

C. Political Security Directorate

27. The Political Security Directorate has branches in every governorate. Within Damascus, they administer an investigations branch with a detention facility in Al Fahya, Damascus and a detention facility co-located with Military Intelligence branch 227 (Damascus).²⁸ The Commission has previously found that torture is widely practiced in Political Security facilities.²⁹

28. An elderly man from Idlib detained since early 2019 in Hama was convicted based on a ‘confession’ derived after torture. After completing his sentence, he was transferred to Political Security in Damascus in 2021 where he was blindfolded, insulted and beaten. Held there for 40 days, he was subjected to daily interrogation/torture sessions for 15 days to force him to confess to additional offences. This included *shabeh*, with guards hitting him with a variety of objects. He said that sometimes the guards would stand on each side and beat him alternatively so that his body would bounce, causing acute pain in the back. They also kicked him on the legs, back, and “sensitive body parts.” He described how his arm was broken at the elbow during his interrogations.³⁰ A similar account of daily interrogations and beatings was also provided by another detainee from Hama, held in the same facility for 30 days in 2020. One man from the south, held at a Political Security branch in Damascus in early-2022, was told by a guard: “You guys screwed up everything and destroyed this country.” After

²⁸ A/HRC/31/CRP.1, para. 57.

²⁹ A/HRC/31/CRP.1, para. 57.

³⁰ Medical records on file with the Commission.

that he was taken to a room where he was threatened with electric shocks, and beaten with batons, mostly on his feet, and put in *shabeh*. He was interrogated every day for nearly two weeks, with regular beatings, to name the terrorists in the south.

29. Another man from Idlib, arrested in 2011, was convicted by the Counter-Terrorism Court in 2021 and sentenced to nearly three and a half years imprisonment. He had already completed well over ten years in detention by that time, but instead of being released, he was sent to the Political Security branch in Al Fahya where he spent 52 days and experienced “something indescribable:” beatings, insults and being spat on to force him to confess to “crimes” for which he had already spent years in detention. He was beaten so badly that they broke his toes. Two weeks later he had heart trouble and needed hospital checks. Only then – when they thought he was at risk of dying – did they stop beating him. Amongst all his years of detention, he described this branch and the ‘Palestine’ branch as the worst. Another detainee in the facility at the time provided similar information.

30. In another case, a person associated with an NGO was arrested in Homs in mid-2021. He was held in the Political Security branch in Homs for a month and interrogated regularly for information about his organisation and association with anti-government forces. As part of the interrogations, he was beaten, accused and tortured – put on the ground, choked with boots on his neck, and beaten with a plastic hose. Another time, he was hung by his hands for four hours (*shabeh*) and questioned about the NGO. He was interrogated roughly twelve times during the month. His account is consistent with that of another detainee held in the same facility in December 2019. A teenage boy held by the Aleppo Political Security branch described a man returning from interrogation with swollen leg and eye, which was also bleeding.

D. General Intelligence Directorate

31. The main detention facilities controlled by the General Intelligence Directorate – also known as General Security or State Security – include Interior Security branch 251 or ‘Al Khatib’ branch (Damascus) and Investigations branch 285 (Kafr Sousa, west Damascus).³¹ One case from February 2023 concerned an entire family, originally from Idlib, who was detained at a checkpoint after being smuggled from Lebanon. The husband told the Commission that his relatives were released after one day, while he was moved to various branches, including the General Intelligence branch at Khan Sheykhun, Idlib where he was repeatedly subjected to both *shabeh* and *dulab*. The man stated that he did not know the reason for his detention, but agreed to confess to anything after he was hanged by his hands with the feet off the ground, as he could not stand it anymore. Another interviewee said he was given electric shocks five times at the General Intelligence branch in Aleppo, while a woman held at the branch in Damascus described how she was forced to stand for four days until she fainted and could not walk. The torture stopped only after she “confessed” that her son had killed a military officer (see also section H).

Extortion

“[new charges] were being brought just to get money from us.”

A man from Homs, who had new charges against him in 2022, after 11 years in detention.

Over the years, corruption and extortion with respect to detention and related violations appear to be increasing³² against the background of the deepening economic crisis in Syria and amidst continuing crippling sanctions.³³ Payments made at various levels and stages, often through intermediaries and lawyers, were commonly reported – whether for information of the detainee’s whereabouts or fate, visits, better treatment, and eventual release. For example, a man from southern Syria arrested in February 2022 was only released when his family paid 40 million Syrian pounds (approximately \$16,000 as per official rate at the time) through a lawyer-intermediary who used another intermediary to reach some high-

³¹ A/HRC/31/CRP.1, para. 56.

³² E.g. A/HRC/48/70

³³ A/HRC/52/69, para 9

ranking officials. Another detainee, who was arrested upon return from Lebanon in 2021 said that his and other relatives were being asked “to provide money in order to get news about their detained relatives and link them with their families.” In some instances, the focus on extortion blurred the line between arrests and kidnapping for extortion purposes. For example, a former member of the Government forces who defected and joined an armed group was arrested at a check point in 2020. He was held entirely outside the legal system until his family and tribe paid thousands of dollars for his release through local intermediaries.

Interviewees increasingly reported that Government forces seem to be institutionalising extortion, including targeting young merchants returning from stays abroad including in Türkiye, Jordan, or UAE. According to one detainee, one businessman had charges of aiding terrorism imposed to pressure him to pay 70 million Syrian pounds (approximately \$28,000 as per official rate at the time) for his release. Similar reports of high amounts requested to release for those arrested for drug use were also reported by another detainee, who described how the subsequent payments made were official and occurred at the Syrian central bank. Such payments were also previously noted by the Commission.³⁴

E. Criminal Security Department

32. Various branches of the Criminal Security Department of the Police have previously been cited by the Commission as the sites of violations.³⁵ While the Commission received comparatively fewer reports of torture occurring there in comparison to the main intelligence directorates, the means and intensity of the torture and ill-treatment reported are very similar. For example, a man from Homs spent 11 years in detention before being released in mid-2022. However, before release, he was detained at the criminal security branch in Homs for nearly one month and tortured. Upon arrival, he was asked to take his clothes off, and a man began to beat him before searching him. There were no questions or reasons given. Later, when the interrogation started, he was blindfolded, and the beatings were aimed to have him “confess” his involvement in an attack. “They were threatening to bring my wife to that same place and started insulting my mother, my sister They beat me on all parts of my body, mainly on my back and my head. They used an iron stick and green hose while I was in the *shabeh* position for three hours... they were just beating me, not focusing on questions, just insulting and beating.” He was also tortured with the “flying carpet” technique: tied to a rectangular wooden plank which was then hung for 15 minutes. During that time, he was beaten on different parts of the body, including his head, while hung up. He said that it felt like someone was cutting his back: “While you are in that position, you don't know what happens, you are not aware of what is happening, you are just screaming... I told them, write down whatever you want, I will sign.” Another detainee at the same facility saw a man forced to stand on one foot while tied to the door: whenever he wanted to change the foot, a soldier would beat him with a stick. He kept such position for at least 3-4 hours. When he fainted and fell in between, they used cold water to wake him up and told him that he would be kept in this position until he confessed.

F. Military Prisons/ Military Police

33. The Chief of the Military Police supervises the military prisons in Sednaya, Rif Damascus, and Balooni in Homs city.³⁶ These facilities hold thousands of inmates, many of whom were transferred there following summary trials.³⁷ While interviewees also named other military police facilities, most interviewees were held at Sednaya military prison. The

³⁴ A/HRC/52/69, para 54.

³⁵ A/HRC/51/45, para. 36; A/HRC/45/31, para. 14; A/HRC/28/69, paras. 179-180; A/HRC/37/172/CRP.3, para. 34.

³⁶ A/HRC/31/CRP.1, para. 58.

³⁷ A/HRC/31/CRP.1, para. 58.

reports of torture and ill-treatment in these recently collected interviews are consistent with previous patterns documented by the Commission in Sednaya military prison.³⁸

34. At Sednaya military prison, the torture reported was usually not linked to interrogations but seemingly instead used to punish, intimidate or humiliate detainees without any intention to receive information or confessions. According to one young man released in 2022 after a decade in detention, nearly all in Sednaya military prison, torture practices in Sednaya continued throughout his ten years there. In 2021, one guard broke several of his teeth after kicking him with boots in his face, when he was collecting food.³⁹ He was beaten inside the cell only a few days before his release – a common intimidation practice by the guards – and described how the walls of cells were stained with detainees’ blood. According to him, there were no obvious limits or patterns to where and when torture might occur: “Maybe we get tortured one day, then the next day is the turn of the nearby cell, then the following week, they come back again to us. Torture takes place during showers, or shaving, or when guards suddenly storm the cell and start beating detainees without any reason.” He added that shower and shaving days were considered the worst by prisoners – the guards would beat them heavily with green hosepipes and electric sticks, including on their testicles, while mocking their wives and sisters. In the lead-up to those days, many prisoners were stressed and distraught, even sick, due to mounting fear. “When guards are drunk, they become out of control, and act like crazy, they come with sticks or hosepipes to beat detainees in the middle of the night.” Sometimes, the guards punished detainees for events having occurred outside the prison, e.g., killings of soldiers by armed groups. Sometimes guards would take away blankets and keep windows open so that detainees suffered from cold. At times they were forced to remain naked in their cells in cold weather for up to 15 consecutive days – he could remember three such incidents during the three years prior to his release alone.

35. The common practice of beating around shower and shaving days was reported by several detainees. Beatings of detainees were also reported following family visits. According to the family of one detainee who visited him in Sednaya military prison in early 2020, he looked very bad – like he had been beaten – and his hand looked broken. He was also hit by the guard at the end of the interview because he tried to wave goodbye to them. Another woman who visited her son at the same facility said that she saw signs that he had been beaten: he had bruises and marks visible on his face, neck, chest and feet and burns on his arms. He was very thin, could barely stand upright, was shivering in the cold but was terrified to say much, with guards standing nearby.

36. Detainees also reported common torture and ill-treatment upon arrival, also called “reception” or “welcome” beatings, aimed at intimidation. For example, a young man – arrested in Dar’a in late-2019 – said that his arrest, and the torture that followed, was likely a punishment for his family’s peaceful opposition to the Government. He had been held at various detention centres, interrogated and tortured, before being transferred to Sednaya military prison in early 2020. Upon arrival, guards dragged him by his feet from the truck and he hit his head on the ground. He and the other new arrivals were then stripped, beaten with batons, forced to lie on the ground, with guards kicking them in the face with their boots.

G. Sexual violence against detainees

37. The Commission has consistently documented rape and other forms of sexual violence against men and boys in detention.⁴⁰ Statements by recently released male detainees to the Commission describe such practices continuing. For example, one detainee at the ‘Palestine’ branch described how he was sexually abused with guards repeatedly inserting sticks or glass bottles into his anus to torture him and for the detainee “to lose his honour.” Another detainee recalled that he witnessed guards in Balooni prison forcing younger detainees to rape older ones, while they recorded it with their phone. A detainee from Sednaya military prison clarified that it was usually newly arrived detainees – especially the younger men – who were

³⁸ A/HRC/51/45, A/HRC/48/70, A/HRC/46/55.

³⁹ Medical records corroborating injuries on file with the Commission.

⁴⁰ E.g. A/HRC/37/CRP.3

sexually abused by guards as they were considered clean and free of scabies. Other detainees reported intentional genital-beatings and sexual humiliation as part of their torture. For example, one said that a guard at Air Force Intelligence branch at Homs would “beat me on my intimate parts, and sexually abuse me,” including with iron bars. Sexual insults were also commonly reported.

38. There is likely significant underreporting of sexual violence by male detainees. Documentary evidence as well as accounts from various medical professionals, who examined high numbers of former detainees, indicate the continued occurrence of severe sexual violence against men in Syrian Government detention facilities. According to these medical professionals – who have treated Syrian victims of torture over the conflict – the majority of male detainees in Government of Syria facilities they had met were subjected to some form of sexual violence, for example, rape, sexual violence or threat of sexual violence against them or their relatives, or even genital mutilation. Medical practitioners and therapists who had examined numerous detainees with physical signs of sexual violence and torture, also observed that some patients appeared to have contracted HIV and syphilis in prison.

H. Women detainees

39. The Commission has previously found that many women and girls were also subjected to different types of sexual violence, including rape, threat of rape, sexual torture, abuse and humiliation.⁴¹ Some women described their recent similar experiences in detention to the Commission. One woman from northern Syria was arrested in 2020 and detained at the Air Force Intelligence branch at Kuweires military airport. During interrogation, she was asked about her relatives – cousins and uncles – and told to confess her role. She was assaulted by her interrogator: “He started punching and tried to assault me, and I lost consciousness and found that I was bleeding. I don't know if they assaulted me sexually or if this was bleeding out of fear.” Even after her family paid thousands of dollars and she was released, the interrogator kept messaging her threatening to rape her. Although she fled the country subsequently, she said she remains impacted by her experience both psychologically and physically; her genital bleeding has not stopped. Another woman detained for months at a Military Intelligence branch in Homs in 2022-23 said that five days before her release, the guard tried to sexually assault her. She was taken outside the cell, blindfolded, with a plastic bag placed over her head; she could feel someone “harassing her” but after she fought back, he stopped. Instead, he beat her severely with a cable all over her body including on her eye. A third woman, held by General Intelligence in Damascus in 2021 (see also section D), said that while she heard threats of rape during detention, she did not witness any. She was however stripped naked, handcuffed and beaten with sticks and cables by four women guards and interrogators in front of other women detainees, who were crying.

40. Only a small number of former detainees in Government detention interviewed by the Commission were women (16 out of 127 victims/witnesses). This is representative of women constituting a smaller proportion of the overall detainees in Government detention facilities. The lack of women speaking about their experiences in detention is also linked to the strong stigma around rape and sexual assault.⁴² This is exacerbated by a common societal presumption that women in detention are invariably subject to sexual assault. For example, one woman said that after her sister-in-law had been released from four years of detention in 2022, she was ostracised by her own family. Her parents forced her to live on a remote farm so that she would not talk of her experience in detention and her brothers rejected her for bringing shame on the family. One child detained in 2022 said that few believed her when she said she was not sexually assaulted in custody. She was interrogated for ten days at an Air Force Intelligence branch near Damascus: threatened but never beaten or assaulted. When she was released, she faced hostility in the community: “When I came to school, the whole school knew that I had been in prison. Everyone was asking... how was your stay? Did anyone touch you? I said no. They called me a liar when I said nothing happened.”

⁴¹ A/HRC/37/72/CRP.1, page 9.

⁴² See “Policy Paper: Gendered Impact of the Conflict in the Syrian Arab Republic on Women and Girls” available at <https://www.ohchr.org/en/hr-bodies/hrc/iici-syria/documentation>

41. While not all the detained women were subjected to sexual assault, ill-treatment was common. One widow who tried to return to Damascus in late 2020 to be closer to family said that she was slapped during interrogation at an Air Force Intelligence detention centre in Harasta when she was questioned about her sons and their activities. She speculated that although she was threatened, she was not treated worse because the guards saw that her file noted her having a heart condition. She was also held at other branches during her year in detention but was not beaten there.

I. Conditions of detention

“Before my detention, I used to weigh 108 kg. When I left this place, I weighed only around 60 kg.”

A construction-worker detained in the ‘Palestine’ branch in 2021.

42. Inhuman conditions across Government detention centres have been previously documented by the Commission.⁴³ The accounts of recently released detainees show little indication of improvement, despite the particular vulnerabilities of detainees to the COVID-19 pandemic. The dire and appalling conditions in Government detention facilities, as further elaborated below, amount to ill-treatment and may, in some cases, amount to torture. The fact that the conditions of detention are not as poor in civilian prisons, according to the former detainees the Commission has interviewed, shows that the State has the necessary capacity to provide for adequate conditions of detention but chooses not to do so in intelligence directorate detention facilities or in military prisons.

Lack of food and drinking water

43. Detainees consistently reported receiving an inadequate amount, type and quality of food in facilities across the country, in violation of the most basic international detention standards. In addition, interviewees described practices of humiliation and debasement, with guards either throwing the food at them, insulting them or mocking their hunger.

44. In the Military Intelligence ‘Palestine’ branch, detainees flagged that the food was scarce – a bare minimum, just enough to keep someone alive. This ranged from “a few olives with bread in the morning, and half a cup of boiled tasteless rice for lunch, and half a potato for dinner,” to meals of “some bread and two olives” and “three pieces of bread per day, without oil or anything else.” Detainees flagged that even the barely-sufficient food was sometimes required to be shared: in one instance, one boiled potato had to be shared by eight detainees – some prisoner’s share was only the peel – while some other times they would have to share a boiled egg or a carton of yogurt.

45. Detainees at other detention facilities also provided consistent accounts. For example, at Military Intelligence branch 271 in Khan Sheykhun, Idlib, accounts ranged from 30-40 pieces of bread every day for a cell of 20 detainees, with one plate of bulgur to be shared amongst them; and *malfouf* or a few olives with some bread once a day. Detainees held by Military Police in Aleppo similarly reported scarcity of food, e.g. receiving two pieces of bread and five olives, twice a day. A detainee at Political Security branch in Damascus said that they received one meal: five olives and a spoon of *zaatar* with half a piece of bread. The gross insufficiency of food was also noted by a detainee at Sednaya military prison, who stressed that “people died because of starvation”. Another detainee held at both Sednaya and Balooni military prisons highlighted the perpetual state of hunger in detention, stating that there were two questions always in their mind: “Will I be able to survive torture today to remain alive until tomorrow, and will we receive some food, will I be able to eat?”

46. Many detainees across various detention facilities drank non-potable water from the toilet taps, whether in their cells or outside. A detainee in Sednaya military prison also said that water was often cut in their cells for days – to dehydrate and punish the prisoners. Other detainees at the same facility also said that deprivation of food was used as punishment by

⁴³ A/HRC/31/CRP.1 (10 March 2011 to 30 November 2015); A/HRC/46/55 (March 2011 to December 2020)

guards. According to one detainee, in December 2020 all the inmates in his cell were deprived of food for three days because their cell was smelling due to a leaking toilet.

Overcrowding

47. With the large number of persons detained following the recapture of former opposition areas by Government forces in 2018-19, overcrowding in detention facilities remained a serious problem during the ensuing years. Most detainees described being held in collective cells, although many were also detained for shorter periods of time initially in individual cells. The reported sizes and quality of the cells varied, but all were consistently overcrowded. The extent of overcrowding in these detention facilities over the years, particularly when compared to civilian prisons, also raises concern that this may be intentional – part of an overall attempt to intimidate or punish and break the will of perceived enemies of the state.

48. At the Military Intelligence ‘Palestine’ branch cells – most interviewees shared cells with between 15 and 60 others, with typical cells being approximately 5 x 4 metres while smaller cells were approximately 2 x 2 metres. Some detainees reported being held with around 140-160 others, in slightly larger cells (approximately 7 x 12m and 4 x 10m). Another detainee highlighted that there was little space to sit or sleep and described extreme exhaustion from lack of sleep. There were no mattresses, and while some detainees got to share blankets, others reported not having any at all. At the Military Intelligence branch 271 in Khan Sheykhun, detainees reported between 20 and 45 persons in cells measuring approximately 3 x 4 metres or smaller. One detainee flagged that there was not enough space for everyone to lie down together – they had to alternate between sitting and lying down to make sure everyone had a chance. He added that those returning from interrogation and torture were given preference to lie down by other detainees. Similar overcrowding was also reported at Military Intelligence branch 227 (Damascus), Political Security branch at Homs, and Damascus.

49. Some facilities also used smaller cells for detainees. At the Military Intelligence branch in Homs, a detainee reported cells of approximately 1 x 1.5m for five detainees – not enough space to even lie down. He said that there was a tap in the cell and two blankets were given but the cells were freezing cold. To go to the toilet, the detainee had to ask permission – this was allowed at most twice a day. Similarly, a detainee held at the Criminal Security branch in Homs said that he – and eight others – were detained in a cell sized approximately 1.5 x 2 metres. With little space and only four blankets, they would alternate between some standing while others sat down or knelt and tried to sleep. A maximum of two detainees could lie down simultaneously. A woman held in the same facility said that ten detainees (including four children) were kept in a room approximately 2 x 2 metres, which included sanitary facilities.

50. At the Military Intelligence ‘Palestine’ branch cells were overcrowded – most interviewees shared cells with between 15 and 60 others, with typical cells being approximately 2-5 x 2-4 metres. Two detainees reported being held with around 140-160 others, albeit in slightly larger cells (approximately 4-7 x 10-12m). There was little space to sit or sleep and detainees described extreme exhaustion from lack of sleep. There were no mattresses, and while some detainees got to share blankets, others reported not having any at all.

51. Similarly, at the Military Intelligence branch 271 in Khan Sheykhun, a detainee said there were about 20 persons in a cell measuring 2.5 or 3 metres x 3 or 3.3 metres. Cells were not large enough for everyone to lie down together – detainees had to alternate between sitting and lying down to make sure everyone had a chance to lie down. Those returning from interrogation and torture were given preference to lie down by other detainees. Another detainee at the same facility said that they had up to 45 detainees in a slightly larger cell (approximately 3 x 4 metres).

52. The situation was not much better in the military prisons. In Balooni, Homs, one detainee described how around 60 prisoners were held in a room sized approximately 3 x 4 metres. In Sednaya military prison, one interviewee said he lived with 35 others in a cell of approximately 5 x 6 metres with two old, dirty blankets each – one to use as a mattress, and

the other as a cover. Another was held with around 25 others in a smaller cell (approximately 2 x 2.5 m) including a toilet inside.

Poor sanitary conditions

53. Most detainees highlighted the poor sanitary conditions in their facilities. Many were held in cells underground and rarely saw natural light. For example, a detainee at the Military Intelligence branch at Khan Sheykhun, Idlib said that the only way they could distinguish night and day was because there was a crack in the roof which allowed some light. Another detainee at the same branch said that he was in an underground cell with red soil – it was clearly improvised and not fit for detention. Some cells had toilets inside – with or without doors – but long waits were common due to the many people and common illnesses. One detainee held in a tiny single cell at an Air Force Intelligence branch in Homs for 15 days said that there was no toilet at all, and he had to urinate and defecate in a bucket in the cell itself. Another held by Political Security in Damascus for two weeks said the toilet was inside his single cell (approximately 1.5 x 1.5 metre).

54. Opportunities to wash and shower ranged from extremely limited to non-existent. One recently released woman detained at the Military Intelligence branch in Homs said that she couldn't shower throughout her three months in detention. She had her period only once in that time – she was given one sanitary pad and had to wash it to reuse it. She heard another woman asking about washing her clothes during her period and the guards shouted and insulted her. Another woman detained by Air Force Intelligence at Mezzeh said she had no access to sanitary pads at all.

55. Interviewee accounts also highlighted practices of humiliation and debasement and beating aimed at intimidation when they accessed the facilities outside the cells. For example, in facilities where toilets were outside, detainees had to take turns to visit them, typically at great speed under pressure from the guards. Similarly, guards at Sednaya military prison repeatedly beat detainees on the way to and from their designated shower and shaving (see also section F).

56. The lack or inadequacy of washing facilities was exacerbated by infestations including mites, lice, ants and rats in various facilities. A detainee at the Military Intelligence branch 227 (Damascus) said, “The first thing I noticed were lice everywhere on the walls. Detainees used to take them off with their nails and stick them to the walls.” A detainee at the Military Intelligence branch in Khan Sheykhun noted similarly that lice “were not only on our hair but on our whole bodies, you could take a handful of them in your culotte. We were killing time by killing them; they were in our clothes.” Detainees held by Political Security in Damascus also noted that the ever-present fleas, rats and lice – many detainees had scabies.

Lack of medical care

57. Given the overcrowding, sub-standard, and inhuman conditions, illness and disease resulting from poor hygiene were rife, particularly diarrhoea. One interviewee described detainees with open wounds that would get infected, while others developed skin disease or infections and described never seeing the sun. Despite such a context, access to health care was extremely limited across the detention centres. Even where some provisions for medical care existed, guards would be dismissive of such requests – often cursing or beating prisoners as punishment for asking. A detainee at the ‘Palestine’ Branch said: “when I had a fever and asked the doctor for medicine, they refused and kept saying ‘we’ll wait for you to die like an animal and we’ll see what we can do with your body’”. At the Political Security branch in Homs, when a detainee lying injured on the ground asked for medical attention, the guards stamped on his head and said, “we are not a hospital.” Similarly, a detainee who asked Military Police guards at Aleppo for medication was told: “die and you can rest.”

58. According to a detainee at the Criminal Security branch in Homs: “You cannot ask for medical treatment in that branch. Whoever requests to see a doctor is subjected to torture. For that reason, people stopped asking for doctors.” In a similar experience, a detainee at Sednaya military prison described how shortly before his release, he had difficulty breathing and chest pain but when he asked to see a doctor, one guard said to another, “give him two pills.” This was followed by the second guard beating him with a heavy hosepipe.

59. Some detainees reported receiving some basic aid. For example, a detainee at the Military Intelligence branch 271 at Khan Sheykhun told the Commission that he was slapped by one guard when he raised his hand to ask for medicine, but later another guard did give him a painkiller. A detainee at ‘Palestine’ received an occasional painkiller tablet but only when in severe pain with a bladder stone and resultant infections. A detainee at the Military Intelligence branch 227 stated that detainees were beaten when they asked for medication, but that they would still receive painkillers – although half a pill or sometimes even less.

60. Only some detainees were able to see doctors, and their experiences differed. A woman held at an Air Force Intelligence facility near the airport said that she received medical treatment for her heart condition, and that there was also a nurse who came regularly to see the women. Another detainee who was tortured with *shabeh* and beatings at the Air Force Intelligence Mezzeh branch started crying and struggling at some point. A doctor gave him a painkiller and said the pain was because of the heavy lifting the detainee was involved with – he did not want to acknowledge the torture. Meanwhile, a detainee who was taken to a doctor in the ‘Palestine’ branch said that instead of being treated, he was beaten by the doctor for his perceived links with anti-government armed groups. Similar treatment by doctors was also described by another detainee at the same facility.

61. According to one detainee, the situation needed to be really severe to be taken to a hospital. He said that when he had heart trouble due to beatings at the Political Security Al Fahya branch, he was taken for an electrocardiogram test. Another detainee who got very ill in Sednaya military prison said he was taken to the Tishreen military hospital for a few days – the first time in years that he had slept on an actual bed. According to another detainee at the same facility, stories about torture and death at the hospital were so common that he was too scared to even go there.

Deaths in detention

“I have seen people die in front of me, because of diseases, and because of the lack of medical care. People also died because of beatings and torture.”

An aid worker detained in the ‘Palestine’ branch in early 2020.

The Commission has previously documented extensive death in detention in government facilities in Syria, on a massive scale, in acts amounting to extermination in pursuance of a State policy to attack civilians, a crime against humanity.⁴⁴ Tens of thousands of individuals who have died in custody of Government forces have been buried in mass graves since 2011.⁴⁵ Many interviewees described to the Commission how they received information from varied informal sources that their family members – subjected to enforced disappearance for long periods – had eventually died in detention (see below).

Since 2020 onwards, detainees have continued to die in the custody of Government forces, including the security agencies and military prisons, due to inhuman living conditions, including lack of food, adequate drinking water, or medical care, even for easily preventable and curable infections like diarrhoea. It is unclear how many deaths in recent years may have been caused by COVID-19. Most detainees were unaware of the disease during their time in detention in 2020-2022, suggesting that there were no visible measures taken to prevent its spread in these facilities.

Multiple former detainees described to the Commission how fellow detainees were beaten badly and never seen again, apparently killed. For example, one detainee described how a man accused of killing a security officer was forced to stand in the corridor in Military Intelligence branch 227. Every time the man would sit, he would be beaten by the guards. After six days, the man fell to the ground and was violently beaten. Then he was taken away and never seen again. Others succumbed to their wounds: “Many detainees are already sick, exhausted and weak so they can't withstand beatings, and lose their lives over time.” Another detainee at Political Security, Damascus saw a man who was so badly beaten that he became

⁴⁴ A/HRC/31/CRP.1, A/HRC/46/55

⁴⁵ A/HRC/46/55

unconscious. He was taken to the hospital and never returned to the branch. Multiple deaths have occurred since 2020 in Sednaya military prison according to former detainees. One described how during some weeks, a dozen prisoners would die, either in their cells as guards tortured them inside the cells, or outside in connection with bathroom visits. The last death he described took place only two weeks before his release in 2022. Another former detainee at Sednaya military prison described how he had memorized names of 40 detainees who had died, to be able to inform their relatives after his own release.

A former detainee at the Air Force Intelligence branch at Mezzeh airport described how he had to clear many bodies when cleaning interrogation rooms: “One day, I was asked to remove dead bodies from the interrogation room. I was extremely afraid; I could not do it. So they beat me to make me do it. I removed the dead body and brought it to the main entrance. After that, I was asked to clean the room of blood, and to put the torture instruments in order.” This was not a one-off, “I was often called to pick up the bodies and clean up... at least once every week or once every 10 days, they asked me to move a body... I could not tell the cause of death, but I saw bruises on the dead bodies... blood on their mouth. So, I guess they died from the torture. The dead bodies were never covered, I just dragged them near the entrance, and I don't know what they did after that. They were wearing underwear only.” One interviewee said that his brother had died in Sednaya military prison sometime in 2021 and that a source at Tishreen military hospital – who knew and recognised him – said that the body showed signs of torture “to the point of mutilation.” However, he said the civil registry only recorded the cause of death as cardiac arrest.

Executions also appear to be continuing in Sednaya military prison, but little information is available on the scale. Family members of those executed reported not being informed about the executions. For example, one interviewee said that his cousin was executed sometime in 2020-21. The cousin had been arrested in early 2018 and the family had traced his whereabouts to Sednaya in early 2020. However, they were only told about the execution by sources in the security agencies in 2021. The execution was subsequently confirmed by another released detainee in 2022 and later also reported in the media. To date, the family has not received any official notification thereof. Another family was similarly told by an intermediary that their son – arrested in 2019 – was executed sometime in 2022. They also received informal confirmation of this through a military contact, but no official notification to date. (See also enforced disappearances, below).

Despite the State's obligation to investigate all cases of deaths in detention, including with allegations of torture and ill-treatment, the Commission has little information on efforts to hold perpetrators accountable or conduct investigations into torture and ill-treatment (see Section IV).

J. Enforced disappearances

“I will keep looking for him until my last breath”.

A woman from southern Syria whose son was arrested and disappeared in late 2020.

62. Tens of thousands of Syrians remain missing – most subject to enforced disappearances by Government forces. The Commission has found previously that widespread enforced disappearance was deliberately perpetrated by government forces throughout the decade on a massive scale, to spread fear, stifle dissent and as punishment.⁴⁶ There is little known about the fate or whereabouts of those detained incommunicado since 2011, despite the many amnesty decrees announced by the Government of Syria. Many are believed to have died in custody, while others may still remain detained in the inhuman conditions described above.

63. Virtually all those interviewed for this report were either held incommunicado for periods of time, in conditions amounting to enforced disappearance, or had family members who had been so detained. Detainees held in the custody of Government forces had no means of contacting their families or legal representatives, and in many instances no access

⁴⁶ A/HRC/46/55, para. 18.

whatsoever to the outside world. Most did not see a judge for months or even years. One woman – released in 2021 – said that she and her two children were held without any access to the outside world for over nine years, since their initial arrest in 2012. Her family had approached various authorities to get information but to no avail. As the family was locked together in one cell, without access to anyone other than guards, she even did not know where they were until 16 months after the arrest. Her son said that all they could tell was that they were near an airport since they could hear the sound of aircrafts taking off and landing.

64. Families are often even unaware that their loved ones were detained in the first place, due to the lack of official information and the fact that arrests commonly occur at road checkpoints which remain ubiquitous throughout the country. One man from Dar‘a was arrested at a highway checkpoint near Damascus in August 2021; his family received no official information about his arrest throughout the nine months of detention, interrogation, and torture he endured in various facilities. Three months into the detention, his family managed to get informal confirmation of his arrest by bribing officials \$2,500 through a lawyer. Similarly, a woman from Homs arrested at a checkpoint in late 2022 was detained for three months by various directorates without her family knowing about her whereabouts. Her husband made several attempts to find out where she was but could not get any information and only learned about her detention when she was eventually released.

65. Many families told the Commission that they have waited for years to know the fate and whereabouts of their loved ones. In a case that is illustrative of the ordeal suffered by many families, a woman from Homs said that her husband and son were taken from their home by soldiers in August 2012. Despite attempts at getting information through ICRC, informally via intermediaries or the civil registry, there has been no confirmed information about their fate or whereabouts to date. Another woman described how her family member – a student at the time – had been arrested in Homs in 2015. Sometime later, the family was shocked to see his face on the official TV channel with signs of beating and torture, being denounced as a terrorist. The family tried to get more information about him, visited various security branches in Damascus and Homs and hired lawyers, but no information about his fate or whereabouts has been provided to date. Another woman from southern Syria whose son was arrested in late 2020 had since not received any information about his fate or whereabouts. After various visits to different offices, she was told by an official at Military Police Headquarters that he was being held by Military Intelligence, but he did not reveal which branch.

66. Families are rarely provided official information even when their family members died in custody,⁴⁷ with return of bodies and personal effects being rarer still.⁴⁸ Some families came to know of deaths by chance, as the Syrian authorities discretely updated civil registry records, without actively informing families of deaths.⁴⁹ One interviewee from Dar‘a stated that the family obtained a death certificate in late June 2020 for a relative detained nearly two years previously, when they approached the civil registry after hearing of another family which had successfully done so. Sometimes bribes were required. One interviewee described securing death certificates for six men last known to be in Sednaya military prison through a civil servant who checked the civil registry for names supplied to him, for \$20 each. Another activist described how he was able to obtain death certificates for 72 persons who died in custody from May 2019 to October 2022 through a civil servant by paying \$10 for each.⁵⁰

67. Others received official documentation through informal channels. For example, one interviewee from Raqqah received a death certificate for his brother in 2020 – one year after the brother’s arrest for defecting from the army – through a relative who knew security officials.⁵¹ Other such informal channels also commonly included released detainees or intermediaries who had to be bribed. In another illustrative example, family members of a man arrested in May 2014 first received information about the detention when a former

⁴⁷ A/HRC/51/45, para 21.

⁴⁸ See also A/HRC/45/31

⁴⁹ A/HRC/52/69, para 58; A/HRC/49/77

⁵⁰ Certificates on file with the Commission.

⁵¹ Death certificate on file with the Commission, with the official date of death recorded as 16 September 2019 but without further details provided.

detainee said he had seen the man in the ‘Palestine’ branch later the same year. Two former detainees subsequently saw him in Sednaya military prison in 2016 and 2017. The family then paid \$1,000 to lawyers who were acting as intermediaries but received no updated information. The family again paid \$300 for information and eventually, on 5 January 2023 were informally told that the man had died in detention in Sednaya military prison in December 2017. As of the writing of this report, the family has still not been officially informed of the death, has not received a death certificate and has no information about the location of the body. Similarly, a brother of a man arrested in 2021 said that he was told by a released detainee that his brother was in Sednaya military prison after trial by a field military court.⁵² The family could not pay the exorbitant amount the intermediary asked for his release – \$70,000 – and in late 2022, the same intermediary informed them that the brother had been executed. The family received no official information at any stage – whether of his arrest or of his death.

68. While many intermediaries prey on families, seeking bribes in exchange for information on missing loved ones, there is little guarantee that payments lead to any or accurate information. For example, one man from rural Aleppo told the Commission that he had paid a local lawyer for information about his brother’s enforced disappearance following his arrest in April 2014. But they received no information and are now unsure of paying large amounts that are being asked for. Another family had received information in 2019 from a co-detainee that the brother was still alive. They then paid a lawyer in Damascus as an intermediary – \$20,000 in total – who was supposedly helping the brother with his trial and negotiating his release. The lawyer stopped responding later in the year, and in November 2022, the family came to know from the civil registry that the brother was listed as having died in custody shortly after his arrest in 2013. Other detainees reported similar events.

69. When family members hear of deaths informally, it is left to them to secure official documentation.⁵³ One interviewee, originally from Hama, was told by intermediaries that his brother – detained in November 2019 – had died of COVID-19 in Sednaya military prison in July 2022. Despite paying \$5,000 to various intermediaries, the family has no document related to his detention and no death certificate, let alone information about his burial location or the body. In other instances, families also receive contradictory information, adding to their suffering. One man from rural Aleppo said that his brother had been missing since his arrest in April 2014. In April 2022, they received some information through a friend’s contacts in Damascus that their family member had died in 2014. However, when they checked with a contact in the civil registry in Aleppo, there was no record of the death. The interviewee stressed the difficult position of the family – although they organised a small funeral, it is still difficult for them to move on or to properly grieve without knowing his fate for sure. Others feared seeking official records. In August 2022, the Ministry of Justice issued circular No. 22 requiring courts dealing with personal status issues to obtain ‘security clearance’ for individuals requesting death certificates pertaining to non-natural deaths.⁵⁴ According to an activist from Dar’a, that same month, a local man was told informally by intermediaries of the death of his son, who had been arrested in 2018 and last known to be in Sednaya military prison. The family did not approach the military police for security clearance to arrange the death certificate, for fear that they too would be detained.

70. In some cases, families learn of the deaths of their missing loved ones through the ‘Caesar photos:’ a trove of images taken at Government detention centres and military hospitals that were smuggled out of Syria by a defector. In June 2020, one interviewee, originally from Damascus, learned of the death of his father – detained since January 2012 – when he identified him in the photos published online. His brother and brother-in-law had also been arrested with the father, all apparently tortured in an Air Force intelligence facility in Damascus, but the two younger men were released after 18 months. Photos of the father’s corpse indicate that he died in custody in late January 2013. The family did not receive any official notification or death certificate. The lack of official information and certainty leads to significant problems for families; for example, one interviewee from Aleppo says that he

⁵² A/HRC/31/CRP.1, para 16.

⁵³ A/HRC/52/69, para 59.

⁵⁴ A/HRC/52/69, para 60.

recognised his father – missing since 2012 – in an image released among the ‘Caesar photos’, but his brother is not convinced the image depicts their father.

71. The absence of official information and the knowledge that bodies are rarely returned leave families in limbo, unable to know or accept the fate and whereabouts of their relatives. According to a young woman from rural Damascus, her family received handwritten notes from the ‘Palestine’ branch via a village official in mid-2013 that her father and two uncles – detained by Syrian soldiers four months previously – were dead. Four months later, a village official called her and said that he had received three handwritten notes from the ‘Palestine’ branch stating that the men had died and that she could use the notes to get death certificates from the civil registry. However, her family refuses to get the death certificates from the civil registry in the absence of the bodies, believing that the men are still alive. With no way to get any verification or further information, the family’s torturous wait for the three men – or their bodies – continues. The absence of bodies and burial information itself leaves families in agony.

72. Against this background, the Commission welcomed United Nations General Assembly resolution 77/301 which on 29 June 2023 established a new Independent Institution on Missing Persons in the Syrian Arab Republic.⁵⁵ The institution is mandated to clarify the fate and whereabouts of all missing persons in the Syrian Arab Republic and to provide adequate support to victims, survivors and the families of those missing, in close cooperation and complementarity with all relevant actors. It shall have a structural element that ensures the full and meaningful participation and representation of victims, survivors and the families of missing persons in the Syrian Arab Republic in its operationalization and work and shall engage with women’s organizations and other civil society organizations in a regular and sustained manner. The General Assembly called on all States as well as all parties to the conflict in the Syrian Arab Republic, as well as the United Nations system and all other relevant actors, including international institutions and civil society organizations, in particular Syrian civil society organizations, to cooperate with the Independent Institution. The Commission stands ready to cooperate with the new institution and has begun preparing for the transmission of relevant data.

K. Returnees experiencing torture

73. In recent years, many Syrians who had fled the country returned due to a mix of factors, both push (e.g., economic hardships in refugee hosting countries such as Lebanon) and pull (e.g., desire to see family members, family doctors, and property again, even if temporarily).

74. Some returnees were arrested at checkpoints due to inadequate or outdated papers and tortured to force confessions. In one such example, a man who returned in late 2022 was stopped at a checkpoint in Aleppo Governorate. He described being held for 10 days at a Military Intelligence facility in Khan Sheykhun and being interrogated and tortured throughout, including with the *dulab* and beatings with sticks. Interrogators made insulting remarks about his wife and sister as they pushed him to confess his role in demonstrations. He was eventually released after nearly a month in detention, after the family paid \$2,000 through a lawyer to ensure his release.

75. Other returnees were forced back to Syria. One man who returned from Lebanon in May 2021 was detained in various facilities for nearly two months. Although he saw many bloody and beaten inmates in Homs, he himself was not tortured by Military Intelligence there, which he attributed to his family having paid bribes. However, at their branch in Damascus, he suffered *shabeh*, *dulab* and beatings with green hosepipes, sometimes collectively with other inmates. He eventually thumb-printed 15 pages of documents without knowing what was written in them. Subsequently, he was taken before a military judge for a hearing that lasted less than 15 minutes and soon after, released on 19 July 2021. After the

⁵⁵ <https://www.ohchr.org/en/press-releases/2023/06/un-syria-commission-inquiry-lauds-long-awaited-international-institution?sub-site=HRC>

release, he learned that his family had paid \$5,000 for him to be included in a presidential amnesty.

76. Some Syrian refugees who attempted to reach Europe by boat were caught, arrested and subsequently forcibly returned to Syria. The more fortunate ones were taken to the Syrian border in an apparent extortion-racket involving Syrian border guards, smugglers and Lebanese authorities and given an opportunity to pay (\$300-500) for their release. Others were less fortunate. One man from northern Syria described being brought back to Syria by smugglers in early 2021. After an initial interrogation and “light beating” with hosepipes and slaps, he was moved between eleven detention facilities. At Military Intelligence Branch 290 in Aleppo, interrogators handcuffed him and forced him to stand for three days. He was beaten with green hosepipes, up to 50 times in a single session, three times, until he agreed to thumb-print documents. He was also tortured at the ‘Palestine’ branch: “Interrogations were every three days at first. Then every week. They wait until you recover. But there was no treatment.” He was eventually brought to the Counter-Terrorism Court in Damascus where he said he showed the judge the torture marks on his body and highlighted the forced confession, but they ignored it and told him to report to join the Army. Despite that, he was held at various facilities of all the main directorates – with sporadic interrogations and torture – until his release in early 2022.

77. Even those who returned following so-called reconciliation were tortured. One interviewee from Homs returned to Syria from Lebanon after applying for and being approved for ‘reconciliation’ in December 2019. Although the family was provided free transportation from the Syrian border to their village, the man was arrested only a few days later. He was detained for three and a half months, interrogated at multiple facilities, including the ‘Palestine’ branch, and tortured until he “confessed.” He was eventually taken to the Counter-Terrorism Court in Damascus for a trial that lasted 30 minutes. His family paid thousands of dollars in bribes for his release, including through a lawyer. With their land sold to pay the bribes and fearing further arrests, the family fled back to Lebanon – this time after paying smugglers – and now live in fear of deportation.

III. Government failure to criminalize, prevent, and investigate

“In these circumstances, we even forget our own name. You don't exist as a human being there. You are just a number that they call, and you have to keep staring at the ground.”

A man from Homs, released in 2022 after eight years of detention in various facilities.

78. Torture has been prohibited by consecutive Syrian constitutions since 1950.⁵⁶ Since then and through the outbreak of the Syrian crisis in 2011, however, torture was neither defined nor specifically listed as a criminal offence under Syrian law, despite the Syrian Arab Republic becoming party to the CAT in 2004. Prior to the promulgation of a new law on torture in 2022, the Syrian Government considered that Article 391 of the Penal Code on the imposition of violence or hardship (*al shiddah*), a misdemeanour, amounted to the criminalisation of torture.⁵⁷ 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.⁵⁸

79. 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

⁵⁶ See for example, Syrian Arab Republic Constitutions of 1950 (Article 10(3)), 1973 (Article 28(3)) and 2012 (Article 53(2)).

⁵⁷ See Syrian Penal Code, Law no. 148/1949, as amended, Article 391. See also, CAT/C/SYR/1 (2009), paras 61 and 91.

⁵⁸ See Syrian Penal Code, Law no. 148/1949, as amended, Articles 533 et seq. and Articles 162 and 163.

a longer statute of limitations.⁵⁹ Ill-treatment is not addressed directly in the law and presumably would still fall at least partially under Article 391, subjected to a maximum of three year imprisonment and a three year statute of limitations.⁶⁰ 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.

80. Syria's national report to the Universal Periodic Review process claims that legislation does not envisage immunity for anyone for offences involving torture.⁶¹ However, provisions of Syrian law requiring approval from their chain of command prior to the initiation of any criminal investigation remain in force, at least for the four intelligence branches. The 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, require approval 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.⁶² Subsequently, the scope of application of Decree 64/2008 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 referred to the military justice system.⁶³

81. In the Government's 2021 fourth periodic report to the Human Rights Committee, part of the review process of Syria's compliance with the International Covenant on Civil and Political Rights, it noted that a total of 95 individuals had been "held accountable" for torture or mistreatment of detainees between 2016 and 2020.⁶⁴ The figures presented appear to refer exclusively to police personnel of whom 49 were referred to the courts and 46 were subject to "disciplinary measures." The report does not refer to any publicly available information on the outcome of those court processes, nor to whether the individuals were convicted or acquitted, nor what measures were taken in terms of restitution for survivors of such conduct or their families. The Government's report further does not cover the period 2011 to 2015, which, as noted previously by the Commission, covers the peak periods of widespread detention, torture, and ill-treatment in Government facilities.⁶⁵

82. Syrian law also does not provide an offence of "enforced disappearance", although the national report to the Universal Periodic Review notes that abduction and deprivation of liberty are penalized (Legislative decree no. 20/ 2013). The report also states that convictions for these offences increased from 40 in 2017 to 84 in 2018 and 88 in 2019, with a decrease to 16 in 2020.⁶⁶

83. The Commission has since 2011 documented thousands of survivor and witness accounts of torture and ill-treatment in Syrian Government custody, primarily in facilities run by the four intelligence services and the military prison and military hospital system and to a lesser extent by the Criminal Security department of the civilian police. It has also documented extensive enforced disappearances.

84. In addition, and despite the Government's assertions to the contrary,⁶⁷ the Commission has documented the widespread use of statements and confessions obtained as

⁵⁹ Law no. 16/2022 of 30 March 2022.

⁶⁰ Article 391 Syrian Penal Code, Law no. 148/1949, as amended.

⁶¹ A/HRC/WG.6/40/SYR/1, para 46.

⁶² Although Decree 14/1969 remains secret, portions of it were disclosed in Syrian Court of Cassation ruling No. 25/1979.

⁶³ 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.

⁶⁴ CCPR/C/SYR/4, paras 39-40.

⁶⁵ See A/HRC/46/55.

⁶⁶ A/HRC/WG.6/40/SYR/1, para. 44.

⁶⁷ See, for instance Syrian Arab Republic National Report to the Committee against Torture, CAT/C/SYR/1 (2009), paragraph 191, and footnote 9, citing Syrian Court of Cassation ruling No.

a result of torture in proceedings before the Counter-Terrorism Court, military courts, and military field courts. Defendant claims that torture was used to obtain confessions, including where defendants presented physical injuries still visible to the judges, were, in almost all cases, ignored by the judges.

85. The Commission is not aware of a single instance in which such assertions, made in front of any judge in court, was subject to a subsequent investigation. Likewise, both prior and subsequent to the adoption of Law no. 16/2022, the Commission had not received information on any case where the Government has opened an investigation into complaints of torture raised by individuals. Similarly, no sources have reported a situation 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.

86. Despite the Government's claim that visits may be carried out by independent monitors, the Commission notes that such visits extend only to civilian prisons such as Adra Central Prison, and not to the military or intelligence detention facilities described in the present report.⁶⁸ As noted, the vast majority of instances of torture and ill-treatment documented by the Commission took place in facilities operated by the Ministry of Defence and intelligence directorates.

IV. Torture and ill-treatment by non-State armed groups

“Interrogation and torture sessions would start at 9 am and last until 5 pm. Whenever we would hear people screaming, we knew it was 9 am. When nobody was screaming or crying, we knew it was 5 pm.”

A man detained by Hay'at Tahrir al-Sham in 2022.

87. Torture and ill-treatment are also carried out in Syria by armed groups in areas under their control. Some of the forms of torture and other detention practices including arbitrary detention, incommunicado detention and acts tantamount to enforced disappearances are similar to those of government forces.⁶⁹ This section focuses on the three main groups that control territory and hold detainees and prisoners – Hay'at Tahrir al-Sham,⁷⁰ the Syrian National Army,⁷¹ and the Syrian Democratic Forces.⁷²

A. Hay'at Tahrir al-Sham

88. Since 2017, Hay'at Tahrir al-Sham (HTS) cemented control over parts of Idlib,⁷³ Aleppo and Hama Governorates in northwest Syria and subsequently established a de facto quasi-administrative authority there, including its “salvation government”,⁷⁴ and “ministry of justice” which administers detention facilities, including prisons. In 2020, it established a “general security” directorate, a law enforcement and intelligence body which also runs

1460/1503 of 10 November 1980 holding that “no reliance may be placed on a confession extracted using violence or force”. See for instance, A/HRC/46/55, para 16 and A/HRC/31/CRP.1, para 35.

⁶⁸ CCPR/C/SYR/4, para 52. Confidential meetings with various Syrian and international actors working on the detention file confirm the lack of access to Ministry of Defence and intelligence directorates' facilities, as does the fact that no former detainees reported seeing or hearing of such monitors or visits outside of regular Syrian Ministry of Interior detention facilities. Even in the civilian central prisons where independent monitoring took place, sharing information was not possible, e.g., detainees were specifically warned not to raise problems but only request food and medicine. Political security elements also remained close by.

⁶⁹ See A/HRC/46/55, paras 6-7

⁷⁰ The Commission continues to regard the group as a terrorist entity as designated by the Security Council in its resolution 2170 (2014), with links to Al-Qaida globally. See A/HRC/46/54, para. 7, footnote 13.

⁷¹ A/HRC/42/51, para. 16

⁷² A/HRC/46/54, para. 12.

⁷³ For a brief overview of the evolution of HTS, see A/HRC/46/54, section A.

⁷⁴ A/HRC/39/65 para 60.

detention operations and facilities.⁷⁵ The Commission has previously documented cases of acts tantamount to enforced disappearances and incommunicado detention, torture and ill-treatment, forms of sexual violence and death in detention of persons in HTS custody.⁷⁶ Facilities where such violations have been documented since 2020 include Sarmada and Harem detention centres; branches 107 and 77; as well as branch 33 in Idlib and a detention facility reportedly attached to a courthouse in Sarmada.

89. Since 2020, the Commission has concluded that HTS has continued to carry out the war crime of cruel treatment and torture, as well as murder and other war crimes.⁷⁷ Torture and ill-treatment are most commonly carried out to force confessions or for punishment. For example, a man arrested by HTS “general security” in 2022 was blindfolded, handcuffed and dragged from his house, while repeatedly being hit on his neck with a rifle-butt. Held in Harem prison for months, he was tortured and asked to confess. During one interrogation session when he refused to confess, he was put in *shabeh* for over four hours, while another time he was beaten with a hosepipe. Similarly, a man held for five months in various detention facilities by HTS “police” in 2020, was beaten with a cable, handcuffed and hung from the ceiling in his cell to secure a “confession” that he had incited others against the terrorist group.⁷⁸ A third man described being held incommunicado in 2021 and beaten by HTS members with a plastic hosepipe during interrogations.⁷⁹ He was also sentenced by a local court to 300 lashes and five years of imprisonment for murder, a crime he denied. According to one former HTS detainee at the facility where he was detained (branch 77), there was a “welcome” practice for detainees who had not yet “confessed” to the charges against them – they would be tortured for seven days. Sometimes this did not stop even if the detainee confessed.

90. Detainees also reported sexual violence, corroborating previously established patterns.⁸⁰ For example, a young man held in late 2021 was interrogated about organisations he was suspected of working for and for his social media posts. He was first slapped then assaulted by the guards who suspected him to be gay. He was stripped naked, with one guard filming him while insulting him and calling him names, while another guard also urinated on him.

91. Former detainees held in branch 33 (Idlib), or in a detention facility reportedly attached to a courthouse in Sarmada described the facilities as “secret prisons,” where detainees were confined to their cells, neither provided with adequate food nor medical care, denied access to legal counsel and, except in one case, also denied contact with their families.⁸¹ HTS has continued to use numerous other similarly undisclosed detention facilities holding individuals accused of crimes, often security-related, including people accused of affiliation with competing armed factions. Family members continued to face difficulties in finding out detainees’ whereabouts, even though HTS reportedly established a communication line for families to inquire about detained relatives.⁸²

92. Those detained included activists, media workers and others critical of HTS. For example, one man arrested by “general security” in early 2022 described being detained for over a year – including in solitary confinement for three months – as de-facto punishment for his criticism of HTS. In another emblematic example, an activist was held incommunicado by HTS members for at least three months until her release in January 2021.⁸³

93. The Commission has previously found that there were reasonable grounds to believe that HTS members committed the war crime of carrying out executions without previous judgment pronounced by a regularly constituted court.⁸⁴ It continues to receive multiple,

⁷⁵ A/HRC/51/45 para 60.

⁷⁶ A/HRC/46/55, section VI.

⁷⁷ A/HRC/45/31, para 90; A/HRC/49/77, para 70; A/HRC/52/69 para 81.

⁷⁸ A/HRC/45/31, para 89.

⁷⁹ A/HRC/52/69, para 74.

⁸⁰ A/HRC/49/77, para 70; A/HRC/46/55, para. 65.

⁸¹ A/HRC/52/69, para 73.

⁸² A/HRC/51/45, para 60, A/HRC/49/77, para 70.

⁸³ A/HRC/48/70, para 70.

⁸⁴ A/HRC/52/69, para 81; A/HRC/44/61 para 96.

consistent, and credible reports of ongoing execution of detainees by HTS, with men, women, and children sentenced to death for crimes including murder, adultery or rape, pursuant to judgments rendered by courts operating under HTS control.⁸⁵ One man was executed by firing squad for drug use and prostitution-related offences in March 2023. Such convictions are typically made on the basis of uncodified legal principles claimed to be based on *sharia*, including death sentences for offences that do not carry the death penalty under Syrian law (nor amount to the “most serious crimes”, as required by international human rights law).⁸⁶ The Commission has also previously concluded that, in connection with sentences issued by HTS *sharia* courts, the war crime of passing sentences without previous judgment pronounced by a regularly constituted court affording all judicial guarantees which are generally recognized as indispensable had occurred.

B. Syrian National Army

94. The Syrian National Army (SNA),⁸⁷ and the armed groups it evolved from, have operated in parts of northern Syria, including Aleppo countryside in Az’az and Bab since 2016; Afrin since 2018; and east of the Euphrates River, including Tall Abyad (Raqqah) and Ra’s al-Ayn (Hasakah) since 2019, following Turkish-led operations in each area.⁸⁸ A court system, prisons and detention sites are run by the “Syrian interim government”, also with significant Turkish involvement.⁸⁹ The Commission has previously found that in the context of detention, the SNA committed war crimes of torture and cruel treatment, hostage-taking, rape and sexual violence, as well as acts tantamount to enforced disappearances.⁹⁰ Facilities where such violations have been documented since 2020 include prisons and makeshift facilities operated by individual SNA factions (including Suleiman Shah, Hamza, Sultan Murad, Ahrar al-Sham, Ahrar al-Sharqiyah, Faylaq al-Sham and Muhammad al-Fatih) as well as facilities operated by the SNA military and civilian police, as detailed below.

95. Interviewees consistently narrated being beaten and blindfolded during interrogations and held incommunicado in SNA detention.⁹¹ Other means of torture used to extract confessions or potentially incriminating information included *shabeh*, the use of tasers and electric shocks, including to the genitals and other forms of sexual violence.⁹²

96. Such practices have commonly been reported within makeshift or secret facilities run by specific SNA factions. Notwithstanding recent SNA efforts to centralise control, individual factions continued to operate detention facilities and torture individuals from 2020 to 2023. For example, in January 2021 members of Suleiman Shah Brigade severely beat and tortured at least 18 men and reportedly one boy at their headquarters.⁹³ In another instance, a man briefly detained by one SNA brigade was released with signs of severe beatings on his entire body, and died shortly afterwards.⁹⁴

97. Amongst the victims in particular are those suspected of ties to the Kurdish People’s Protection Units (YPG)⁹⁵ or SDF.⁹⁶ Detainees – primarily of Kurdish origin – were interrogated about their faith and ethnicity and denied food or water.⁹⁷ In one example, a Kurdish man held by the Hamza division in 2022 was also beaten with cables.⁹⁸ After transfer to Ra’s al-Ayn Military Police, he was interrogated during the night, beaten, hung from the ceiling by his arms (*shabeh*) and placed in a tire (*dulab*). Another Kurdish survivor was

⁸⁵ A/HRC/52/69, para 75, A/HRC/46/55, para 67.

⁸⁶ Article 6, paragraph 2, ICCPR

⁸⁷ For a brief overview of the evolution of SNA, see A/HRC/46/54, section A.

⁸⁸ See A/HRC/42/51, para. 16

⁸⁹ A/HRC/46/55, para 35-36.

⁹⁰ A/HRC/46/55, paras 92-3.

⁹¹ A/HRC/52/69, para 87.

⁹² A/HRC/49/77, para 84.

⁹³ A/HRC/48/70, para 84.

⁹⁴ A/HRC/51/45, para 74.

⁹⁵ A/HRC/46/54 para 6, A/HRC/46/55 para 6.

⁹⁶ A/HRC/52/69, para 86.

⁹⁷ A/HRC/45/31, para 54.

⁹⁸ A/HRC/52/69, para 90

blindfolded, stripped naked, beaten, and had his toenails pulled out during his first interrogation upon arrival at the Sultan Murad-operated Hawar Kilis prison in Azaz in August 2022.⁹⁹ He reported that, during the same interrogation session, a Turkish official assisted in placing a victim in *shabeh*, while interrogating him through an interpreter on his alleged links to the YPG and threatened the detainee with rape.¹⁰⁰

98. The Commission has also documented such conduct in facilities operated by SNA military and civilian police forces. A Kurdish man who was detained by the civilian police in mid-2022 while trying to flee Syria was tortured during interrogation about links with the SDF. He was interrogated every day for 10-12 days – during each session, he was placed inside a tire (*dulab*) at least two times and beaten on the soles of his bare feet. He was also placed in *shabeh* in four of the sessions. In one session, he was threatened with a gun to his head and while in another, he was made to strip to his underwear, drenched with water, beaten and then left in a cold room. Eventually he confessed to whatever the investigators wanted.

99. Similarly, the wife of another Kurdish detainee, who was detained by the SNA civilian police for suspected theft and released in February 2023, told the Commission that she had seen the electrocution marks on sensitive parts of his body which, along with other torture, had left her husband too traumatized to talk about his experience. Family members who succeeded in visiting their relatives in Maratah prison described seeing marks of severe beatings on their bodies.¹⁰¹

100. The Commission also documented instances where torture and ill-treatment led to the death of detainees, including a Kurdish lawyer who died in December 2022 in SNA civilian police custody, and another in the custody of Ahrar al-Sham in October 2022.¹⁰² In 2021, there were multiple accounts of deaths occurring in detention centres run by SNA factions detention, including in Rai and Zira, Bab District.¹⁰³ Detainees in SNA facilities also reportedly died following repeated beatings in combination with denial of medical care.¹⁰⁴

101. Such absence of medical care is consistent with accounts of victims who consistently described poor detention conditions, including overcrowding, limited access to food, medicine and sanitary services. Two described being beaten when they requested a doctor or hygiene products.¹⁰⁵

102. Since 2020, the Commission also continued to receive credible accounts of sexual violence from both male and female survivors. Survivors were subjected to multiple rapes, beatings and torture by SNA forces guarding them, and regularly denied food. Female former detainees described being subjected to multiple rapes, beatings and torture by members of the Syrian National Army factions guarding them, and regularly denied food.¹⁰⁶ Others were threatened with rape during interrogation sessions, assaulted and harassed, including while being held in solitary confinement, which amplified fears and the intimidation. On occasion, victims were harassed in front of male detainees, while male relatives were forced to listen to their screams as the women were beaten or assaulted. Female detainees were also photographed in underwear.¹⁰⁷ While most such assaults were reported in detention facilities, in two instances in 2020-21, women were moved to civilian houses in Afrin region by a senior SNA Hamza division commander in return for gifts from the owner of the house. At least one of the women was allegedly subjected to rape and sexual violence during her detention at that house and in other places of detention.¹⁰⁸ Such instances of sexual assault of women by SNA members not only caused severe physical and psychological harm at the individual level, but also reverberated at the community level, owing to stigma and shame.¹⁰⁹

⁹⁹ A/HRC/52/69, para 91

¹⁰⁰ A/HRC/52/69, para 91

¹⁰¹ A/HRC/51/45, para 71

¹⁰² A/HRC/52/69, para 87.

¹⁰³ A/HRC/49/77, para 85.

¹⁰⁴ A/HRC/52/69, para 87.

¹⁰⁵ A/HRC/52/69, para 89.

¹⁰⁶ A/HRC/48/70, para 88.

¹⁰⁷ A/HRC/49/77, para 84.

¹⁰⁸ A/HRC/48/70, para 89.

¹⁰⁹ A/HRC/45/31, para 59.

103. Although the SNA informed the Commission that detainees are allowed access to a lawyer and contact with their families; many former detainees held by factions and individual members of the SNA were held incommunicado,¹¹⁰ with family members denied information about the whereabouts of detainees, and also being threatened or even arrested when seeking information on the fate or whereabouts of loved ones.¹¹¹ In one instance, in January 2022, SNA Hamza Division near Bab arrested a former member of the Kurdish People's Protection Units who had been forcibly conscripted.¹¹² The family was only able to locate the victim three months after his arrest, by paying bribes to secure his transfer to SNA military police-controlled Maratah prison in Afrin. Another woman described how she only learned about her husband's whereabouts three months after his arrest in June 2022 because he suffered a heart attack in custody and was transferred to a hospital. In some instances, relatives learned that their loved one had recently died in detention, while others learned the whereabouts of missing persons, including through social media.¹¹³

104. Some steps have been taken by the SNA towards accountability. On 24 February 2022, a member of an Arab tribe was arrested in Afrin by SNA Faylaq al-Sham brigade, brought to a military outpost under its control and beaten to death. The group issued a statement acknowledging responsibility for the man's death as a result of torture and announced the arrest and transfer of the alleged perpetrators to the military judiciary.¹¹⁴ The Commission was also informed by SNA of at least four instances where members had been internally prosecuted for torture, ill-treatment and kidnapping between 2019 and 2021.¹¹⁵ Other SNA members are also reported to have been sentenced for violations including torture and rape.¹¹⁶ However, the Commission does not yet have details of the proceedings, or their compliance with essential judicial guarantees.

105. Since 2020, the Commission has continued to document the presence of Turkish officials in SNA detention facilities, in some instances when torture and ill-treatment was occurring.¹¹⁷ The Commission has noted that in failing to intervene to prevent torture when present or otherwise aware that torture would be employed, Turkish forces may have violated their obligations under the Fourth Geneva Convention.¹¹⁸

C. Syrian Democratic Forces and related entities

106. The Syrian Democratic Forces (SDF)¹¹⁹ was formed as an alliance primarily comprising forces from the Kurdish People's Protection Units and their allies among Arab, Assyrian and other opposition armed groups. They control significant parts of north and northeast Syria, with support from the United States-led international coalition against Da'esh. In 2018, previous regional administrations were integrated into the "self-administration",¹²⁰ which now oversees civilian prisons, while military detention facilities remain under SDF control. Previously the Commission had found that the SDF had committed the war crime of cruel treatment and ill-treatment of detainees in their custody.¹²¹ Facilities where such violations have been documented since 2020 include a dozen facilities holding alleged former Da'esh fighters, including the Al Sina'a prison in Hasakah city; other prisons and makeshift facilities operated by the SDF or the Kurdish internal security forces *Asayish* detailed below as well as the Hawl and Rawj camps.

107. Since 2020, the Commission has documented reports of incommunicado detention and torture and ill-treatment, including of individuals who expressed opposing political

¹¹⁰ A/HRC/52/69, para 87-88.

¹¹¹ A/HRC/51/45, para 70.

¹¹² A/HRC/51/45, para 69.

¹¹³ A/HRC/49/77, para 86.

¹¹⁴ A/HRC/51/45, para 73.

¹¹⁵ A/HRC/49/77, para 87.

¹¹⁶ A/HRC/51/45, para 67.

¹¹⁷ A/HRC/52/69, para 91; A/HRC/51/45, para 72; A/HRC/49/77, para 82

¹¹⁸ A/HRC/46/55, paras 94.

¹¹⁹ For a brief overview of the evolution of SDF, see A/HRC/46/54, section A.

¹²⁰ A/HRC/45/31, para 12

¹²¹ A/HRC/52/69, para 121; A/HRC/51/45, para 103; A/HRC/49/77, para 106.

views, including activists, NGO workers or political opponents.¹²² For example, one Arab man released in 2022 after 15 months in custody said that he was arrested by *Asayish* and tortured while in detention – blindfolded, with hands tied and beaten with cables and hosepipes. He was made to stand on a small piece of metal with sharp edges and beaten if he got off it. The interrogation and the torture continued from 9 am to 4 pm, until he was forced into a confession. At another detention centre, he was beaten for some 30 minutes by three investigators, as punishment for perceived links with rebel groups. He was similarly beaten whenever interrogations took place. Throughout the 15 months – including solitary confinement for 40 days – he was never allowed to contact his lawyer, family or anyone outside. During his time in detention, he heard regular screaming from interrogation rooms and saw many detainees with broken limbs.

108. Similarly, a man arrested in a raid in August 2020 purportedly for being linked to Da'esh was held incommunicado at an SDF prison in Kasra for at least 20 days.¹²³ During interrogation, he was beaten with a hose and denied medical treatment for wounds he suffered. He recalled hearing other detainees being tortured, including children, and seeing some 25 boys who appeared to be aged between 14 to 16, held in the same facility. He was not brought before a court nor given access to a lawyer. In another case in July 2021, four members of the Kurdistan Democratic Party, including two journalists, were arrested simultaneously by uniformed masked individuals in different towns and held incommunicado.¹²⁴

109. Reports of torture by SDF military intelligence specifically were also received. For example, a member of an Arab tribe was held in incommunicado detention for over a year, until his release in March 2020, accused of collaborating with Türkiye.¹²⁵ He was held in SDF intelligence facilities in Hawarna, Darbasiya, Malkiyah and Yaroubiya and a makeshift prison in Al Shadadi, often in solitary confinement, accompanied by regular beatings by interrogators seeking information. Another detainee arrested at the end of 2019 was held in solitary confinement in Hasakah prison for the majority of his detention.¹²⁶ He was regularly beaten and suffered a broken rib. He described being hung with his arms behind his back and kept in that position from 7 a.m. to 8 p.m., resulting in paralysis to a number of fingers. He alleged that he had been tortured, including by electrocution and having weights attached to his genitals. Threats of rape had also been made.

110. Some detainees were tortured and subsequently died in custody. In one case,¹²⁷ a member of the Democratic Union Party-opposing Kurdistan Democratic Party was arrested in May 2021 by the *Asayish* at his home in Hasakah city. On 28 June 2021, his brother was called to the military hospital in Hasakah, where the detainee had just died, reportedly from a stroke. When his body was returned to his family, it bore clear signs of torture, including traces of beating and burns. Deaths in custody continue to be documented by the Commission, including in early 2023 of a young man, apparently due to lack of access to adequate medical care.

111. The SDF also continued to detain more than 10,000 suspected Da'esh fighters and other men and boys allegedly affiliated with the group in appalling conditions in multiple detention facilities across the north-east.¹²⁸ Many – particularly foreigners – do not have any legal recourse to contest their detention and have very limited contact with the outside world. Many are held incommunicado, including in a manner tantamount to enforced disappearance. Families who believe that their missing relatives may be held in the custody of the SDF reported that the self-administration refused to confirm or deny the detention of missing family members.¹²⁹

¹²² A/HRC/46/55, paras 50-52.

¹²³ A/HRC/48/70, para 103.

¹²⁴ A/HRC/49/77, para 104.

¹²⁵ A/HRC/45/31, para 76.

¹²⁶ A/HRC/45/31, para 76.

¹²⁷ A/HRC/49/77, para 103.

¹²⁸ A/HRC/52/69, para 114.

¹²⁹ A/HRC/51/45, para 94.

112. Among the detained are hundreds of boys, including foreigners, to which humanitarian actors have been denied access despite indications they are in dire need of medical and other assistance.¹³⁰ Scores of teenage boys were reported to have died due to tuberculosis in Al-Sin'a prison in 2022 alone. One witness observed boys who were "emaciated, with muscle wasting, kids with obvious trauma, double amputations and anaemic."

113. There are reasonable grounds to believe that the SDF are violating the obligation to treat humanely all individuals who do not – or no longer – take part in hostilities as well as due process rights, in holding suspected Da'esh fighters incommunicado without access to adequate healthcare.¹³¹

114. In addition, since early 2019, the SDF continues to unlawfully detain some 51,600 people – the majority of whom are women and children under 12, including some 35,000 foreigners, in Hawl and Rawj camps for their alleged association with Da'esh.¹³² Living conditions are poor and deteriorating, with camp residents exposed to extreme temperatures and flooding in years-old threadbare tents. Access to adequate health care is extremely limited in the camps and was stripped to skeletal levels during the COVID-19 pandemic. During one single month, August 2020, at least eight children reportedly died from health complications caused by malnutrition, as well as heart failure and internal bleeding.¹³³ Children in the camps also lack sufficient education and many are traumatized by the violence within the camp. In addition, once they enter puberty, young boys in the camps risk being separated from their mothers and transferred to other detention centres alongside other boys or adult alleged Da'esh fighters; doomed to indefinite detention without legal recourse.¹³⁴

115. The Commission has repeatedly found that the conditions in both camps may amount to cruel or inhuman treatment.¹³⁵ The Commission has also found that the form, severity, duration and intensity of the physical and mental suffering inflicted may amount to the war crime of committing outrages upon personal dignity, in particular humiliating and degrading treatment, in relation to each interned individual.¹³⁶

V. Findings, conclusions, and recommendations

"The memory of my detention is a pain which I feel not only when I speak about it. It is a permanent pain I must live with for the rest of my life".

A man from Idlib, released in 2020 after nearly 9 years in detention.

116. The Commission has reasonable grounds to believe that the Government of the Syrian Arab Republic has continued to commit acts of torture and cruel, inhuman and degrading treatment, rape and sexual violence, and enforced disappearances against persons in its detention facilities, including returnees, in violation of its obligations under the International Covenant on Civil and Political Rights (ICCPR) and CAT. In the context of the non-international armed conflict, these violations also constitute breaches of applicable international humanitarian law, including Article 3 common to the Geneva Conventions, which prohibits torture and cruel treatment, rape, mutilation, outrages upon personal dignity and other humiliating and degrading treatment. In certain cases, these acts may also constitute war crimes.

117. Previously, the Commission established reasonable grounds to believe that the Government was carrying out a widespread and systematic attack against the civilian population and responsible for crimes against humanity of torture, rape and sexual violence, enforced disappearance, murder, extermination, imprisonment, and other inhumane acts in

¹³⁰ A/HRC/52/69, para 114

¹³¹ A/HRC/51/45, para. 101, Art. 3 common to the four Geneva Conventions.

¹³² A/HRC/52/69, paras 115-6.

¹³³ A/HRC/48/70, para 110.

¹³⁴ A/HRC/51/45 para 98.

¹³⁵ A/HRC/52/69, para 121.

¹³⁶ A/HRC/52/69, para 121.

the context of detention. The continuing involvement of multiple State actors, including intelligence directorates, police, military and the judiciary, in those acts, coupled with the complete lack of accountability among the intelligence or security apparatus, indicates that the attack against the civilian population remains ongoing, widespread, systematic, and carried out in furtherance of Government policy.

118. Furthermore, Government institutions in Syria are systematically failing to prevent or investigate reports of torture and custodial deaths. With incommunicado detention and enforced disappearances being endemic, they are also failing to ensure the right to information of the victims' next of kin. Moreover, the lack of death notifications – and the lack of details provided in official records and notifications when provided – indicates that they actively attempt to cover up deaths in custody. This is a continuation of a process of coordination between state institutions in the commission and concealment of torture and deaths in detention previously noted by the Commission.¹³⁷

119. International humanitarian law requires States to investigate all allegations of war crimes, search for perpetrators, and bring them to justice. International human rights law further includes the obligation to investigate allegations of all human rights violations, bring violations to an end and hold perpetrators responsible. It obliges States to provide effective remedies to victims and survivors, including the right to complain before a court or other authority, and through the provision of compensation, rehabilitation, restitution and guarantees of non-repetition. In the case of torture, States must criminalise the act in line with international human rights law standards and provide other effective legislative, administrative, judicial or other measures to prevent acts of torture. The Syrian Government consistently fails to fulfill such obligations.

120. The victims of enforced disappearances are not limited to the persons who were forcibly disappeared, but also include their families. Many of them live with no information on the fate or whereabouts of their loved ones. Government forces continue to inflict torture or ill-treatment on the family members of those forcibly disappeared, including through the practice of deliberately concealing their fate and whereabouts.

121. The Commission has reasonable grounds to believe that the conditions of detention as described – including lack of food and water, overcrowding and poor sanitary conditions, lack of medical care – are such that they amount to ill-treatment, and in some circumstances may amount to torture.

122. With respect to torture by non-State armed groups, the Commission has reasonable grounds to believe that Hay'at Tahrir al-Sham, the Syrian National Army, and the Syrian Democratic Forces have all continued to commit acts of torture and cruel, inhuman and degrading treatment, rape and sexual violence, and enforced disappearances against persons in their detention facilities. In the context of the non-international armed conflict, these violations also constitute breaches of applicable international humanitarian law, including Article 3 common to the Geneva Conventions, which prohibits torture and cruel treatment, rape, mutilation, outrages upon personal dignity and other humiliating and degrading treatment. In certain cases, these acts may also constitute war crimes.

123. Türkiye is also bound by its obligations under international human rights and humanitarian law, including to prevent torture when present. There are reasonable grounds to believe that, in failing to intervene to prevent torture when present or otherwise aware that torture would be employed, Turkish forces may have violated their obligations under the Fourth Geneva Convention.

124. The Commission has reasonable grounds to believe that Syrian refugees and asylum seekers face a substantial risk of being subject to torture and ill-treatment on their return.

A. Irreparable harm: the impact of torture

125. Previously the Commission has documented a range of physical and mental harms resulting from torture and ill-treatment in Syrian Government facilities including impotency

¹³⁷ A/HRC/31/CRP.1, part VI.A

in men and miscarriages in women and suicide,¹³⁸ impaired bodily functions and chronic physical pain.¹³⁹

126. Many of the people interviewed for this report – fortunate to survive torture and return to their families – fled Syria after their release, often as soon as they could afford the costs involved in paying smugglers. Those released who remain in the country fear future persecution, with intelligence directorates often returning to question and arrest them. Survivors however cannot flee the practical impact of the torture and ill-treatment they suffered.

127. Many continue to suffer from serious physical pain and need ongoing medical treatment. Medical practitioners who treated dozens of victims of torture in Syria since 2020 confirmed that back injuries, joint dislocation, broken teeth and scars, including of sexual assault, were common torture injuries. They also flagged that in recent years, interrogators in Syria appeared to have increasingly relied on torture methods that are more developed and designed to cause maximum pain while avoiding leaving much physical trace, even for sexual torture.

128. Aside from physical harm, medical practitioners and therapists treating Syrian torture survivors described the severe mental impact and damage on recent survivors of torture. Post-traumatic stress disorder, sleep disorder, inability to focus and resulting substance abuse remain common among Syrian torture survivors. Flashbacks can be triggered by ordinary experiences like someone wearing black boots, which for many torture victims was the main visible body part of the perpetrators. Many fear leaving their home. Interviewees reported similar mental health concerns and the difficulty in adjusting to life outside detention. One detainee released from Sednaya military prison described his fear being triggered each time he hears someone knocking at the door, since he associated knocks on the cell door with a possible killing or execution of detainees. A woman who was detained for eight years with her children said that they were in a terrible state, particularly psychologically. She had anxiety and suffered from insomnia, while the younger son shied away from social contact since their release. One man from Idlib who survived nine years in detention and severe torture described difficulties with family life and coming to terms with both having lost his mother who died during his detention and parenting his nearly nine-year-old third child born after his arrest who he had never met.

129. In addition, stigma and social concerns around sexual violence are so severe that female victims of arbitrary detention are often presumed to be victims of rape. Such stigma attached to female detainees can affect them for life, and also hinders documentation of arbitrary detention and enforced disappearance suffered by women.¹⁴⁰

B. Recommendations

130. **The Commission reiterates its recommendations concerning torture and ill-treatment contained in its previous reports. Torture and ill-treatment in detention are facilitated by laws and practices that enable individuals to be held for lengthy periods without due process, with little or no judicial oversight and without access by families and lawyers.**

131. **The Commission recommends that the Government of the Syrian Arab Republic, and other parties to the conflict holding people in custody, including armed non-State actors:**

- **Immediately cease the practices of incommunicado detention, enforced disappearances, and of holding people in secret places of detention.**

¹³⁸ A/HRC/37/72/CRP.3

¹³⁹ A/HRC/46/55

¹⁴⁰ See section H above as well as the Commission paper “Gendered Impact of the Conflict in the Syrian Arab Republic on Women and Girls”, available at <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coisyria/policypapersieges29aywar/2023-06-12-Gendered-impact-women-girls-%20Syria.pdf>

- Ensure all detainees can promptly contact family members and lawyers and receive regular visits.
- Promptly allow access by independent monitors to all places of detention.
- Immediately cease all torture and ill-treatment, including sexual abuse, and execution of detainees and issue clear directives and orders through all relevant intelligence, military and police commands to that effect, and make such directives public.
- Urgently inspect and improve conditions of detention, including ensuring adequate food and water, appropriate sanitation facilities and medical care, and relieving overcrowded facilities.

132. In order to ensure the above steps are effective, the Commission also recommends relevant parties to:

- Take measures to independently investigate all violations in relation to detention, including torture and ill-treatment, in accordance with international standards.
- Discipline or dismiss individuals responsible for violations and hold perpetrators accountable.
- Ensure that cruel, inhuman or degrading treatment is made a criminal offence, with punishment commensurate to the seriousness of the offence and ensure that perpetrators of torture that predated the adoption of Law no. 16/2022 are held accountable under legislation in force at the time where the statute of limitations has not yet passed, as would be the case for allegations of torture and ill-treatment that resulted in death.
- Enact a programme to vet and remove known perpetrators from intelligence, military and police forces in line with international best practices.¹⁴¹
- Cooperate with all ongoing international attempts at prosecution of those suspected of carrying out or directing acts of torture or ill-treatment.¹⁴²
- Accept the United Nations Special Rapporteur on Torture's request to visit the Syrian Arab Republic, which has been pending since 2005,¹⁴³ including with unfettered access to all detainees and places of detention.

133. The Commission recommends that Member States of the United Nations continue to seek accountability, including by ensuring effective legislation enabling the prosecution of individuals suspected of war crimes and crimes against humanity in the Syrian Arab Republic and investing in related investigative, judicial and prosecutorial infrastructure to ensure that proceedings adhere to international standards.¹⁴⁴ The Commission stands ready to continue to assist Member States in this endeavour, in close cooperation with the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011.

¹⁴¹ E.g. <https://www.ohchr.org/sites/default/files/Documents/Publications/RuleoflawVettingen.pdf>

¹⁴² Article 7, CAT.

¹⁴³ <https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&country=SYR&Lang=en>

¹⁴⁴ CAT, in particular Articles 4-12, Rome Statute of the International Criminal Court, Part IX, International Cooperation and Judicial Assistance, see also a recent examples of expanded national jurisdiction such as the United States, "Justice for Victims of War Crimes Act", 2441 of title 18, United States Code, as amended (2022).