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### Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic\*

#### *Summary*

In the Syrian Arab Republic, massive and systematised violence – including the killing of detainees in official and makeshift detention centres – has taken place out of sight, far from the battlefield. This paper examines the killing of detainees occurring between 10 March 2011 and 30 November 2015. Its findings are based on 621 interviews, as well as considerable documentary material.

Detainees held by the Government were beaten to death, or died as a result of injuries sustained due to torture. Others perished as a consequence of inhuman living conditions. The Government has committed the crimes against humanity of extermination, murder, rape or other forms of sexual violence, torture, imprisonment, enforced disappearance and other inhuman acts. Based on the same conduct, war crimes have also been committed.

Some anti-Government armed groups established makeshift places of detention where captured Government soldiers were ill treated, and executed. Others were summarily executed following illicit trials. Some individuals taken hostage have died while held by armed groups.

Jabhat Al-Nusra has set up detention facilities in Idlib where deaths in detention were documented. The terrorist group also conducted mass executions of captured Government soldiers. Both Jabhat Al-Nusra and some anti-Government armed groups have committed the war crimes of murder, cruel treatment, and torture.

ISIS subjected detainees to serious abuses, including torture and summary executions. Detainees were frequently executed after unauthorised courts issued a death sentence. ISIS has committed the crimes against humanity of murder and torture, and war crimes.

Accountability for these and other crimes must form part of any political solution. The situation of detainees is critical, and represents an urgent and large-scale crisis of human rights protection. Urgent steps must be taken by the Syrian Government, armed groups, external backers, and the wider international community to prevent further deaths.

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\* Reproduced as received.

## **I. Introduction**

1. In the Syrian Arab Republic, massive and systematised violence – including the killing of detainees in official and makeshift detention centres – has taken place out of sight, far from the raging battlefield. These are deaths for which military necessity cannot be invoked as a legal justification. Deaths in custody continue to occur in near-total secrecy and are largely lost to the international public and political discourse surrounding the violence of the conflict, in spite of their devastating impact on the lives of hundreds of thousands of Syrians.

2. This paper examines the killing of detainees occurring between 10 March 2011 and 30 November 2015. Its findings are based on 621 interviews, as well as considerable documentary material, detailing the rampant use of torture and inhuman conditions of detention. Over 200 interviews are drawn from former detainees present at the deaths of cellmates. Other interviewees include family members who were informed by Government officials that the detainee had died. In the case of deaths occurring in facilities run by the Government, those who worked inside detention centres or prisons have provided corroborating accounts of events and command structures inside.

3. The Government of the Syrian Arab Republic has consistently denied the commission and other international human rights monitoring organizations unfettered access to its territory. This has effectively prevented any internationally mandated organization, including the United Nations, from documenting the total number of civilians killed in the conflict, as well as the number of persons subjected to enforced disappearance or held by the Government or by armed groups and terrorist organizations.

4. Eyewitness accounts and documentary evidence strongly suggest, however, that tens of thousands of people are detained by the Syrian Government at any one time. Thousands more have disappeared after initial arrest by State forces or while moving through Government-held territory, or have gone missing after abduction by armed groups. The accounts of hundreds of surviving detainees, notably those held in facilities controlled by the Syrian intelligence agencies, paint a terrifying picture of the magnitude of the violations taking place.

5. As armed groups and terrorist organizations have come in control of territory, they have also held prisoners under the most brutal conditions. The so-called Islamic State of Iraq and Al-Sham (ISIS), is known to illegally hold a large, unknown number of detainees for extended periods in multiple locations, subjecting many to torture and routinely conducting summary executions. Jabhat Al-Nusra and anti-Government armed groups control places of detention, holding Government soldiers as well as civilians. The torture and deaths of detainees have been recorded in some of these facilities.

6. The situation of detainees in Syria is critical, and represents an urgent and large-scale crisis of human rights protection. With thousands of persons still in custody, urgent steps need to be taken by the Syrian Government, armed groups, the external backers of various belligerents, and the wider international community to prevent further deaths.

## **II. Applicable Law**

7. International human rights law and humanitarian law impose clear obligations on States and, during war, all parties to non-international conflicts for the treatment and protection of all persons in their custody. Detainees must be treated humanely and protected from violence or life-threatening conditions, including from any form of torture or ill treatment. Medical care and sufficient food are to be provided.

8. International human rights jurisprudence establishes that the burden is primarily on the State to prove that the death of a person in its custody did not result from acts or omissions attributable to it. This follows from the high level of control exercised by State authorities over the custodial environment and applies to deaths occurring in civilian prisons as well as in detention facilities under the control of the military or security apparatus. All deaths of detainees in State custody must therefore be the subject of an independent, transparent and comprehensive investigation. Failure to conduct such an investigation may in and of itself incur the responsibility of the State for the death of the victim.

9. The prohibition of summary and extrajudicial executions or killings applies regardless of detainees' status or of any offenses with which they may be charged. Sanctions may only be imposed after a trial conducted in accordance with due process standards. Both international human rights and humanitarian law contain rules ensuring that criminal justice is not carried out in secret. Detainees have the right to challenge the legality of their detention, to be informed of charges brought against them and to be represented by counsel.

10. These obligations are non-derogable and apply in situations of armed conflict as well as in times of peace. They are indispensable to prevent impunity for the deaths of prisoners, persons held incommunicado and victims of enforced disappearance. They form core principles for safeguarding the right to life.

11. Article 3 common to the 1949 Geneva Conventions, to which the Syrian Arab Republic is a State party, and other international customary law applicable in armed conflict outlaw murder, torture, and execution without due process. These obligations are binding on all non-State armed groups and State agents taking part in hostilities. Non-State armed groups, and nationals of foreign governments participating in hostilities, are furthermore bound by obligations to protect and respect the human rights of persons in the areas they operate.

12. The possible commission of crimes against humanity and war crimes were analysed on the basis of definitions set out in the Rome Statute of the International Criminal Court, which largely codifies customary international criminal law. Jurisprudence from international criminal tribunals, in particularly the International Criminal Tribunals for the former Yugoslavia and for Rwanda, was instructive.

13. Security Council Resolution 2191 (2014) demanded that all parties to the Syrian armed conflict end practices resulting in extrajudicial killings and executions, torture, enforced disappearance, and other violations of international law in the Syrian Arab Republic. No party to the conflict has, as yet, taken measures to implement this resolution either by amending their policing, interrogation or detention practices, ensuring the due process of law or preventing summary execution or arbitrary arrest. As such, the resolution has remained wholly unimplemented and ineffective.

#### **Domestic law and judicial procedures**

14. The Syrian Arab Republic is party to international conventions that protect the lives of detainees and prohibit killings and summary executions, enforced disappearance, torture and other forms of ill treatment, including the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and the Arab Charter on Human Rights. The responsibility of the State includes to provide victims of violations with an effective remedy, including reparation, and to undertake prompt and impartial investigations of alleged violations.

15. While the Syrian Constitution<sup>1</sup> and criminal code<sup>2</sup> outlaw torture, the United Nations Committee against Torture has expressed concern that the provisions fail to ensure appropriate penalties applicable to such acts, and that the definition of ill treatment in the relevant provisions does not correspond with that of the Convention against Torture.<sup>3</sup>

16. While the Syrian Constitution provides due process guarantees and outlaws arbitrary detention,<sup>4</sup> the Syrian criminal justice system, which encompasses civilian courts, the Counter terrorism Court, military and field courts, is systemically failing to uphold international human rights standards at every step of the judicial process. The right of habeas corpus is consistently denied to those in custody, with prisoners being held for prolonged periods without an opportunity to challenge the legal basis of their detention. Criminal provisions too broadly define, and often outlaw, the mere exercise of rights and freedoms protected by international human rights law. Death penalties are issued and enforced by courts not upholding fair trial standards, and often in secret. The judiciary fails to conduct oversight of the national justice system and provides no effective remedy for victims of violations attributable to the State, with individuals not daring to challenge abuses for fear of retribution.

### **III. Systematic pattern of mass arrests and enforced disappearance**

17. Since March 2011, a countrywide pattern emerged in which civilians, mainly males above the age of 15, were arbitrarily arrested and detained by the Syrian security and armed forces or by militia acting on behalf of the Government during mass arrests, house searches, at checkpoints and in hospitals.

18. Arrests targeted civilians perceived to be either supporting the opposition or insufficiently loyal to the Government. Residents of opposition-controlled areas, relatives of suspected members of armed groups, activists, defectors and military personnel suspected of sympathising with the uprising, and those believed to be providing medical care to the opposition were arrested with the purpose of obtaining information or as punishment. Civilians suspected of taking active part in armed hostilities were also detained. More recently, Government forces engaged in mass arrest campaigns in areas that they recaptured, as was observed following the truces in Assal Al-Ward (Rif Damascus) in April 2014 and the city of Homs in May 2014, and after the taking of Yabroud (Rif Damascus) in March 2014.

19. Those who were kept in the custody of security and armed forces were almost always denied any means of contacting their families. Some families were first informed about the death or whereabouts of their relatives from released fellow prisoners. In its thematic report “Without a trace: enforced disappearances in Syria”, as well as in its periodic reports, the commission has reported that the crime of enforced disappearance was

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<sup>1</sup> Article 53, Constitution of the Syrian Arab Republic. Promulgated 2012.

<sup>2</sup> Article 391 (i), Syrian Criminal Code.

<sup>3</sup> Immunity from prosecution has also been enshrined in the applicable law for specific categories of Government officials, including the President. Legislative Decrees 14/1969 and 69/2008 grant immunity to members of the security forces and police for crimes committed, in violation of international legal obligations to investigate and prosecute extrajudicial killings, torture, and other violations. Under the Syrian Constitution, the President is granted full personal immunity.

<sup>4</sup> Article 51-53, Constitution of the Syrian Arab Republic.

committed by Government forces as part of a widespread and systematic attack against the civilian population.<sup>5</sup>

#### **IV. Causes of death of detainees in State-controlled facilities**

20. In the accounts collected from over 500 survivors of Government detention centres between March 2011 and November 2015, almost all described having been the victims of and witnesses to torture and inhuman and degrading treatment. Over 200 former Government detainees witnessed one or more deaths in custody.

21. Former detainees detailed how cellmates were killed as they were beaten to death during interrogations and in their cells, or died as a result of severe injuries sustained due to torture or ill treatment. Others perished as a consequence of inhuman living conditions inflicted on the prison population, including severe over-crowding, lack of food, and unclean drinking water. Prisoners were given inadequate or no medical care, and died in large numbers from preventable conditions such as diarrhoea or other contagious infections spread in the unhygienic and overcrowded cells.

22. While the overwhelming majority of the victims who perished while detained in Government-controlled prison facilities were men, the commission has documented cases of women and children as young as seven years old dying in the custody of State forces. One of the earliest documented cases of death in detention is that of a 13-year-old boy, arrested during a protest in Sayda (Dara'a) in late April 2011. His mutilated body was returned to his family in May 2011. Women, boys and girls, as well as the elderly, have been subjected to torture and brutal prison conditions and have suffered physical and mental trauma. They too have been the victims of, as well as witnesses to, deaths in custody.

##### **Death caused by injuries sustained during torture**

23. Across detention facilities, interrogators or prison guards killed detainees, sometimes in front of fellow prisoners. In early 2014, a detainee at Sednaya prison (Damascus) was killed after guards entered the cell and subjected him to severe beating, including kicking to the head and vital organs. Other prisoners present were ordered to face the wall while the man was heard screaming. The victim was left vomiting blood. A former cellmate explained how the man asked him to tell his wife and family what happened to him. "He died. We closed his eyes, wrapped him in a military blanket and read the Quran in our hearts."

24. Interrogators and guards employed gruesome methods of torture to kill detainees. In 2014, a detainee held in a centre under the control of the 4th Division of the Syrian army had his genitals mutilated during torture. Bleeding severely and left without treatment, he died three days later. A detainee of a Military Security branch in Homs witnessed an elderly man being severely beaten, and then hung by his wrists from the ceiling. The guards burned his eyes with a cigarette, and pierced his body with a heated, sharp metal object. After hanging in the same position for three hours, the man died.

25. Other detainees died as a result of injuries and wounds sustained during torture. Victims received little or no medical care to treat the wounds and developed severe

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<sup>5</sup> Commission of Inquiry on the Syrian Arab Republic, "Without a trace: enforced disappearances in Syria", 19 December 2013. See also A/HRC/22/59, paras. 77-83; A/HRC/23/58, paras. 78-81; A/HRC/24/46, paras.67-74; A/HRC/25/65, paras. 47-49; A/HRC/27/60, paras. 45-51; and A/HRC/30/48, para. 168.

infections that eventually led to their demise. In the Air Force Intelligence Branch in Aleppo, a detainee suffered severely from an infected wound in his leg sustained during torture. Unable to stand up, he was eventually placed in the corridor outside the cell, receiving no medical care. After a few days, fellow detainees observed that he was dead. His family was later able to obtain the body through unofficial channels. Due to marks of torture and the severe emaciation of his corpse, his family could first only recognise him by an identifying tag. A 15-year-old boy detained in 2013 by the 4th Division in a detention facility near Yafour (Rif Damascus) reported seeing several male detainees dying due to torture and inhuman prison conditions and denial of medical assistance.

#### **Deaths caused by general prison conditions and lack of medical care**

26. A large number of deaths were caused by the squalid conditions in which detainees were kept. Prison conditions were similar across detention facilities. They included severely overcrowded cells where prisoners were often forced to stand and sleep in shifts, stripped to their underwear. Lack of clean drinking water, sanitation, lice infestations and other unhygienic conditions caused the spread of disease and infections. Many prisoners were forced to use their toilet as a source of drinking water. Others reported how minimal access to lavatories forced prisoners to relieve themselves inside the cell. Prisoners frequently suffered from scabies and other skin diseases. In some detention facilities, guards threw cold water on the floor of cells, forcing detainees to sustain long periods of cold temperatures, further weakening their resilience to illnesses.

27. Prisoners received minimal rations of food that caused dramatic weight loss, resulting in deterioration of detainees' general health condition and reducing their ability to recover from injuries. Some families who received the bodies of their relatives described the emaciation of the corpses. Former detainees in some facilities described the food provided to them as spoiled, causing acute gastro-intestinal illnesses.

28. A high number of prisoners across detention facilities died of severe and continuing diarrhoea, likely caused by the unhygienic conditions and the inadequate standard of food in the prisons. The victims would often suffer for months before death occurred.

29. The risks posed to the health and lives of the detainees by the nature of the environment in which they were held were compounded by often non-existent or inadequate medical assistance offered, making otherwise treatable conditions fatal. A detainee in an Air Force Intelligence branch in Mezzeh military airport suffered from diabetes. Not having his medicine with him in custody, his requests for vital drugs were ignored by prison guards. The detainee subsequently died. Another prisoner in the same detention facility had a cardiac condition. Refused medical assistance, he succumbed. His body bore signs of torture.

30. In Palestine Branch 235 of the Military Intelligence Directorate, high numbers of detainees died of untreated infections. One prisoner was observed with an infected wound in his leg, for which he received no medication and eventually died, following days of high fever. Another prisoner, suffering severe weight loss and an unidentified medical condition that prevented him from going to the toilet, died in his cell after prison guards ignored repeated requests for medical assistance. One detainee in the Air Force Intelligence Branch in Mezzeh military airport was suffering from asthma. He died during an asthma attack while in a severely overcrowded cell with poor air circulation.

31. Detainees were frequently either ignored or punished with torture when requesting medical assistance. Some prisoners received limited and mostly inadequate medicine, while most received no treatment at all. Some severely ill prisoners were transferred to military hospitals in the Damascus area, including Mezzeh military hospital 601 and Tishreen military hospital located near Barzah Al-Balad neighbourhood. Prisoners were tortured by

medical staff at the hospital.<sup>6</sup> Others received limited medical care before they were sent back to the same life-threatening prison conditions. Several prisoners died in the hospital, with prisoner-patients recounting how they were asked to assist in wrapping dead bodies in plastic.

32. Many detainees were subjected to rape and other forms of sexual violence,<sup>7</sup> and exposed to humiliation and degrading treatment. Prisoners were subjected to threats of sexual violence against female relatives.

33. Denied contact with their families and held in inhuman and degrading conditions in overcrowded cells or prolonged solitary confinement and continuously subjected to torture, prisoners often suffered severe psychological disturbances and depression. Numerous accounts describe how some detainees started hallucinating or displaying other signs of psychological disorders, stopped eating and drinking, and eventually passed away in their cell for unidentified reasons.

#### **Execution without a fair trial and extrajudicial killings**

34. While largely denied due process rights and often uninformed of formal charges or convictions, detainees were subjected to killings amounting to extrajudicial killings. In Aleppo city, bodies started appearing in Queiq river in January 2013, reportedly after having been dumped in the Government-controlled area of the city. Some of the victims were confirmed to have been detained by State forces, including the Air Force Intelligence Branch in Aleppo. Many of the more than 140 victims had their hands tied behind their backs and appeared to have been executed by gunshot.

35. Field court proceedings have been extensively used to issue punishments, including the death penalty, for acts alleged to have been committed in the context of the Syrian uprising. Proceedings in the field courts bear no resemblance to a fair trial, and confessions obtained during torture are often submitted as the only evidence, to the extent any evidence is submitted at all. Those convicted by such purported trials were reportedly executed by hanging, amounting to a summary execution.

## **V. Location of State-controlled detention centres where large numbers of deaths of detainees were recorded**

36. Most deaths in detention were documented as occurring in locations controlled by the Syrian intelligence services. The Syrian security apparatus encompasses the military and civil police forces, as well as four intelligence agencies. They are the Military Intelligence Directorate, the Air Force Intelligence Directorate, the General Intelligence Directorate, and the Political Security Directorate. Each of these agencies has headquarters in Damascus composed of several central branches and administers branches throughout the country, together holding thousands of detainees in their custody.

37. The highest numbers of fatality cases occurred in places of detention controlled by the Military Security, including Branches 215 (Raids Company), 227 (Damascus regional Branch) and 235 (Palestine Branch), as well as the Air Force Intelligence (Investigations) Branch in Mezzeh military airport, and detention facilities under the control of the General Security Directorate, including Branch 251 (Internal Security Branch in Al Khatib Street),

<sup>6</sup> A/HRC/24/CRP.2, "Assault on medical care in Syria", 13 September 2013.

<sup>7</sup> See A/HRC/S-17/2/Add.1, paras. 66-68, A/HRC/21/50, paras. 96-102; A/HRC/22/59, paras. 104-111; A/HRC/23/58, paras. 91-95; A/HRC/24/46, paras. 95-100; A/HRC/25/65, paras. 62-71; A/HRC/27/60, paras. 75-83; and A/HRC/30/48, paras. 53, 95, and 169.

all of which are located in Damascus. Many detainees from across Syria were transferred to Damascus after their initial arrest and detention. A high number of deaths were also documented in Sednaya military prison (Rif Damascus) which is under the control of the Military Police corps of the Syrian army, and where many prisoners are held pending trial or serving sentences issued by military courts.

38. A former prisoner recounted how, in a cell holding 60 detainees in Branch 227, six died in the course of a week in January 2013. In the same detention facility, between January and March 2014, in a cell holding 12 men, three prisoners died as a result of deteriorating health and lack of medicine, or as a consequence of torture. Between March and October 2013, in Branch 235, around 20 detainees were observed to have passed away in a cell holding 100 prisoners. New detainees were brought in, replacing those that died. Several former detainees held by Branch 215 described having seen many detainees passing away during a few weeks or months of detention, as did detainees in Air Force Intelligence Investigation Branch in Mezzeh military airport and Sednaya military prison.

39. Deaths of civilians and others held in detention facilities in army bases and military positions throughout the country were also recorded, in particular among prisoners in the custody of the 4th and 9th Divisions of the Syrian Armed Forces, as well as the Republican Guard.

## **VI. Involvement and knowledge of the State and individual perpetrators**

### **A. State responsibility: Coordination between State agencies in the commission and concealment of deaths**

40. Multiple Government agencies are involved at different stages in the documented system of incommunicado detentions and ill treatment of prisoners. While army units and security agencies conduct arrests, transfers and interrogations throughout the country, institutions such as military hospitals, the Military Police as well as judiciary institutions have played a role in aspects of the process during which a wide range of violations are committed. State institutions are systematically failing to prevent or investigate reports of torture and custodial deaths, as well as to ensure the right to information of the victims' next of kin.

41. The Military Police corps of the Syrian army acts as the custodian of a centralised registration system documenting information on deaths occurring in detention facilities controlled by various security services. Centralised, systemic procedures have been instituted to routinely issue official death certificates for those who have died in Government custody, purporting that the victims died of natural causes and preventing families from recovering the body of the victim, effectively concealing systemic detainee abuse and evidence of criminal conduct by State agents.

42. Increasingly, since 2013, staff at security branches or other State representatives directed persons searching for detained family members to the Military Police headquarters in Al-Qaboun (Damascus). Officials of the Military Police informed families that the person for whom they were searching had died, and subsequently referred them to Tishreen military hospital, where families would obtain a death certificate for the victim.

43. Death certificates issued by staff at Tishreen military hospital contained the name and date of birth of the victim, as well as the alleged date and cause of death. Certificates bore the stamp of Tishreen military hospital, and appeared to be signed by one or more officials. Families were also able to obtain death certificates from the civil registration



authorities after receiving a notification of the death. In stark contrast to the common causes of death of prisoners documented by the commission, most death certificates recorded the cause of death as being a “heart attack”. Hospital officials did not provide information regarding the place of detention, with place of death in most cases stated to be Tishreen military hospital. Similar attestations were also issued at Mujtahid hospital (Damascus).

44. In May 2014, one father searching for his detained son described how he waited in line among dozens of other families at the Military Police facility in Al-Qaboun. He observed other families being told that their relatives were dead. When his turn came, an employee at the facility showed him a report stating that his son had died of a heart attack, and told him to go to Tishreen military hospital to collect a death certificate. He refused to do so, as “it would be like giving them permission to kill him.” A few months later, Syrian authorities informed a woman from Rif Damascus that her husband and two of her sons were dead, all known to have been held in a detention facility controlled by the Military Security. The family obtained death certificates from Tishreen military hospital, stating that the cause of death of all the three victims was heart attack. A third son remains unaccounted for.

45. In no documented cases did the family receive further proof of death or documentation indicating that investigative measures had been taken by the authorities to verify the cause of death, or to establish or absolve responsibility of State agents or others for the fate of the victim, as required by international human rights law. In most cases, Government officials did not surrender the body of the victim to the family, nor did they inform relatives what had happened to the remains. Some families obtained the victim’s identification card and other belongings. In all cases where the body was returned to the family, it bore marks of extensive torture. Some bodies were returned from hospital morgues to their family only after the family agreed to sign a statement confirming that the deceased had been killed by “terrorists.”

46. In addition to the responsibility of the State for violations of the right to life through the killings or failure to prevent killings and omissions leading to the deaths of persons in their custody, there are reasonable grounds to believe that Government has further violated the right to life by failing to conduct independent, comprehensive and transparent investigations of each individual death occurring in places of detention under State control.

47. The Government has an obligation to account for a person who has been taken into custody. Failure to do so, where there is evidence that the State was responsible for the detention, creates a presumption of responsibility. Where death in custody cannot be established, a disappearance can constitute a failure of its obligation to protect the right to life, particularly given that enforced disappearance is widespread and the State has not taken steps to eliminate it. Where the Government has not sought to establish the whereabouts of the disappeared person and account for their fate, this can also constitute a failure to respect the obligation to carry out an effective investigation.

## **B. Individual criminal responsibility: Participation and knowledge at the level of individual State agents**

48. In addition to the culpability of those who directly participated in or contributed to criminal conduct, international criminal law, as well as domestic law, establishes that civilian and military commanders are responsible for preventing violations against detainees in detention facilities, including those caused by acts or omissions of their subordinates under their effective control, as well as for investigating and punishing violations against detainees should they occur. This obligation encompasses the

responsibility to supervise and monitor their subordinates in their treatment of detainees. A superior's failure either to prevent or punish could incur individual criminal responsibility.

49. The four intelligence agencies of the Syrian security apparatus operate within a defined jurisdiction, either linked to subject matter or geographic location. Commanders administer branches throughout the country, including central branches and headquarters in the capital. In 2011, in response to the uprising, Joint Investigation Committees were established in a number of governorates in order to coordinate the conduct of investigations between security services and to process the large number of detainees. They were composed of representatives of the four security services and the Criminal Police. Each governorate is divided into geographical districts placed under the responsibility of a particular security branch. The security agencies collaborate with the Criminal Police and Military Police in the arrest, detention and transfer of prisoners. The roles and attributions of each of them have evolved since the promulgation of the counter-terrorism law of July 2012.

#### **Military Intelligence Directorate**

50. The Military Security Damascus Branch 227 is located in Mezzeh neighbourhood and is estimated to hold several thousand detainees at all times. Detainees who survived to give accounts of their detention in the branch witnessed the death of fellow inmates as a result of torture, disease, and appalling prison conditions, including chronic lack of food. The head of the facility reportedly kept records of all the detainees and recorded all the deaths that occurred in his branch before the bodies were transferred to Mezzeh military hospital 601 in Damascus.

51. Former prisoners of Branch 235, located north of Al-Qazzaz neighbourhood in south-eastern Damascus, detail a large number of detainees dying. At least 30 persons were observed dying under torture in this branch between 2011 and mid-2012. Numerous families who had learned that their relatives were detained at Branch 235 were later informed of their death. The branch is operated under the effective control of several high-ranking military officers in charge of its different sections, including a Major-General and several Brigadier-Generals. Deaths were recorded and regularly reported to the head of the Branch. The commission further gathered accounts of deaths in the custody of Military Security branches throughout Syria. The pattern of prison employees removing and disposing of the bodies was consistently observed.

52. Multiple accounts suggest that the heads of several facilities were made aware and kept records of all the deaths that occurred in the branches, and that bodies routinely transferred to military hospitals in Damascus where the deaths were registered before the victims were buried in mass graves. Evidence further indicates that all deaths were regularly reported on from the heads of the branches to the Head of the Military Intelligence Directorate.

#### **Air Force Intelligence Directorate**

53. The Investigations branch of the Air Force Intelligence is located in Mezzeh military airport, south west of central Damascus. Survivors of this branch recounted daily torture sessions. Detainees were brought back to their cells by the guards with open wounds, swollen limbs, haemorrhaging and left without medical care. When they died, the bodies would be removed from the overcrowded cells by prison staff within a few hours.

54. Many of those interviewed also recounted having witnessed the death of inmates of the Air Force Intelligence branch located in Harasta (Damascus and southern region branch). Interrogators and prison guards routinely tortured detainees. Many of the

incarcerated were ill as a result of the dire conditions of detention. Guards would later remove the bodies from the cells.

55. Similar accounts of inhuman prison conditions and the occurrence of deaths emerged from Air Force Intelligence branches, sections or posts in Aleppo, Dara'a, Latakia, Homs, Dayr Az-Zawr and Ar-Raqqah. Based on the information available, superiors in charge of the branches knew, or owing to the circumstances at the time, should have known of the continuing deaths and violations occurring in the detention facilities under their effective control.

#### **General Intelligence Directorate**

56. Main detention facilities controlled by the General Intelligence Directorate include Interior Security branch 251 and Investigations branch 285 located in Kafr Soussa, west of central Damascus. Former detainees described inhuman conditions of detention resulting in frequent custodial deaths. Officers were observed giving orders to subordinates on methods of torture to be used on detainees. Corpses were transported by other prisoners through the corridors, sometimes to be kept in the toilets, before being removed from the branch. Evidence obtained indicates that the superiors of the facilities were regularly informed of the deaths of detainees under their control. Prisoners were transferred to military hospitals before they were buried in mass graves.

#### **Political Security Directorate**

57. The Political Security administers an Investigations branch with a detention facility. It shares the detention facility with Branch 227 and has branches in every governorate outside Damascus, where torture is widely practiced. A defector from a branch of the Political Security Directorate recalled the very specific instructions he received from his superiors on how to torture detainees, a description consistent with multiple accounts of the use of torture occurring in the branch. Deaths in custody were also documented in some of the branches of the Political Security Directorate.

#### **Military Police**

58. The Chief of the Military Police supervises three military prisons, namely Sednaya in Damascus, Balooni in Homs city and, prior to ISIS' capture of the city in May 2015, Tadmur, near the ruins of Palmyra in the eastern Homs countryside. Since mid-2012, the Military Police has been in charge of transferring and holding prisoners between branches and courts. Detention facilities such as Sednaya prison hold thousands of inmates who are transferred there, often following a summary trial, sometimes resulting in the issuance of a death penalty and followed by execution. There were dozens of accounts of deaths occurring in Sednaya prison, with prisoners being beaten to death by guards, or dying from preventable health conditions. Following a practice similar to that described in other facilities, inmates witnessed guards removing bodies from the cells.

59. Furthermore, the Military police operates as a custodian of information concerning prisoners that died while in custody of the other intelligence directorates, indicating knowledge of the deaths among the superiors of the agency.

#### **Military hospitals**

60. Earlier testimonies regarding events in 2011 up to mid-2012 stated that the bodies of those who died in the custody of the intelligence branches or were killed in demonstrations by Government forces in and around Damascus were kept at military hospital 601 located in Mezzeh neighbourhood. More recently, deceased detainees were reportedly taken to Tishreen and Harasta military hospitals. Reports misrepresenting the circumstances of these

deaths were produced in these localities, effectively concealing the responsibility of other state agents for these deaths. Families could sometimes retrieve these death certificates officially issued by the hospitals, but not the bodies. In other governorates, they were sometimes able to recover their relative's body at medical facilities.

61. These hospitals fall under the control of the Military Medical services affiliated to the Ministry of Defence. Representatives of the Military Security directorate were often present at the facilities, overseeing the various processes instituted to deal with the detainees.

#### **Attribution of individual responsibility for deaths**

62. Based on over 500 interviews conducted between 2011 and 2015, it is apparent that prison conditions have remained consistent in most Government detention facilities, and in many cases worsened since the beginning of the Syrian uprising. The high number of killings, as well as other deaths caused by poor prison conditions, torture and/or by medical neglect, must also have been known to those exercising effective control over the detention facilities, given the reporting procedures documented to be the practice in intelligence branches. While in some cases orders for the torturing of detainees flowed from those with effective control to their subordinates, it is apparent that the entrenched systematic nature of violations taking place within Government detention centres made the giving of such orders superfluous.

63. A centralised system is in place to collect reports of deaths of detainees in Government-controlled detention facilities, with deaths regularly reported from security directorates to the Military Police corps of the Syrian Army. As the custodian of this information, the Military Police has made partial information on deaths available to some families of the victims. As a result, deaths occurring in prisons have become widely known in Syria, and owing to the circumstances of the on-going conflict and widespread allegations, must have been known among civilian as well as military superiors at the highest levels. Civilian superiors at the highest levels of Government, similarly, have knowledge of the crimes or allegations of crimes being committed by their subordinates, both in the military hierarchy and the civilian leadership of relevant institutions, or have consciously disregarded such information.

64. In light of these findings, there are reasonable grounds to believe that high ranking officers – including the heads of branches and directorates – commanding these detention facilities, those in charge of the Military Police, as well as their civilian superiors, knew of the vast numbers of deaths occurring in detention facilities under their effective control, yet did not take action to prevent the abuses, investigate allegations or prosecute those responsible. In such circumstances, they are individually criminally liable for the crimes committed in these detention centres.

## **VII. Death in detention in facilities controlled by Anti-Government armed groups**

65. While incidents of killing, torture, and related violations against persons deprived of their liberty occurred also in areas controlled by anti-Government armed groups, no institutionalised or consistent practice of mass arrests and arbitrary detention, torture, and killing of detained civilians in areas controlled by most of these groups has been documented. Abuse and killing of detainees has occurred primarily in context of the capture and detention of Government soldiers and fighters of rival rebel groups.

66. The continuing dissolution, re-forming and merging of hundreds of anti-Government armed groups, and the resulting difficulty on the part of victims and survivors in identifying

possible perpetrators, has limited the commission's ability to pinpoint perpetrators. The relatively few numbers of detainees relative to the numbers held by the Government, together with the continued lack of access to Syria, has made locating former detainees a challenge.

67. Some anti-Government armed groups established makeshift places of detention, in different areas under their control, where captured Government soldiers were held, ill treated, and executed. Some groups have also detained civilians in such facilities at different times. Others have established local Sharia courts and subjected detainees to illicit trials sometimes resulting in summary executions. In late 2012, an FSA commander in Damascus admitted to having beaten a detainee to obtain a confession. This detainee was later executed.

68. In 2012, various anti-Government armed groups present in Aleppo, Homs, and Idlib detained members of Government armed forces, members of opposing armed groups, and civilians. Several fighters described the execution of soldiers, usually at the time of their capture. In some cases, subjected to torture in improvised detention centres, detainees died as a result of their treatment.

69. Individuals taken hostage, usually for the purpose of prisoner exchange or to extract ransom, have occasionally died or been murdered while in the custody of armed groups. Following the release of parts of a group of 120 civilians captured by anti-Government armed groups in rural Latakia in August 2013, information emerged that some of the hostages had died as a direct result of lack of medication and of injuries.

## **VIII. Death in detention in facilities controlled by Jabhat Al-Nusra**

70. Jabhat Al-Nusra has set up detention facilities in Idlib, where deaths in detention have been documented. In February 2015, Jabhat Al-Nusra returned the body of a civilian detained by the group for a few days in Maaret Misreen (Idlib) and later acknowledged that the victim died as a consequence of torture.

71. In late April 2015, Jabhat Al-Nusra held civilian men and women, as well as captured Government soldiers, in Harim prison in Idlib. Most, if not all, had fled from Ishtabraq village, which was attacked on approximately 25 April 2015. Two women held in Harim prison described women and children being separated from their male relatives and being held in squalid conditions, with little food. They were forced to pray. The former detainees described hearing men screaming while being beaten by members of Jabhat Al-Nusra. Both also heard Government soldiers being brought into the prison and pleading for their lives before being executed by shooting.

72. In Homs, Idlib and Dara'a governorates, Jabhat Al-Nusra and local anti-Government armed groups have jointly formed makeshift Sharia courts or have together agreed to support the existing courts. Jabhat Al-Nusra has also founded and support some courts in an effort to entrench its dominance in some areas, notably Idlib. Information collected indicates the operation of these courts does not abide by fair trial standards. Where they jointly operate, they pursue similar practices in terms of arrest, detention and ill treatment of detainees, including numerous cases of summary executions of prisoners.

73. Jabhat Al-Nusra, fighting alongside other anti-Government armed groups, has also conducted mass executions of captured Government soldiers. On 9 July 2015, a Nusra-led alliance of armed groups captured the Abu Al-Douhour airbase (Idlib) from the Syrian army. Approximately 70 soldiers were executed on the runway, with Al-Nusra publishing photographs of the corpses.

74. The same group kidnapped two young boys outside the besieged Shia enclaves of Nubul and Zahra (Aleppo) on 25 June 2013. When an attempt to exchange them for prisoners detained by government forces failed, the boys were killed and their bodies mutilated.

## **IX. Death in detention in facilities controlled by the Islamic State of Iraq and Al-Sham (ISIS)**

75. ISIS, often with the involvement of foreign fighters, has established detention facilities in several areas they control, including in Ar-Raqqah, Dayr Az-Zawr, and Aleppo governorates. Detainees were subjected to serious abuses, including torture and summary executions. Journalists and activists, as well as civilians deemed to violate regulations or decrees imposed by ISIS were subjected to unlawful deprivation of liberty, torture and ill treatment. Difficulty in accessing information from ISIS-controlled areas of the Syrian Arab Republic has hindered the gathering of accounts from former detainees.

76. The killing of detainees was documented as occurring in an ISIS detention facility in or near Jarablus in 2014 and 2015. In 2014, a former detainee described ISIS fighters severely torturing civilians held inside the centre. He witnessed a 27-year-old man being taken out of his cell, and screaming while he was beaten with a metal bar. When he was brought into the cell, the man was foaming from the mouth. When his cellmates called for medical attention, the guards said “let him suffocate”. The man died shortly afterwards. Another interviewee, also held in a detention facility in Jarablus in September 2015, described three detainees being shot in front of him by ISIS guards.

77. One man, detained with a large group of Kurdish civilians as they sought to leave ISIS-controlled territory in early 2014, was taken to the former Government-run prison in Tel Abyad. He described he and his cellmates being beaten while ISIS questioned them about the Kurdish armed group, the YPG. He stated that ISIS fighters killed two men in front of him: one was shot and the other was beaten to death, and died two hours later, bleeding from the mouth.

78. In late 2013, ISIS took over the eye hospital in the Qadi Askar neighbourhood of Aleppo city and began using its basement as a detention facility. A former detainee stated that ISIS was abducting and holding people who were critical of ISIS or who had a more moderate interpretation of Islam. They also reportedly held people who had contact with foreigners, including fixers for media. In January 2014, the fraught relationship between ISIS and Liwa Al-Tawhid descended into open hostilities. As ISIS withdrew from the facility, they shot and killed between 40 and 50 detainees. A survivor described ISIS fighters hastily killing detainees before they withdrew from the facility. A foreign journalist later identified his local fixer, held by ISIS, as being among the dead.

79. ISIS detainees were more frequently executed after unauthorised courts issued a death sentence, often preceded by proceedings that bore no resemblance of a fair trial. Such proceedings were conducted in ISIS courts purporting to be based on religious authority. Children have been among those executed. Persons deemed by ISIS to be “infidel” were also targeted. Government soldiers and fighters of rival rebel groups were also detained, tortured, and frequently killed. A man detained by ISIS in Bukamal (Dayr Az-Zawr) recalled the visit of a judge, who interrogated and sentenced another detainee to death in three minutes. Immediately thereafter, an ISIS executioner beheaded this detainee in front of the other detainees.

80. Brutal executions carried out in public, sometimes of a retaliatory character, are common in ISIS-controlled areas. Fighters enforced the death sentences issued by ISIS courts in an open display of brutality.<sup>8</sup> Victims were frequently beheaded. In a few cases, victims were pushed off the roof of tall buildings as a means of execution. Others were executed in public by gunshot. Video footage of the crimes is commonly displayed on the Internet as an instrument of propaganda and terror.

81. ISIS has also perpetrated a number of massacres of captured Government soldiers. In Tabqa (Ar-Raqqah) 200 government soldiers were captured after ISIS overran an airbase outside the city in August 2014. On 23 August 2014, over 200 of the men were stripped to their underwear, and marched into the desert before being shot to death.

82. ISIS also engaged in hostage taking resulting in killing of the victims. Other groups also sold hostages to ISIS. A young Government soldier was identified in the video showing the beheading of army soldiers, published by ISIS on or around 18 November 2014. Kidnapped by a group claiming to be Jabhat Al-Islam late June 2014, his family failed to pay the ransom demanded. They later learned that their son was surrendered to ISIS. The video of the beheading surfaced a few weeks later.

## **X. Legal Findings and Conclusions**

83. Many parties to the Syrian conflict have committed serious violations of the rights of detainees, including the right to life. Further crimes and violations have ensued in the context of arrests, imprisonment and other forms of deprivation of liberty. Based on the findings in this report, the commission makes the following legal conclusions:

### **Government of the Syrian Arab Republic**

#### *Human rights violations*

84. In their treatment of detainees, the conduct of Government forces amounts to violations of the right to life through the commission of or failure to prevent killings, summary executions, and implementation of the death penalty without a fair trial. The Government has furthermore violated the right to life by failing to conduct independent, comprehensive and transparent investigations of each individual death in State custody.

85. Government forces and agencies in control of detention facilities are responsible for torture, degrading and inhuman treatment including rape and other forms of sexual violence.

86. Detainees in State custody were subjected to arbitrary or unlawful detention as they were held for prolonged periods without access to a lawyer or afforded the opportunity to legally challenge the bases of their detention. Other detentions of civilians were rendered arbitrary or unlawful as their main purpose appears to have been to punish or obtain information through the use of torture. Information obtained from detainees under duress, including during the use of torture or threats of rape or other violence against family members, was frequently used as grounds for the arrest and detention of others, in violation of international human rights law.

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<sup>8</sup> Commission of Inquiry on the Syrian Arab Republic, "Rule of Terror: Living under ISIS in Syria", 14 November 2014.

*Violations of international humanitarian law*

87. When committed after the start of the non-international armed conflict, the violations above constitute breaches of applicable international humanitarian law, including Article 3 common to the Geneva Conventions, which prohibits murder, summary executions, mutilation, torture, rape, outrages upon personal dignity and other inhuman treatment.

*International criminal law*

88. Through its widespread conduct of mass arrests, arbitrary arrests and enforced disappearance, victimising the general civilian population living in restive areas and persons otherwise perceived to be in opposition to the Government, and the ensuing ill treatment and killing of those detained, Government forces have engaged in the multiple commissions of crimes, amounting to a systematic and widespread attack against a civilian population. In the context of the armed conflict in the Syrian Arab Republic, the number of civilians targeted with arbitrary detention and enforced disappearance and subsequent violations, in contravention of international humanitarian law and without any lawful military justification, suggests that the civilian population as such is the primary object of that attack.

89. The acts were committed in pursuance of a policy to target civilians broadly perceived as associated with the opposition, evidenced by the systematic occurrence of crimes across geographic areas. The existence of a State policy is further demonstrated by the fact that significant State resources were employed in the commission of the crimes and the way in which numerous State institutions throughout the country actively participated and coordinated operations at various levels of the sequential conduct, during which custodial deaths and other crimes occurred. Military and civilian courts consistently failed to order investigations into cases where detainees appearing before a judge were visibly ill-treated, sometimes displaying severe injuries, and in cases of deaths in custody.

90. The role of State institutions, namely the intelligence agencies and armed forces, and their leadership in actively executing mass arrests, transfers of detainees, their ill treatment and torture, and subsequent issuance of death certificates to misrepresent the circumstances of death in an effort to conceal detainee abuse, demonstrate the existence of State policy and commonality of criminal purpose.

91. Guards of each detention facility were often made aware of prisoners in critically ill health, yet mostly failed to provide or request medical assistance. Guards removed the bodies of deceased prisoners from the cells on a regular basis, and deaths were reported to the Head of the branch. This demonstrates that staff and commanders were aware of the numbers of deaths caused by the prison conditions inflicted on the prison population.

92. Prison conditions were largely consistent over the course of four and a half years across multiple detention facilities, and were allowed to continue without superiors taking effective action to prevent their consequences. The high number of killings, as well as other deaths occurring in the ordinary course of events following torture, poor prison conditions or from medical neglect, must also have been known to those exercising effective control and responsibility over the detention facilities. However, between 2011 and 2015, the treatment of detainees and prison conditions remained unchanged in most detention facilities, and in some cases have worsened since the beginning of the Syrian uprising, causing more detainees to die.

93. Information suggests that deaths of detainees were meticulously reported up the chain of command in several detention facilities of intelligence directorates, and that the superiors of the detention facilities and intelligence directorates were aware of the deaths occurring. Information on those that died was also conveyed to the Military Police, who



sometimes informed families. Information also suggests that rather than surrendering the bodies of the dead to their families, detainees were buried anonymously in mass graves.

94. A centralised system is in place to register deaths of detainees in Government-controlled detention facilities, with deaths being regularly reported in from security directorates to the Military Police corps of the Syrian Army. As the custodian of this information, the Military Police has made partial information on deaths available to some families of the victims. As a result, deaths occurring in prisons have become widely known in Syria, and owing to the circumstances of the on-going conflict and widespread allegations, must have been known among military superiors at the highest levels.

95. Civilian superiors, similarly, have knowledge of the crimes being committed by their subordinates or, at the very least, were aware of credible allegations of such crimes, both in the military hierarchy and the civilian leadership of relevant institutions, or have consciously disregarded such information.

96. The killings and deaths described in this report occurred with high frequency, over a long period of time and in multiple locations, with significant logistical support involving vast State resources. They occurred with the knowledge of prison personnel and their superiors, as well as that of high-ranking State officials in central military hospitals and the Military Police corps of the Syrian armed forces.

97. Given the above, it is apparent that the Government authorities administering prisons and detention centres were aware that deaths on a massive scale were occurring. The accumulated custodial deaths were brought about by inflicting life conditions in a calculated awareness that such conditions would cause mass deaths of detainees in the ordinary course of events, and occurred in the pursuance of a State policy to attack a civilian population.<sup>9</sup> There are reasonable grounds to believe that the conduct described amounts to extermination as a crime against humanity.

98. The commission further finds that the Government is responsible for the crimes against humanity of murder, rape or other forms of sexual violence, torture, imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law, enforced disappearance and other inhuman acts.

99. The commission's factual findings further provide reasonable grounds to believe that, in relation to relevant conduct occurring after the start of the armed conflict, the Government has committed the war crimes of murder, cruel treatment, torture, rape, sexual violence, and outrages upon personal dignity.

#### **Anti-Government armed groups and Jabhat Al-Nusra**

100. Besides their continuous collaboration for operational necessities, anti-Government armed groups and the terrorist group Jabhat Al-Nusra have largely shared the control of the same areas and governed the same communities.

101. Anti-Government armed groups and Jabhat Al-Nusra are responsible for murder, torture and other forms of ill treatment of detainees. In instituting makeshift courts whose procedures fall far short of fair trial standards, the responsible groups violated due process principles, in violation of international humanitarian and human rights law. Executions ordered by these makeshift, unauthorised courts constitute killings or summary executions in violation of international humanitarian law and human rights law.

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<sup>9</sup> See also A/HRC/25/CRP.1, Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea, pp. 1041–1045.

102. When committed after the start of the non-international armed conflict, such acts also constitute war crimes of murder, cruel treatment, and torture for which perpetrators and their commanders may be held responsible.

#### **Islamic State of Iraq and Al-Sham (ISIS)**

103. ISIS is responsible for murder, torture and other forms of ill-treatment, outrages upon personal dignity and summary executions occurring in detention facilities run by the group, in violation of applicable international humanitarian law and international human rights law. Executions of persons detained and brought before illicit courts amount to murder or summary executions, constituting war crimes. The group has also committed the war crime of torture. Its unauthorised mock trials furthermore deprive victims of basic due process guarantees in violation of international humanitarian law and international human rights law.

104. This conduct, when forming part of a widespread attack against a civilian population, constitutes the crimes against humanity of murder and torture.

## **XI. Recommendations**

105. **On the basis of its findings, the Commission makes the recommendations below.**

106. **The commission recommends that the Government of the Syrian Arab Republic:**

(a) **Take urgent measures to protect the lives of all detainees in their custody, including by issuing direct orders to military and intelligence personnel, associated militia and their commanders to refrain from any ill treatment or abuse of detainees and closely monitor that orders are being complied with;**

(b) **Immediately suspend any enforcement of capital punishment, whether issued by military, field or civilian courts, and take steps to ensure due process, including transparency of proceedings and right to judicial appeal are respected;**

(c) **Urgently inspect and improve all aspects of conditions of detention, including access to medical care and with regard to the particular needs of female detainees, in compliance with international standards;**

(d) **Cease immediately the practice of holding minors with adult male detainees;**

(e) **As a matter of urgency, release those arbitrarily or unlawfully detained in official and unofficial detention facilities;**

(f) **Immediately discontinue all forms of incommunicado detention or other forms of deprivation of liberty amounting to enforced disappearance, and afford all persons in State custody contact with their families and regular access to legal counsel;**

(g) **Take all necessary steps to ensure that in criminal trials, whether in civilian, military courts, except in cases prosecuting charges of torture, statements made under torture are not invoked as evidence in any proceedings, in accordance with article 15 of the Convention against Torture;**

(h) **Those detained on the bases of evidence or confessions obtained under torture or other forms of duress must immediately be released and afforded compensation;**

(i) Ensure that all deaths in custody or allegations of torture or other ill treatment are promptly, thoroughly, transparently and independently investigated in line with international standards, with perpetrators held to account. Medical reports and all other evidence resulting from such investigations must be accessible to the next of kin;

(j) Ensure that upon completion of all post-mortem examinations essential to an investigation into a death, the body should be returned to the next of kin in a manner that is fully respectful of the dignity of the deceased, so that funeral rites or other customary procedures can be conducted with the least possible delay;

(k) Victims of torture and families of deceased prisoners must be afforded reparations and compensation;

(l) Ensure that accurate detention records are kept for all places of detention, and make this information available to the next of kin and international organizations collecting information on missing persons;

(m) Cooperate with the UN Committee on Enforced Disappearances as well as the UN Committee against Torture under the follow-up procedure and provide information requested by the Special Rapporteur for Follow-up on Concluding Observation in compliance with the Convention against Torture;

(n) Provide immediate and unimpeded access for the International Committee of the Red Cross and Red Crescent, the Office of the High Commissioner for Human Rights and other recognized organizations that monitor treatment of detainees and prison conditions to all detention facilities, official and unofficial, including impromptu visits;

(o) Allow the Independent Commission of Inquiry on the Syrian Arab Republic and other organizations with a relevant mandate unfettered and independent access to its entire territory.

107. The commission recommends that anti-Government armed groups:

(a) As a matter of urgency, comply with human rights and humanitarian law standards; particularly, put an end to illicit trials, torture and summary executions of persons deprived of their liberty;

(b) Refrain from kidnappings and hostage taking, and conduct akin to enforced disappearance;

(c) Take urgent measures to discipline or dismiss individuals under their command responsible for such acts.

(d) Provide immediate and unimpeded access for the International Committee of the Red Cross and Red Crescent, the Office of the High Commissioner for Human Rights and other recognized organizations that monitor treatment of detainees and prison conditions to all detention facilities, including impromptu visits;

108. The commission recommends that Jabhat Al-Nusra and ISIS:

(a) Reject violent means in relation to the application of religious law, with due respect for a diversity of religious groups and practices;

(b) As a matter of urgency, comply with human rights and humanitarian law standards; particularly, put an end to illicit trials, torture and summary executions of persons deprived of their liberty;

(c) Refrain from kidnappings and hostage taking, and conduct akin to enforced disappearance;

109. **The commission further recommends that United Nations Security Council:**
- (a) **Under Chapter VII of the United Nations Charter:**
    - i. **Demand that the Syrian Arab Republic and non-State armed groups immediately halt all detention practices resulting in custodial deaths and torture;**
    - ii. **Ensure the enforcement of accountability by referring the situation to the International Criminal Court or other judicial mechanisms;**
    - iii. **Adopt targeted sanctions against persons, agencies and groups credibly suspected of being responsible for or complicit in conduct leading to custodial deaths, torture and enforced disappearances.**
110. **The commission further recommends that UN agencies, funds and programmes and other aid organisations operating in Syria and refugee hosting states:**
- (a) **Address torture-related risks as a primary protection concern in the operational plans of UN agencies, funds and programmes, as well as other actors working in the region and in Syria;**
  - (b) **Bearing in mind that the after-effects of torture may also include cumulative traumatic experiences on the family and communities, rehabilitation should include psychological and medical support both in the short and long terms, taking into due consideration the risks of re-traumatisation of the victims.**
111. **The commission further recommends that the international community:**
- (a) **Ensure respect for Article 3 common to the Geneva Conventions and other applicable law, by using their influence to ensure that the individuals and groups supported by them also comply therewith;**
  - (b) **Comply with the obligation under international humanitarian law to prosecute or extradite persons suspected of war crimes and present on their territory, including, when applicable, under the principle of universal jurisdiction;**
  - (c) **Support, as a matter of urgency and to build confidence on a local level, the creation of a mechanism to register cases of missing persons, investigate their whereabouts, and identify human remains, including those found in mass graves;**
  - (d) **Consider adopting sanctions targeting those persons, entities and groups reasonably suspected of being responsible or complicit in violations described in this report;**
  - (e) **Offer effective protection and assistance to torture survivors and their families, including by providing adequate physical and psychological treatment and counselling through the United Nations Voluntary Fund for Victims of Torture and other organizations supporting victims of torture with the necessary voluntary income to continue their work.**

Selected Government detention centres where deaths in custody have been documented















