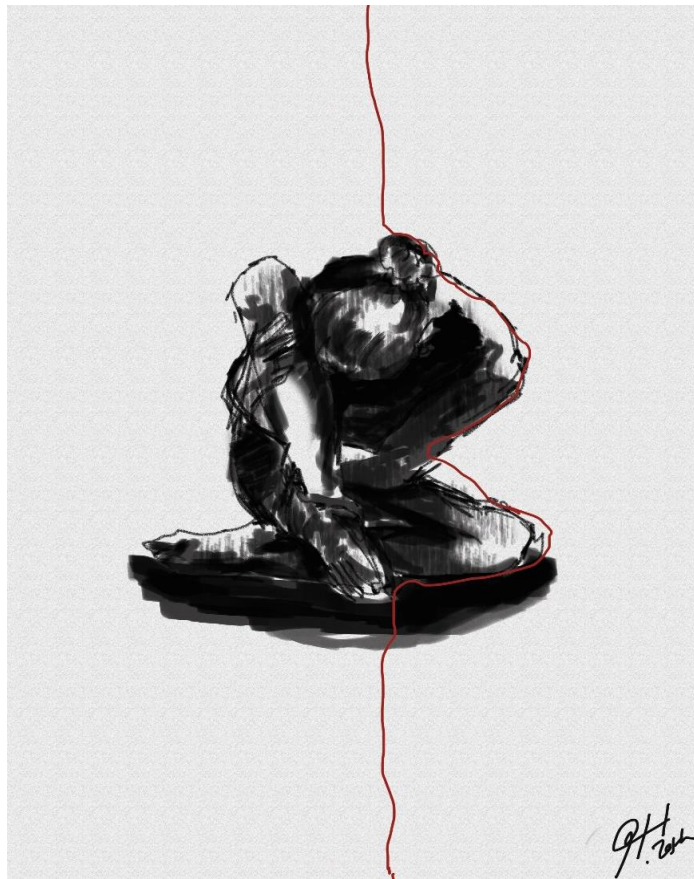




Euro-Mediterranean Human Rights Network
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الشبكة الأوروبية-المتوسطية لحقوق الإنسان

Detention of Women in Syria: A weapon of war and terror



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Euro-Mediterranean Human Rights Network

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The Euro-Mediterranean Human Rights Network (EMHRN) gathers more than 80 human rights organisations and institutions based in 30 countries around the Mediterranean. It works to promote and protect human rights within the framework of the co-operation between the European Union and the Arab world.

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This report is dedicated to all the Syrians who lost their life in detention because of their struggle for human rights.

The EMHRN expresses its gratitude to everyone who contributed to the making of this report. We particularly want to thank the victims of detention as well as their families who agreed to share their testimonies, whereby they made an important contribution to this report. We also want to thank the team of researchers who gathered the testimonies, often under very difficult circumstances. Their work was invaluable to the making of the report.

Abstract

This report documents violations against Syrian women who are arbitrarily detained and imprisoned in Syria, at a time of escalation of the armed conflict involving the Syrian government, extremist organizations and armed opposition groups. The report consists of an analysis of the patterns of detention of women and a second narrative part containing the full testimonies of ten women previously or currently detained in Syria.

By documenting and describing violations committed by the Syrian regime, it aims at keeping the world's attention to the fact that, despite the horrid reports of violations against Syrian women committed by Da'esh/Islamic State and other armed groups, the Syrian regime is responsible for a number of grave and systematic violations against women that are committed in the framework of a deliberate military strategy targeting entire communities.

In its analytical part, the report outlines the gradual and increasing targeting of women by the Syrian regime in its campaigns of arbitrary detention and enforced disappearances. It shows how women are increasingly used as bargaining chip in hostage exchanges between governmental and anti-government armed groups, while the government extracts false confessions that are later used to publicly slander these groups. It also outlines the gross violations of fair trial procedures.

The report continues into detailing the abuses women are subjected to in official as well as secret detention facilities. These include various forms of deprivation, threats, solitary confinement, as well as different forms of torture, including rape, threats of rape and sexual harassment. The report also outlines the social, economic, and psychological impact of the arrest on the lives of women after their detention, including arbitrary dismissal from work or education, divorce and rejection by their families and communities. Thus, the detention of women targets not only the women themselves, but also induces deep trauma within communities. Consequently, it has long lasting effects on the social fabric of Syrian society and seriously contributes to sustaining the conflict.

Finally, the report addresses the failure of the international community to act on the prevailing culture of impunity in Syria; a key factor contributing to the persistence of violations against detained women in the country as well as to the increasing refugee flows to Europe and Syria's neighbouring countries. It also points out, that protection and rehabilitation mechanisms are critically missing to properly address the unprecedented magnitude of violations faced by women in the context of the Syrian conflict.

Foreword

The focus of this report is the plight of women arbitrarily arrested, detained, tortured or subjected to enforced disappearances by the Syrian government. The core of the report is 10 testimonies of Syrian women selected from a total sample of 53 interviews with Syrian women who have been detained in the context of the Syrian conflict. They indicate that terrible violations are inflicted on women detained by governmental forces.

These testimonies of Syrian women speaking out about their detention is an outcome of a long standing process engaged by the EMHRN in 2012 aiming at supporting Syrian human rights groups' efforts to document gross human rights violations perpetrated against women in Syria.

The interviews in this report were carried out by a team of 6 researchers trained by the EMHRN between 2012 and 2014 working in cooperation with key Syrian human rights groupsⁱ. The researchers worked together over 7 monthsⁱⁱ in order to gather detailed affidavits from women who have been exposed to abuses, with the view to shed light on patterns of violations affecting women detained in Syria. Some of the statements were gathered in Syria and others in neighbouring countries. The researchers either met the women personally, alone whenever possible, or they conducted interviews via the Internet or by phone for security reasonsⁱⁱⁱ.

In addition, the researchers held meetings with members of the families of 18 women who have been forcibly disappeared or who are otherwise in prolonged arbitrary detention. They also talked to psychologists who provide support to formerly detained women in neighbouring countries. Several husbands of women who were or remain in custody were also interviewed, as well as a member of the National Reconciliation Commission, and fighters from different armed opposition groups.

Some of the women requested that we protect their identities in this report. Fictitious names are therefore used for all those quoted in order to protect the women or their relatives still in Syria. In addition, the names of some locations have been changed to conceal the identity of the women. The Euro-Mediterranean Human Rights Network (EMHRN) is in possession of all original documents provided by the researchers and partner organizations, including the real names and personal details of those interviewed. Although, as mentioned, 10 cases were chosen to illustrate the patterns of detention, and published in full length in the second part of the report, other among the 53 testimonies gathered have also been used in the report to illustrate certain aspects of the detention of women.

ⁱ The report was produced in collaboration with the Violations Documentation Center in Syria (VDC) and Syrian Bright Future, in addition to individual lawyers and psychologists.

ⁱⁱ Regular meetings were held with the group of researchers in order to share outcomes of the documentation work and discuss patterns identified, as well as methodological obstacles faced throughout the documentation process

ⁱⁱⁱ Details of 6 of the 53 cases have been sent to the UN Working Group on Enforced Disappearance. All those who gave oath statements have consented to the use of their testimonies not only in this report, but also in future criminal trials.

The testimonies in this report draw attention to abuses committed by the Syrian government in the context of the conflict in Syria in an effort to highlight (i) the urgent need to bring these atrocities to an end; (ii) the critical need to take steps in order to rehabilitate victims and communities; (iii) the need for findings of Syrian groups to be used to bring the main perpetrators to justice.

Placing responsibility and holding perpetrators of violations accountable plays a critical role in bringing a feeling of social justice to communities. Thus, it is essential for reparation and redress and thus for the future of affected communities and the Syrian nation.

Findings of the Syrian researchers clearly indicate that the Syrian government is responsible for grave human rights violations against women, and that Syrian officials and members of its security apparatus have committed crimes according to international law, therefore engaging individual criminal responsibility at international level. Barbarous forms of torture that take place in dark cells or underground secret places of detention across the country are unveiled by the women as they tell of harrowing experiences having emotional, physical and societal impact.

While the report focusses on the Syrian regime's violations, by far the largest in number, there is no doubt that grave violations are also being committed by Da'esh/Islamic State (IS) and other armed opposition groups. However, while the violations committed by these groups have caught the attention of the international community at large, in part due to the effective documentation and publication of the atrocities by the groups themselves, the crimes of the Syrian regime have been largely forgotten. Thus, this report also attempts to highlight and maintain the world's attention to what often goes largely unreported; the extent, brutality and systematic nature of the violations committed by the Syrian regime.

It is hoped that the testimonies published in this report, as well as others collected by Syrian human rights defenders, may also serve the purpose, in the future, of bringing perpetrators of crimes against humanity, war crimes and torture, to justice. The testimonies should also bring the international community to realize the urgency in taking steps to protect all civilians detained in Syria as well as to undertake necessary efforts to rehabilitate those released.

The report also echoes efforts made by the EMHRN and other international organizations to increase the protection of persons arbitrarily detained at the hands of the Syrian regime and to advocate for their release.

By referring to and analysing various aspects of the detention mentioned by the victims during interviews, the report is meant to facilitate the reading of the 10 testimonies of Syrian women by providing the context in which their narratives takes place. The testimonies on their side provide empirical support to the following paragraphs about the Syrian regime's detention practices. However, before embarking on the analysis of the patterns of detention, a few reflections on the methodological difficulties of documenting the detention of women must be made.

1. Methodological obstacles and difficulties in documenting arrest and detention of women

Documenting human rights violations and international crimes in a country at war such as Syria is a very challenging and dangerous task. Accurate documentation of cases of arbitrary arrest and detention, torture and enforced disappearances requires extensive capacity by human rights groups in order to access data regarding the thousands of individuals across the country. Additional challenges further hamper access to information when it comes to documentation of violations affecting Syrian women.

Since March 2011, the Syrian government has virtually prevented international human rights organisations and independent human rights monitors^{iv} from entering Syria. As a result, Syrian human rights groups have been and are still playing a pivotal role in monitoring and documenting violations perpetrated in the country. They provide international human rights monitoring groups and mechanisms with the majority of the evidence and information on arbitrary detention and enforced disappearances.

Furthermore, acting initially on the basis of a deeply rooted sentiment of impunity enjoyed by perpetrators of violations in Syria, the Syrian government has become increasingly aware of the role and importance of documentation since the eruption of the protest movement. A major obstacle to documenting abuses in Syria therefore stems from intimidation, persecution and brutal suppression of documentation activists by governmental and pro-governmental forces. In addition, Syrian human rights defenders have been increasingly exposed to threats from non-state actors (armed groups) in areas these have taken over, in particular whenever these groups happen to be the primary rights violators in the area^v.

The documentation process also requires willingness on the part of women or their families to discuss their ordeals. A large number of victims are under enormous pressure, either psychological or social, preventing them from speaking up. For example, the parents of a detained woman may fear that their daughter will suffer further torture, or that her period of detention will be extended, should her detention become public and relayed by human rights groups perceived by the government as political opponents.

In Syria, like in much of the Arab world, people generally have a conservative perception of the role and status of women in society, based on prevailing patriarchal norms. Even in peacetime, women are held to stricter standards of behaviour than men. Women are often expected to refrain from expressing themselves on political matters or voicing political opinions both privately and publicly. They are consequently expected to refrain from participating in social movements. In such circumstances, the mere fact that a woman is detained may be perceived as bringing disgrace on her family and community. Furthermore, it has become a general assumption in Syria that if a woman is detained, she will unquestionably be raped or subjected to other forms of sexual assault. Far from arousing compassion, such abuses are regarded as further sources of shame for the families and

^{iv} See: reports of the International Independent Commission of Inquiry on Syrian Arab Republic (COI)

^v This is the case of prominent human rights lawyer Razan Zaitouneh and her colleague Samira Khalil who were abducted by unknown armed group in the city of Douma (Damascus suburb) in December 2013 and whose whereabouts remain unknown until the moment this report is written. For more information, see: <http://free-syrian-voices.org/razan-zaitouneh/>

communities of the women concerned. The social stigma that therefore sticks to women who have spent time in detention leads to an increased reluctance on their part to speak up, especially where sexual violence or forms of sexual humiliation have been used against them by their captors.

The prevailing feeling of impunity among perpetrators and the perceived failure of the UN to generate any concrete change in Syria has also resulted in an increased reluctance on the part of Syrian people to support and contribute to the process of documentation of human rights violations. There is indeed a widespread feeling among the Syrian population that speaking up about their experiences is futile in a context where the UN Security Council has failed to refer the case of Syria to the International Criminal Court despite ample evidence that international crimes are being committed^{vi}. This feeling was considerably reinforced after the chemical attack in August 2013, which did not result in any concrete action at international level.

Similarly, the credibility of local human rights organisations is weakening in the eyes of victims of abuses in a context where international human rights mechanisms have very little leverage on the government. Syrian human rights activists report increasing difficulties in convincing victims of the necessity of documenting abuses, in particular regarding the situation of detainees, considering the limited results obtained by those advocating on behalf of victims, and considering the increased use of negotiations on prisoners exchanges and release rather than the use of political means to put pressure on the Syrian government. The community of Syrian activists is also affected by a growing sense of helplessness as they feel they are unable to provide comfort or effective advice to families of detained women.

All of the above mentioned obstacles make it extremely difficult to monitor and document all cases of detention by name, place, and time. It also shows how the nature of the violations and the identity of the victim influence the documentation methodology required by the researchers.

^{vi} See fact finding mission report August 2011 and 9 COI reports presented to the Human Rights Council.

The gradual targeting of women in the context of the Syrian conflict

In 2015, the Syrian conflict is entering its fifth year since the first peaceful protests broke out in March 2011. Every day, thousands of Syrians lose one or more members of their family in what has become an increasingly violent and complex civil war. While media coverage of the conflict has recently been dominated by the horrifying footage of the slaughter of prisoners disseminated on the Internet by jihadi armed groups such as the so-called 'Islamic State' group (IS), other grave human rights violations and crimes tend to be ignored by the media, the public and the international community. Among such violations are arbitrary arrests and detention, torture and enforced disappearances, including of an increasing number of women. According to estimates from the Syrian Network for Human Rights (SNHR) and the Syrian Center for Statistic and Research (SCSR), more than 2850 women remain detained by Syrian security forces across the country, including at least 120 girls under the age of 18. Meanwhile, the Violations Documentation Center in Syria (VDC) documented around 1800 cases of women arbitrarily detained, including 69 girls under the age of 18. The three groups corroborated that at least 19 women were killed under torture in detention, including girls under the age of 18 (from March 2011 until 31 January 2015).

While the infliction of these grave violations on women is almost invisible, their insidious impact on the social fabric of Syrian society, on the perpetuation of the conflict and therefore the future of the country is tremendous.

1. Developments in the patterns of arbitrary arrest of women 2011- 2014

The role of women in the conflict in Syria has generally been considered to center around the provision of humanitarian aid and the delivery of medicine to affected areas. However, Syrian women have also increasingly taken an active part in activities aimed at promoting peaceful social and political change by non-violent means. During the first 18 months of the conflict, the Syrian government gradually engaged in wide-scale campaigns of arbitrary arrest and detention of female activists, using state controlled media to publicly denounce those detained/arrested as terrorists and saboteurs as well as to slander opposition groups. Campaigns of arbitrary arrests specifically targeted political opponents, journalists, human rights activists, and aid workers in the medical field. Government forces swept through neighbourhoods and universities and indiscriminately arrested large numbers of women. Many women were quickly released, while a small number of women were kept for longer periods to exert pressure on their families and to deter their relatives from joining the anti-governmental protest movement. The practice of detaining women progressively emerged as a deliberate tactic of collective punishment taking advantage of the sensitive cultural issues relating to women prevalent in the region^{vii}. In the early phase of the conflict, the Syrian

^{vii} The most sensitive issue is that of a family's honour, which rests on men's ability to control the behaviour - and particularly the sexuality - of the women in their family (wives, sisters, daughters) and safeguard their chastity. The loss of control over a woman, but particularly the unspoken threat of sexual harassment and abuse brought on by the detention, is an attack on the honour and good name of a family, which largely rests, as described, with the women of the family.

government also started targeting relatives of opponents in order to obtain information and to force their relatives to turn themselves in.

The following three cases illustrate the fates of some of the female activists arbitrarily detained for their peaceful activism. In these cases, contrary to the remaining 10 cases found in the second part of the report, the families have wished to make the women's real names public in order for the EMHRN and others to advocate for their release^{viii}.

Samar Darwish^x, born in 1962 in the Damascus countryside was active in the humanitarian and relief field in Damascus since the beginning of the peaceful Syrian protests. Samar was arrested by the State security for the first time on 14 August 2012 for thirteen days, and was re-arrested in the following year by the State security on 23 August 2013 at a state security barrier in Jormana on the outskirts of Damascus, without a clear definition of the charges against her.

Samar Kokash^x, born in 1973 in Damascus was arrested by the Military Intelligence Division on 11 November 2013 and held in a security branch before being transferred to the central prison of Damascus more than one month later. On 17 December 2014, she was sentenced to imprisonment for 5 years on charges of financing terrorism. Currently detained in Adra prison, Samar is in need of medical care for her heart and high pressure conditions.

Faten Abd al-Rahim^{xi}, a peaceful activist, was arrested by the Air Force Intelligence on 26 December 2011. Faten was moved to several branches and detention centers including the Air Force Intelligence branch, and was subjected to severe physical and psychological torture. She was later transferred to the Adra Central prison on 21 February 2014 and referred to the military judiciary. On 21 July 2014 Faten was transferred from Adra central prison to an unknown location. None of her family members were able to visit Faten for the whole duration of her detention. Syrian security officials deny that she is in custody.

Over time, however, the use of arbitrary arrests also evolved. Since the summer of 2012, the Syrian government has increasingly resorted to arbitrary arrests to pressure opposition fighters to stop their operations. At the same time the patterns of these arrests by government forces has changed, as systematic raids on women's homes and arrests of women at check points or barriers were introduced. These arrests tend to result in longer periods of detention as a means to punish the women for their engagement. The situation worsened as fighting escalated in the country and a number of armed opposition groups also embarked on arbitrary arrests and detention of women.

The following cases illustrate how women have been detained to put pressure on their male relatives, who joined the opposition, to surrender.

In late 2012, a 58 years old woman from the region of Idlib was arrested by governmental forces in order to exert pressure on her son, ██████ and push him to surrender. ██████ joined an armed opposition group after he defected from the Syrian Army because he

^{viii} These cases are part of the "Free Syrian Voices" campaign; a campaign initiated in 2013 by a group of international human rights organisations - among them the EMHRN - covering the situation in Syria.

^{ix} See : <http://free-syrian-voices.org/samar-darwish/>

^x See : <http://free-syrian-voices.org/samar-kokash/>

^{xi} See: <http://free-syrian-voices.org/faten-abdel-rahim-mohammad-rajab-fawaz/>

refused to use force against civilians. According to his sister [REDACTED], [REDACTED] thought he would be killed immediately if he surrendered, and that his surrender would not guarantee his mother's release. [REDACTED] said she shared this feeling, so she did not ask him to surrender despite her deep worry about her mother.

[REDACTED] said: "An officer contacted me several times, and introduced himself as the person who detained my mother. He asked me to deliver a message to my brother. He did not tell me which one as he said he would easily understand the content of this message. I was allowed to hear my mother's voice to make sure she was alive. She was ill and told me she was treated well, but she was crying. My heart was on fire". In June 2014, [REDACTED] was reportedly killed in shelling by governmental forces. Nonetheless, his mother remains in detention.

[REDACTED], a housewife from Deraa was arrested in November 2012 at her house after the Syrian Army surrounded her house with three vehicles. The raid of the house and her arrest was linked to the defection from the Syrian Army of her brother, [REDACTED]. After having defected, he established the anti-governmental [REDACTED] brigade and became commander of the military council in [REDACTED]. Although [REDACTED] was killed on [REDACTED] October 2013, his sister remains in detention.

2. The use of women as bargaining chip in hostage exchanges

As the conflict in Syria evolved and in the absence of fair prosecution processes for detainees, corruption, bribes and negotiations to exchange prisoners became a common practice for releasing detainees. Since 2013, opposition groups have increasingly resorted to the detention of women for the political purpose of acquiring bargaining power in negotiations with the Syrian government over the release of rebel fighters. Similarly, the Syrian government also detains women to be used as bargaining chip in their negotiations with armed groups. As a result, Syrian women are being targeted in an indiscriminate manner by most parties to the conflict who use them to gain weight in their negotiations on hostage exchanges. This is illustrated in the following testimony from Suhaila^{xii}, who was arrested in June 2012 while delivering emergency medicine to a field hospital in her area.

"After [REDACTED] months in the Adra Prison, I was released in a prisoners' exchange deal with the [REDACTED] prisoners who were captives of the armed opposition in the city of [REDACTED]. I was released alongside [REDACTED] other female prisoners".

Another woman who was released in a prisoners exchange was Sahar^{xiii}, who was arrested in September 2013 and imprisoned in [REDACTED] Prison, until the opposition sieged the prison. She says:

"I stayed in [REDACTED] Prison for a period of nine months and [REDACTED] days. I was released in a deal between the militant opposition and the Syrian government under the auspices of the Syrian Red Crescent. The deal was (to release me) in exchange for food to be delivered to the Syrian government soldiers inside the prison."

^{xii} See Suhaila's full testimony in the second part of the report.

^{xiii} See Sahar's full testimony in the second part of the report.

In principle, negotiations with armed groups are supervised by the National Reconciliation Commission (hereafter "*the Commission*"). However, as explained further below, the process of negotiations most commonly also involves a range of other actors. The Commission was established in June 2012 following a presidential decree announcing the new composition of the government. The decree included the nomination of Ali Haidar as minister in charge of National Reconciliation. Once in office he informally created the Commission, which, however, is not institutionalised in any official way. The international Committee of the Red Cross and the Syrian Red Crescent may also intervene in the negotiation process, but they have little leverage on the choice of detainees to be released.

Two members of the Commission were separately interviewed for this report, as was a negotiator of an armed group. They describe processes involving a range of stakeholders, often without proper coordination or coherence in their ways of working. On the ground, members of the Commission tend to act individually, in conjunction with certain security or military services. Political opposition parties, independent civil society groups or human rights organisations are usually kept away from the first phase of the negotiation process. They are rarely informed at the beginning of the second phase that a deal is being prepared and that lists of the names of the women in prison are requested in order to identify which ones to exchange with the captured soldiers.

The exchange of prisoners usually takes place in secrecy without being publicized by the different parties. Secrecy may even be a condition of the deal, in particular when the detained women are relatives of fighters in a group holding captured soldiers. If the woman to be released is not a Syrian national, the coordination is conducted through mediators from the concerned states.

A member of the National Reconciliation Commission explained how the security apparatus keeps control of the exchange process. The Commission is not allowed to order the release of a detainee without the approval of the security services, and its role is limited to initiating contact with the different warring parties as well as making recommendations. A Commission member stated: "*In reality, [security forces] only release those that they want to release. In cases where they were forced under pressure to release certain persons, they still have the possibility of re-arresting them later*".

Families of women released stressed that bribing officials and members of the security services is often a key factor determining the names of the detainees to be released. Furthermore, as the process is extra-legal, the legal status of the women released on the basis of such exchanges is generally not settled, leaving them vulnerable to future arrests. This has led many women to leave the country upon their release.

3. Unfair prosecution mechanisms

Another problematic aspect of the detention of Syrian women is the use of unfair prosecution mechanisms to legally settle their case, among them field military courts and the fairly new Anti-terrorism court established in 2012. The use of field military courts and the Anti-terrorism court means that detainees are deprived of their right to a fair trial, as it will be explained below. Field military courts and the Anti-Terrorism court are the two main prosecution bodies used by the Syrian government to prosecute persons detained in relation

with the protest movement or the conflict, as is the case for a vast majority of the women interviewed for the report.

Field Military Courts were initially established in the late 1960's in order to look into crimes under the jurisdiction of military courts. Relevant crimes for the court include crimes committed at times of war and during combat operations against the enemy. Field military courts hold secret sessions which can be held in various places, including in security branches where detainees are held in custody^{xiv}. Defendants are not allowed a defence lawyer. The Courts' decisions - which may amount to death penalty - are final and cannot be appealed. The defence minister has the right to send anyone to trial before a field military court, whether the person is in the military or a civilian, or whether he/she is Syrian or foreigner. According to former detainees and lawyers interviewed, there are no clear standards or specific mechanisms for referring people to these courts for trial. In practice, security agencies are making the decision to refer defendants to this court. Although it is impossible to monitor these courts, a Damascus based lawyer who is supporting detainees, stated that thousands of civilians and military personnel have been tried in these courts, including women and children.

The Anti-terrorism court was established by presidential decree 22^{xv} of 26 July 2012. However, the decree failed to define acts covered by the term "terrorism". The court's headquarters are in Damascus, and have the power to set up counterterrorism courts in other Syrian governorates. A defendant is tried by three judges: a chairperson and two advisers, one of whom is a military officer whose rank is that of colonel. It is possible to appeal the court's decision at the special chamber of the court of appeals. The court can issue verdicts *in absentia* and its jurisdiction includes all persons, civilian and military, even minors. There is no comprehensive information regarding the number of persons tried before Anti-terrorism courts, but scores of peaceful activists, including women are known to have been convicted to harsh sentences by its jurisdiction under conditions that fall short of any standards of fair trial.

Furthermore, not only is the judicial system in Syria largely corrupted and arbitrary, as mentioned above. The possibilities of release by amnesty also lack transparency and thus instil false hope. Since 2011, President Assad has issued a series of amnesty decrees. The latest from June 2014^{xvi} covered most of the charges faced by peaceful activists in detention, including a number of women. However, the implementation of the decree was marked by an overall lack of transparency, leaving detainees and families in a situation of uncertainty as for their fate. A number of persons released as a result of the amnesty decree were in reality arrested in the few weeks before it was enacted.

^{xiv} According to decree 109 establishing the courts, field military courts' sessions may be held in the headquarters of the military police in al-Qaboun, Damascus, within military prisons, headquarters of the military courts in al-Mezzeh as well as in any security branch.

^{xv} For more details on the Anti-terrorism court and Law, see the "Special Report on Counter-Terrorism Law No. 19 and the Counter-Terrorism Court in Syria", by the Violations Documentation Center in Syria, April 2015.

^{xvi} Legislative Decree no. 22, enacted on June 9, 2014. See: <http://www.hrw.org/news/2014/07/18/syria-activists-not-released-despite-amnesty>

4. Extraction of false confessions: the example of jihad al-nikah

In addition to being subjected to unfair trial mechanisms as described above, women detained by governmental forces are regularly forced – often under torture or threat of torture – to make false confessions. Many of the false confessions described by the women interviewed for this report were about the practice of what has been called “jihad al-nikah” or sexual jihad.

The term “jihad al-nikah” appeared in September 2012, when Lebanese media outlets started referring to a false tweet (which included more signs than allowed by the micro-blogging site) attributed to the Saudi Sheikh Muhammad al-Arifi, a well-known Saudi Salafi sheikh. In this tweet he should allegedly have stated that engaging in sexual relations with jihadists amounts to Jihad itself for women. Although various sheikhs of Salafi orientation stated that the matter was a rumour, the aim of which was to tarnish the image of the jihadists, official Syrian, Lebanese and Iranian channels as well as some “leftist” media (notably in Tunisia) continued to refer to this term. The rumour is believed to have been launched for political purposes in an attempt to discredit Syrian anti-governmental armed groups, often considered as “Islamists” abroad. Several Syrian women were charged with “jihad al-nikah” and even had their – often false - confessions broadcasted by pro-governmental Syrian media. This happened to Shadia^{xvii}, a student at Damascus University after she was arrested at her Faculty in mid-2013.

“One of the things I was asked to confess was that I was involved in ‘jihad sex’ with the opposition militants. As a result of the severe torture I was subjected to, both physical and psychological, and under the weight of threats, I agreed to give a confession and surrendered to the interrogator’s demands (...) I was taken by surprise when my confessions were aired on the official (Syrian) TV”.

Similarly, Saidah^{xviii}, a 24-year old housewife arrested at a checkpoint in the Damascus countryside in August 2013 recalls:

“Upon my return to the area branch, the interrogator asked me to confess that I practiced jihad sex with my husband’s brothers and relatives in my city, Aleppo. This (confession) would be in exchange for my freedom. He said I would have to confess to this on the official TV station. When I refused I was subjected to severe torture and threats to keep me arrested for two years at least.”

Six women formerly detained by the Syrian government met during the preparation of the report asserted that they were charged with practising “jihad al-nikah” with members of the armed opposition. Three of them said they were severely tortured and threatened to be killed if they didn’t confess practising “jihad al-nikah”. Out of the 6 women, 5 were subsequently referred to the Anti-Terrorism court, while one was referred to a field military court, for allegedly “supporting a terrorist organization”. They were eventually released without any legal decision taken by the judiciary.

^{xvii} See Shadia’s full testimony in the second part of the report.

^{xviii} See Saidah’s full testimony in the second part of the report.

5. Summing up

As illustrated throughout this chapter, Syrian women have gradually and increasingly been targeted by the Syrian regime as the conflict has evolved. First, women were being arbitrarily arrested in raids on neighbourhoods and universities and used to put pressure on their families not to join the opposition movement or to force those already in the opposition to turn themselves in. Progressively, the detention of women became a tactic of collective punishment while women also became more directly targeted for their engagement in the conflict. Detained women also started to be used as bargaining chip in hostage exchanges and were faced with unfair trials and the extraction of false confessions, often widely broadcast through state controlled media and used to discredit the anti-governmental armed groups.

In the following, the report looks more into the conditions under which women are held during their detention, both in the often notorious security branches as well as the central prisons.

Detention and prison conditions

According to the women interviewed for this report, detained women are routinely abused and dehumanised by their captors. During long periods of captivity, without access to a lawyer, adequate food or toilet facilities, and in conditions of severe overcrowding, women are subjected to appalling brutality.

There are various kinds of detention centres in Syria and a distinction should be made between *prisons* and *security branches* controlled by the different divisions of the security apparatus. Prison regulations are under the auspices of the Ministry of Interior with the Ministry of Justice having no competence in this regard. In addition, the Ministry of Defence runs its own military prisons, which are in theory meant for detainees convicted by military courts. However, since Syria no longer abides by the rule of law, but rather is governed by arbitrary decisions of government officials, civilians are in practice also regularly detained in military prisons.

Detention centres run by various security divisions are categorised as *branches*, *sections* or *police stations*. Upon arrival, prisoners are separated according to gender and age, as well as those who are detained awaiting a ruling, and those detained on the basis of a court ruling. The type of crime committed and the length of the sentence are in theory taken into consideration when determining the location of the detention. In practice, however, this is often arbitrarily decided.

In principle, a female prisoner is transferred to prison after having appeared in front of a judge informing her about the charges pressed against her. However, corroborated testimonies indicate that in a number of cases, women have been detained incommunicado for lengthy periods and then released without the intervention of any magistrate, i.e. in a process entirely conducted by security agencies without any form of judiciary supervision. Findings of this report also reveal a widespread practice of detaining political prisoners alongside criminal prisoners, convicted of crimes such as killing, prostitution, drug trafficking etc. Criminal prisoners are sometimes even tasked by jail keepers to watch over the political prisoners and security personnel commonly encourage the criminal prisoners to ill-treat and beat the political prisoners.

Women's prisons are not subject to any effective oversight by inspection committees of the Ministry of Interior, which only carries out superficial visits with no impact on female detainees. Researchers of the report were not able to document the presence of any female security personnel at the detention centres^{xix}. Hence, detained women remain under the control of men, allowing for all sorts of abuses and violations.

^{xix} In the women's central prison "Adra" in Damascus, that is guarded outside by members of the fourth division of the army the staff is only male. Only two female policewomen were mentioned during interviews, and their role was reportedly limited to dealing with the visits by families at the main gate of the prison. The situation seems to be slightly different in Latakia's Central Prison where only few female political prisoners are held in comparison with Adra prison. Five policewomen were in charge of the women detained, while the rest of the personnel were male.

1. Degrading body searches and appalling prison conditions

At their arrival to security centres, women are subjected to a degrading body search which involves having to carry out so-called "security movements". These include squatting up and down several times to make sure nothing is hidden in their abdomen. Long-time female prisoners are often tasked to search the new ones but the interrogator may also conduct the search himself. This is the case in branch 215 of the Military Intelligence, the so-called "Kafr Sousa branch", where the head of the branch reportedly body searches most of the women. In general, conditions and violations are worse in the security branches, as illustrated in the testimony of Lamya^{xx}:

"During my detention in this Branch, two continuous months went by, during which we were a total of 29 women in that particular cell (around 4 square meters). We couldn't sleep except sideways. We also couldn't all sleep at the same time, and had to take turns. After seven months, none of the women that I had been with when I came were still there with me. The number, however, did never decrease; women were only replaced by new ones. There was a seven month pregnant woman. Before giving birth she was transferred to Adra prison to deliver her baby there. There was also an [REDACTED] prisoner there. She had an [REDACTED] month old baby girl, and a [REDACTED]-year old boy with her. In that place, everything was done with insults and humiliation. The food was sometimes good and at other times mouldy and musty. Nevertheless, we had to eat it. To humiliate me, I was searched naked by another prisoner who used to work for the officers. This woman used to be more humiliating and annoying than them. Anything we did that they didn't like, regardless of how silly it was would cause us to be severely beaten. I tried once to look through a small window high up. I will never forget the beatings I was subjected to because of this."

However, the conditions in State prison are also highly reprehensible and most often in breach of the domestic provisions^{xxi}. Prisons lack equipment needed to treat various illnesses and health services are provided at a minimal level for detainees. Hygiene is appalling; prison rooms have no electricity or heating and many prisoners are cut off from the outside world, with no access to telephones, newspapers and TV. Visits of relatives or lawyers are often refused.

Since female political detainees are routinely subjected to bad detention conditions, as well as physical and psychological torture, they often lose weight and their health condition deteriorates. They are also often denied medical care. A number of women interviewed corroborated a systematic policy of the Syrian authorities to deny them access to basic health care, for instance sanitary pads during their periods. This is confirmed in the testimony of Laila^{xxii}, who was detained for two months, much of which in solitary confinement.

"The days of my menstrual period were the worst, there was no place to throw away my bloody scarf, blood dried on my clothes and they did not allow me to wash. Two days later I started having pain from haemorrhoid. (...) I already had haemorrhoids but with the increasingly bad food, a lot of psychological pressure and the lack of medicine it became even worse. I felt I was dying of pain, the bleeding did not stop and I was trying to keep my

^{xx} See the full testimony of Lamya in the second part of the report.

^{xxi} Domestic regulations state that prisoners should be provided with a bed, sufficient food to be kept in good health, and heating, light and regular access to fresh air.

^{xxii} See the full testimony of Laila in the second part of the report.

clothes away from the blood so no skin would stick to it. I was in horrible pain I was screaming a lot and asking them to bring me medicine. But their response was always the same: "no medicine for political prisoners"."

Financial matters also play an important role in shaping detention conditions. Some younger women have to serve other detainees because they lack money, or do not receive visits from their families, who could bring them money, clothes and other necessities. Revenues from the prison canteen go to the prison management and jailers furthermore sell goods from their offices at much higher prices than in the market. This is described by Sham^{xxiii}, a 41-year old Syrian woman living in [REDACTED], who was arrested when travelling to Syria in September 2013 and detained for six months in different security branches as well as in the Adra prison, where she had the following experience:

"He (one of the jailers) called me to his office and showed me an iron closet full of fresh and conserved food. It was like a regular shop. I bought food for 10.000 Syrian Pounds for myself and for the others. He was selling us things for at least double their price."

When women are detained by the state security apparatus their families rarely manage to know their whereabouts or they are systematically denied family visits. Detainees are also placed in solitary confinement for long periods of time^{xxiv}. Political detainees are theoretically allowed one visit per month but the head of the prison may deny them such visits without consideration for the long and dangerous journey families have sometimes taken to visit a detainee. When a detainee is being a victim of disciplinary punishment, her family is not allowed to bring her food and personal hygiene items.

2. Torture and sexual violence

Although no statistical data indicating the number of women subjected to torture and particularly sexual violence in detention is available, testimonies collected for this report indicate that detained women are subjected to various types of torture or ill-treatment, the gravest of which mainly occur within security forces' detention centres, i.e. before the person detained is transferred to State prison. Many of the detained women said that they were not subjected to the same kind of torture as men, who are exposed to even more brutal treatments. However, the testimonies show ample examples of how women, at all stages of their detention, are exposed to daily ill treatments as well as specific patterns of humiliation and torture, including gender specific torture (rape, threats of rape and sexual harassment) and treatment affecting their mental health.

One of the women subjected to severe torture was Lamyia, who was arrested in October 2012 for [REDACTED]. She described one of her interrogations in the [REDACTED] Branch [REDACTED] as follows:

^{xxiii} See the full testimony of Sham in the second part of the report.

^{xxiv} After the opposition forces took control of Douma (Damascus suburb) in 2012, women were sometimes detained in areas where there were clashes between the government and opposition groups, making it particularly risky for relatives and lawyers to visit the detainee as they risked being hit by a sniper, or a mortar shell.

"He (the interrogator) repeated his question several times and when I did not change my answer, he hung me from my hands to the ceiling with my feet not touching the ground. I was left like this for six days. He would come around every 12 hours, to untie me and allow me to go to the toilet. Then he would re-hang me. I was left in my suspension in my under-shirt. They would throw a bucket of cold water on me, electrocute me. On the first day they repeated this three times. On the second day only once but the electrocution was very strong. Then they used a quad cable which tore the flesh where it hit. I did not count the strokes but there were many."

A very common form of violence used on female detainees is sexual violence, which includes rape, witnessing rape, threats of rape, sexual harassment and verbal abuse with sexual content.

Among the 53 women interviewed in preparation of this report, only one was not subjected to any sexual violence, including verbally. Others, however, told that they were repeatedly subjected to sexually-related verbal abuse. Several women were directly subjected to physical sexual abuse including rape or witnessed such violence in detention. Nirvana^{xxv}, a 28-year old woman who was arrested in November 2011, accused of transporting weapons to terrorists, was one of the women forced to witness the rape of a fellow detainee by three officers. This happened on the third day of her detention at the Raid Unit (215) of the Military Security in Damascus.

"He (the investigator) led me into another investigation room. There was a desk, three chairs, and a metal bed. I saw ██████ naked on the bed, except for her (red) bra and there were three, almost naked officers there. Two of them were holding ██████ hands, while the third, who was wearing a black under-shirt, was violently rapping her. She was trying to resist, screaming and crying but to no avail. I started to scream and cry from the horror of what I was seeing. I stayed there for a couple of minutes after which I had a nervous breakdown. They then took me out and back to investigation."

Sawsan^{xxvi}, who was arrested for the second time at her home in September 2012, was herself subjected to grave sexual assault during her 11 months of detention in different security branches in the Damascus area. She says ten men took turns raping her, the first time in front of her 16-year old son.

"After they undressed me, two of them – ██████ – left the room and I was left there with my son and ██████. The latter started to beat me up while I was naked. He then fully raped me in front of my son. He penetrated me with his penis, and ejaculated. My son started to scream hysterically (...) Then ██████ came and dragged me to another room that had no windows and only one brown coloured door. The room was painted pink and had no furniture except a small flat sponge mattress on the floor. He threw me on it and started to beat me up. Then he sexually penetrated me and ejaculated in me. ██████ then left and ██████ came in. Again he raped me completely. Seven other men also came in and raped me. But I stopped feeling anything and lost any sense of time and fainted."

Several women interviewed for this report also talked about disregard for the physical and psychological conditions of pregnant women that they witnessed while detained. One pregnant woman, 28-year old Nisreen from the Aleppo governorate, was arrested alongside

^{xxv} See the full testimony of Nirvana in the second part of the report.

^{xxvi} See the full testimony of Sawsan in the second part of the report.

her husband, two brothers and her brother-in-law and kept in custody for several months, during which she was kicked, electrocuted, pulled from the hair and sexually harassed, despite the interrogator knowing that she was pregnant. Two days after her release, she gave birth to a deformed and still born baby boy.

Many of the testimonies gathered during the preparation of the report point to the fact that the impact of torture and ill-treatment is all the more severe and degrading when it directly targets women's dignity and honour in a culture where this honour – as previously described – plays a pivotal role in maintaining the fabric of society. Sexual torture and rape are prime examples of torture methods that directly target women's honour while also having a severe impact on their lives long after their release, as the following section will explain.

3. The stigma of women prisoners upon their release

While the actual physical and psychological torture and ill-treatment conducted by government officials might end when a woman is released, her ordeal is however far from over. To fully understand the phenomenon of detention of women and its impact not only on the victim but also on entire families, communities and eventually Syrian society as a whole, one must take into consideration the social and cultural environment in which it takes place; an environment in which a woman's chastity – and virginity until marriage – is equal to her and her family's honour. In such a context, rape or even the assumption of rape, is associated with deep stigma.

In Syria at present, it has become a popular belief that every woman detained has, as a matter of fact, been raped. Thus, irrespective of the actual number of cases - that are very difficult to document^{xxvii} - of women raped or sexually assaulted, this general societal state of mind has been used by the warring parties to tear apart the fabric of society by detaining women. The social behaviour resulting from this state of mind also has a far-reaching impact on the status of women detainees. Due to the stigma associated with rape and sexual assault, people tend to stay away from families of detainees or former detainees. As a consequence, detained women are often shunned by their own communities or families after their release. This in many cases leads women to seek refuge abroad after their release, either alone or together with a few relatives. Women interviewed also referred to specific situations where members of their families or communities attempted to kill them in so-called "honour crimes" as a means to overcome the shame caused by their detention. This happened to Zainab^{xxviii}, a 19-year old girl from Homs, who was arrested in August 2011, kept in detention for 3 months and tortured to provide information about her brothers who were wanted by the Syrian intelligence.

"Upon my release I went back to (...) my relatives and to my aunt. They refused to have me and accused me of having been subjected to shameful things in prison that tarnished their honour. I was forced then to go back to Damascus. I met a young man from [REDACTED] who gave me shelter and asked me to marry him, which I did. We spent a few months in Damascus, and during that period I tried to call my sister in her house in Homs. I told her

^{xxvii} The difficulties of documenting these cases are described in the methodological section at the beginning of the report.

^{xxviii} See the full testimony of Zainab in the second part of the report.

that I am married and live with my husband in the ██████ area. She told me that one of my brothers wants to get rid of me because I disgraced the family. A couple of months later, two young men came to where I live with my husband ██████ in Damascus and tried to kill me. They had a fight with my husband and stabbed him with a knife in his back and ran away."

Those who have been victims of sexual violence and choose to stay in the country often refuse to talk about their sufferings with their families or people close to them for fear of the social stigma associated with rape. Another reason for victims of such crimes to remain silent is the lack of psychological, medical, and legal support available to them inside Syria.

Due to the horrifying experiences many women have had in detention, they also often suffer from severe psychological trauma upon their release including varying degrees of anxiety and depression, post-traumatic stress disorder, loss of meaning of life and a sense of futility. In some cases, the deteriorating condition of a woman after her release leads to a psychosis and even to suicide. Psychologists working with former detainees describe increased fear, feelings of humiliation and indignity, negative self-perception, introversion, withdrawal from society and loss of self-confidence as some of the most common symptoms suffered by these women. The psychological pressure experienced in detention also physically affects the detained women and adds on to the damage caused by torture and bad detention conditions.

Upon their release, women also experience severe difficulties in resuming their marital life. A psychologist working with women formerly detained in Syria elaborates on the social and marital impact of detention: *"Cases of divorce rise upon the release of Syrian female detainees, firstly because of the delayed impact of the arrest on the victim when she has to confront society. In some cases, the image of the executioner and the harasser remains the subliminal image of males among women detainees, which then leads them to reject masculinity as such. This makes it difficult for the woman to develop or continue relations with the opposite sex. And even in cases where divorce does not occur, we often see a change in the husband's treatment of his wife. The couple may stay together just for the sake of protecting their children, but detention usually affects the intimacy of the nucleus of the family. This is primarily due to the fact that the Syrian society remains essentially patriarchal, meaning that various violations occurring during detention and abduction are perceived as a humiliation of the family's honour".*

Younger brothers/sisters, and sons/daughters of detainees are not immune to these effects. In most cases, the detention will have a negative impact on their psychological development, social integration, and on their future personal and social roles. Feelings of guilt and blame respectively often dominate the relationship between a mother and her children. Children can also start to reject their mother because they have experienced her sudden disappearance without them knowing why and where she was.

The most difficult outcome of detention for a woman, however, is pregnancy due to rape. Such an unwanted pregnancy can lead the woman to reject the baby because it becomes a constant reminder of her helplessness and the oppression she suffered. Furthermore, the pregnancy and baby is the tangible proof of the shame she has brought to her family from being subjected to rape. Consequently, she suffers great psychological pain, because of her own and her family's perception of her as well as the baby.

Finally, detention can also have an economic impact on a woman's life. Her ability to move around is often limited by her family in an attempt to protect her from further harm and the family from shame. Furthermore, a former detainee's ability to work can also be limited by employers who are usually reluctant to hire former detainees because of the constant threat from security services. Single women face more difficulties in being socially reintegrated into society and they can face rejection from their inner social circle and community. Detention may even lead to the abandon of a woman by her own family, thus leaving her in a situation of distress and vulnerability.

One example of a woman who suffered physical and psychological as well as economic effects following her detention is Sawsan who recalls:

"I found a simple job in a printing press in Damascus. When the business owner found out that I am a former security prisoner, he fired me, saying he did not want any problems with the government's security. The physical traces of torture continue to be clearly seen on my body, let alone the psychological effects that I suffer from, such as depression and insomnia."

4. Summing up

As has been detailed in this section, not only are Syrian women detained subjected to degrading body searches and appalling prison conditions including lack of food and proper sanitation facilities, overcrowding of cells and denial of medical care and family visits. They are also routinely mistreated, tortured, raped as well as sexually harassed and threatened, all of which under total impunity for the perpetrators. Furthermore, once released, they are left to face stigmatization and rejection by their families and society.

In light of the above, the following section looks at some of the reasons behind this ongoing an absolute impunity for grave violations against Syrian women in detention: the ineffectiveness of the international mechanisms that could to some extent contribute to breaking this vicious circle.

Lack of protection and the prevailing State of impunity: the ineffectiveness of international bodies

The atrocities revealed by the testimonies in the report occur, as mentioned, in a context of prevailing impunity for members of the Syrian security forces at the domestic level according to tailored-made regulations enacted by the executive power. Impunity, however, also largely results from the failure of the international community to act on these grave violations against women detainees. In the following, the report will address the failure of some of the key international mechanisms of relevance for the issue of women in detention in the context of the Syrian conflict: the country review of the CEDAW committee, the Independent International Commission of Inquiry on Syria and the UN Women, Peace and Security agenda framed around UNSCR 1325 on women, peace and security.

1. Review of Syria by the CEDAW committee

In 2014, the Syrian Arab Republic was reviewed by the committee of the CEDAW^{xxix} for the second time^{xxx}. The Syrian government submitted a detailed periodic report on 25 October 2012 on the implementation of the convention. The 116 page document did not refer to the situation of women detained since 2011. In the legal section, the government referred to some of the laws enacted and the new constitution from 2012, but it omitted to refer to other legal texts including the anti-terrorism law, which is widely used to prosecute detainees under governmental jurisdiction and *de facto* deprives them of their basic rights under domestic and international law.

In accordance with the review process, the CEDAW committee addressed several questions to the Syrian government in relation to i) the situation of female detainees and ii) violence against women, particularly sexual violence, including violence against women human rights defenders.

Specifically, the committee asked the government to *'provide data on the number of women, disaggregated by age, who have been detained since 2011, and indicate the grounds for their detention and the measures in place to ensure their right to a fair trial as well as information on the number of women in detention facilities in the State party and on their condition'*. The committee also inquired about *'how the State party is ensuring that all violations of women's rights relating to the conflict and committed by State and/or non-State actors, in particular sexual violence and violations of economic, social and cultural rights, are properly investigated, prosecuted and punished by bringing perpetrators to justice'*.

The committee also asked the government to provide information regarding *'measures taken to prevent gender-based violence, in particular sexual violence, and to protect women and girls from such violence, for example, during house searches, military raids, at checkpoints and in detention facilities'*, as well as *'measures taken to prevent and protect women human*

^{xxix} Syria is a state party to the CEDAW, which it ratified on 28 March 2003, however with reservations to several articles of the convention

^{xxx} The first review of Syria by the CEDAW committee took place in 2007.

rights defenders from arbitrary detentions and gender-based violence, including targeted attacks by State and non-State actors in the context of the continuing conflict^{xxxix}.

In its response, the Syrian government mainly referred to broad principles^{xxxix} included in domestic laws and the constitution, without elaborating on the extent of their implementation. The Syrian government also falsely stated that *'Any complaint lodged by any women alleging failure to respect her rights or an act of violence against her on the part of any State or non-State actor will be taken into consideration by the judicial system, and the perpetrator will be tried under the Criminal Code and other laws'*.

Furthermore, the Syrian government failed to provide answers to questions raised by the CEDAW committee about the number of detained women, their personal data, and the mechanisms used in the legal justice system. It did not specify the number of women who were released under amnesty laws; neither did it reveal the number of women who were held at its prisons and security centres. It also failed to give any information about whether any complaints or lawsuits were filed against any government body regarding gender-based abuse committed in prisons or security centres. Finally, the Syrian government failed to indicate whether any officers or government personnel were prosecuted in cases related to sexual violence in detention centres.

In its concluding observations on the second periodic report of Syria, the CEDAW committee stated it *'regrets the lack of information provided in response to some of the questions posed orally by the Committee during the dialogue'*. The Committee also noted: *'(a) Contradictory information provided by the State party that women are at risk of violence committed by non-State armed groups rather than by Government forces against reports which have consistently documented different forms of violence against women, including physical abuse, rape and other forms of sexual violence perpetrated by Government forces and affiliated militias during house searches and at checkpoints as well as in detention centres'*.

The Committee urged the Syrian government to: *(1) 'Halt all detention of women involved in peaceful and humanitarian activities and release all women activists who have been arbitrarily detained; and ensure that those released by virtue of an amnesty law are not at risk of being re-detained or placed under surveillance; (2) Guarantee the human rights of women activists, in particular, freedom of movement, expression, assembly and association, nationality, liberty and integrity of the person as well as access to justice; (3) Amend its Law on Combating Terrorism' ... so that 'its scope does not, in practice, extend to activities which do not constitute terrorism; (4) Allow independent and impartial international observers and monitors regular and unannounced access to all detention facilities; (5) Disclose the number of women detained on grounds of terrorism and guarantee the right to a fair trial to women who are before the Counterterrorism Court.'*

As the above illustrates, the lack of information provided, the contradiction of information as well as the outright denial of certain violations by the Syrian government, made of this review a rather unproductive dialogue that failed to contribute to the protection of Syrian women or to the decrease in violations against them both in detention and outside.

^{xxxix} See: CEDAW/C/SYR/Q/2

^{xxxix} CEDAW/C/SYR/Q/2/Add.1

2. The Independent International Commission of Inquiry on Syria

Since its establishment by the Human Rights Council of the United Nations in 2011, the Independent International Commission of Inquiry on Syria (COI)^{xxxiii} has increasingly documented gender based violations and serious violations of women's rights, including the international crime of rape on women^{xxxiv}.

In its report issued in August 2012 the Commission stated: *"The commission finds reasonable grounds to believe rape and sexual assault were perpetrated against men, women and children by Government forces and Shabbiha members. Rape and sexual assault were also part of torture in official and unofficial detention centres. [As these attacks were] part of a widespread or systematic attack against a civilian population, the commission finds that the rapes committed during these attacks, made with knowledge of the attacks, could be prosecuted as crimes against humanity"*^{xxxv}.

The COI was even more explicit in its report from February 2015, where it stressed that *"Syrian government authorities have manifestly failed to protect male and female detainees from sexual harassment, sexual torture, rape and sexual violence in prisons and detention facilities in Damascus, administered by and under the control of the military, intelligence and security agencies. Survivors and witnesses emphasised the long-lasting physical and psychological repercussions of sexual violence"*. It furthermore emphasized that *"Many women and men, including minors, have been victims of the deliberate use of sexual humiliation, sexual torture and rape while in the custody of Government authorities throughout the span of the unrest and conflict in Syria (from 2011 – 2014). Rape and other forms of sexual violence, amounting to serious violations of international humanitarian law, war crimes and crimes against humanity, entail individual criminal responsibility for the direct perpetrators of crimes and their authors at the highest levels of the chain of command, including the highest levels of Government"*^{xxxvi}.

Taking stock of its findings and mandate, the Commission encouraged the United Nations' Security Council to *"take appropriate action and commit to human rights and the rule of law by means of referral to justice, possibly to the International Criminal Court, bearing in mind that, in the context of the Syrian Arab Republic, only the Security Council is competent to refer the situation to the Court"*^{xxxvii}.

^{xxxiii} The Independent International Commission of Inquiry on the Syrian Arab Republic was established on 22 August 2011 by the Human Rights Council through resolution S-17/1 adopted at its 17th special session with a mandate to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic. The first report of the COI was issued on 23 November 2011.

See: <http://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/IndependentInternationalCommission.aspx>

^{xxxiv} According to a recent WILPF report, the COI and Human Rights Council have increasingly tackled issues related to women's rights during debates regarding Syria since 2011. However, the COI almost exclusively refers to women as victims of sexual violence and both the HRC and COI tend to portray women as agentless individuals. See: « A Gendered Discoursed Analysis: Examining how Women and Gender in the Syrian Conflict are addressed by the United Nations Human Rights Council ».

^{xxxv} Report of the Commission of Inquiry on Syria A/HRC/21/50 August 2012; para.100

^{xxxvi} Report of the Commission of Inquiry A/HRC/28/69, February 2015; para.182

^{xxxvii} See: COI Report; A/HRC/22/59, February 2013 para. 180

However, the Security Council failed to adopt a resolution on the referral of Syria to the ICC due to the veto imposed by China and Russia^{xxxviii}. The international community has therefore until now failed to take action to address the issue of impunity for crimes committed in Syria, including those specifically targeting women.

3. The UN Women, Peace and Security agenda – UNSCR 1325

Adopted in the year 2000, the UN Security Council Resolution 1325 on women, peace and security is a key UN resolution committing State parties – among them Syria - to address the impact of war on women as well as the role of women in conflict management, conflict resolution and sustainable peace. The resolution rests on four pillars: 1) *participation* of women in conflict resolution and peace-making, 2) *protection* of women and girls against sexual and gender-based violence in conflict, 3) *prevention* of violence against women through prosecution of perpetrators and strengthening of women's rights in national legislation and 4) promoting a *gendered perspective* on relief and recovery efforts.

The resolution was later followed by six additional resolutions completing the initial one, constituting altogether the UN framework for working on what is called the Women, Peace and Security agenda (WPS). Resolutions 1820 (from 2008) and 1960 (from 2010) - the most important of the "package" for the theme of the current report - define sexual violence as a tactic of war (1820) and call for measures to be taken to end impunity for such violence (1960). Concretely, resolution 1960 requests the UN general secretary to '*establish monitoring, analysis and reporting arrangements on conflict-related sexual violence, including rape in situations of armed conflict and post-conflict...*' and '*expresses the readiness (of the Security Council ed.), when considering situations on the agenda of the Council, to take, where necessary, appropriate steps to address widespread or systematic sexual violence in situations of armed conflict*'.

When it comes to the implementation of the resolution, this is done through the development of National Action Plans (NAPs) by UN member states. The NAPs include reporting mechanisms to hold governments accountable to their commitments. However, as per January 2015 only 48 out of 193 member states had prepared such NAPs, most of them in Europe and Sub-Saharan Africa. Furthermore, since the WPS resolutions are not binding^{xxxix} it is up to member countries and other regional organisations (such as the EU and NATO, who have prepared regional action plans) to push for their implementation, with no formal penalties or sanctions in place for State parties who fail to do so.

Recent efforts have been made to link UNSCR 1325 more closely to the CEDAW reporting through the adoption by the CEDAW committee of General Recommendation nr 30 on women in conflict prevention, conflict and post-conflict situations (October 2013). The General Recommendation specifically references the WPS resolutions and their connectivity to the aims of CEDAW. This link aims at extending the enforcement features available under international human rights law (of which CEDAW is a part) to the resolutions on Women,

^{xxxviii} <http://www.hrw.org/news/2014/05/22/un-security-council-vetoes-betray-syrian-victims>

^{xxxix} Whether or not UN resolutions – and particularly UNSCR 1325 – are binding for member states is disputed. See "Women in Peace and Security through UNSR 1325: Literature review, content analysis of National Action Plans, and implementation", by Barbara Miller, Milad Pournik & Aisling Swaine. http://www.peacewomen.org/assets/file/NationalActionPlans/miladpournikanalysisdocs/igis_womeninpeaceandsecuritythroughunscr1325_millerpournikswaine_2014.pdf

Peace and Security. However, the outcomes and implementation of this strengthened link still remain to be seen in practice.

As the above will have shown, the UN Women, Peace and Security agenda has so far also failed to have an impact on the situation of Syrian women, who are victims of violations in the Syrian conflict. It is also worth noting, that the UN Special Rapporteur on Violence against Women, whose mandate is to seek and receive information on violence against women and to recommend measures and means to eliminate such violence and its causes and to remedy its consequences, has so far stayed silent on the violence committed against Syrian women in the framework of the conflict.

Conclusion

As the report has shown, Syrian women have gradually been targeted in the Syrian conflict through arbitrary arrests and detention, by using them as bargaining chip in hostage exchanges and by extracting false confessions and prosecuting them through mechanisms that fall short of meeting any standards of fair trial. Once detained, women are subjected to degrading body searches, torture, and sexual violence and are kept under appalling detention conditions deprived of food, sleep, basic sanitation, medical care and access to visits from families and lawyers. Finally, even once released, women are left to face the rejection of their families and communities, the denial of job opportunities and the physical and psychological scars brought on by their experiences in detention, with no access to either legal nor physical and psychological rehabilitation or redress. While detention is a terrible and cruel experience for women, it also has a deep impact on the fabric of Syrian society due to the inability of women to reintegrate into a society that largely rejects them.

Domestic justice mechanisms in Syria are failing, as has been showed, as are the current international mechanisms that could address the widespread impunity and thereby contribute to better protect Syrian women in detention. Therefore, the international community, including the UN Security Council, must re-think its approach to combatting the total impunity for grave violations of women's rights that permeate the Syrian society.

As has been shown, the detention of women in Syria remains largely associated with sexual violence, which is being instrumentalised by the warring parties in the conflict. Thus, it contributes to the generation of a cycle of violence and retaliation and complicates a peaceful resolution of the conflict. Therefore, the international community also needs to address the question of rehabilitation and redress, both for the individual victims as well as for families and communities at large and work to support the reintegration of Syrian women into society.

Finally, the detention of women not only intensifies the conflict and the disintegration of society. It also contributes to increasing the refugee flows to the neighbouring countries as well as to Europe, since many women, rejected by their family and community, see themselves forced to leave the country upon their release. Furthermore, an increasing number of women also flee Syria for fear of becoming victims of detention and rape which would lead them to become outcasts.

Through the humble contribution of this report in shedding light on the plight of Syrian women detained by the Syrian regime, the EMHRN hopes to help maintain the attention of the international community on the increasingly worrying women's rights crisis in Syria. It also calls the Syrian government, all parties in the Syrian conflict, the international community and the UN Security Council to action at all levels by way of the following recommendations.

Recommendations

1. Give the utmost priority to facilitate the release of all persons arbitrarily detained in Syria, in particular women, and increase protection for those still in detention

All parties in the Syrian conflict should immediately release all hostages and detainees and put an end to arbitrary arrests and abductions of civilians, in particular women and children, and abide by International Humanitarian Law, with particular attention to the protection of women.

The international community, and more specifically States who have leverage on the Syrian government and other warring parties in the conflict should make use of their influence in order for the Syrian government to allow international monitoring mechanisms and bodies, and in particular the ICRC, unhindered access to all detention facilities in the country.

2. Hold perpetrators of international crimes against women, including rape and sexual abuse accountable

The UN Security Council should abide by its responsibility to protect civilians and support regional stability by referring the Syrian case to the ICC as a first step towards ensuring accountability for grave violations of international human rights law and international humanitarian law committed by all parties to the conflict.

Considering the current political blockage on the situation in Syria at the UNSC level, it is critical for the international community to take action to address the prevailing state of impunity in Syria through all available mechanisms including through the activation of mechanisms of universal jurisdiction whenever available.

3. Urgently put in place rehabilitation and protection mechanisms

The international community should take urgent measures to reinforce mechanisms aimed at providing women who have been exposed to serious violations, including sexual assault, with adequate social, medical, psychological and economic rehabilitation. Extensive efforts should urgently be made to target IDP's and refugees in the neighboring countries, notably at the Syrian border.

The international community should also provide increased support to civil society groups acting at local and community levels to implement programs aimed at rebuilding the lives and ensuring the economic, social and psychological rehabilitation of survivors of violence, especially young women and girls.

The international community, in particular EU member States should give priority to asylum cases of Syrian female victims of gender-based violence in detention and ensure they be provided with adequate psychological and other rehabilitation support.

4. Promote gender sensitive transitional justice and peace building

The international community, including the UN Special Envoy for Syria should support a Syrian led, gender sensitive transitional process, with specific considerations for rehabilitation

and compensation needs for female victims of detention and sexual violence at individual and community levels.

The international community should also take concrete steps in order to increase the participation of Syrian women in peace keeping, peace building, pre- and post-conflict decision making and conflict prevention, in compliance with UN security Council resolutions 1325 (2000) and the remaining Women Peace and Security resolutions.

Part 2: Full testimonies

1. Case 1 / Suhaila: Use of women as bargaining chip in hostage exchange

Suhaila is a 28 year old female from the governorate of Dera'a/█████████ village. She works in agriculture. Military Security arrested her at a check point in June 2012 on the Dera'a – Damascus road. She was carrying equipment for the field hospital in her area. She was detained at the Military Intelligence Branch (215) for 3 months.

I stayed in that Branch for three months. During that period I was severely tortured as I was charged with transporting weapons to terrorist groups. The torture took many forms; beating with all kinds of canes and cables on all parts of my body, electrocution more than once, and severe humiliation from insulting me and my family. I was threatened with rape more than once. Some of the wardens harassed me sexually in different situations especially when I needed to go to the bathroom. They would go in and touch me with their hands.

I was then transferred to the legal authorities in Damascus – to the Anti-terrorism Court. After that I was transferred again to Adra Prison for a period of ten months. During my stay there I was mostly subjected to sexual harassment by the wardens. They would touch my breasts, hit me on the butt, and sometimes beat me up and kick me on my belly.

After ██████ months in Adra Prison, I was released in a prisoners' exchange deal with the ██████████ prisoners who were captives of the armed opposition in the city of ████████. I was released alongside ██████ other female prisoners.

The statement was taken on 3 March 2014.

2. Case 2 / Sahar: Use of women as bargaining chip in hostage exchange

Sahar is a 44 year old female from Dera'a governorate. She is a housewife. The military security arrested her at a check point in Sweida governorate in September 2012.

On ██████ September 2012, I was arrested with my 13-year old son, from the city of Sweida'a. I found out later from interrogators, that we were arrested by officers from the military security branch. Interrogation started in the ██████████ Branch. Our charge was dealing with terrorists. I was moved between the two military security branches in Sweida and Dera'a. I was subjected to severe physical torture, from beating, kicking and electrocution. I was also subjected to different kinds of psychological torture such as threats of hanging and threats to arrest all of my children and brothers. They also asked me to lure some of my town's young into ambushes that they would set up to arrest them. They also asked me to appear on national TV Al Dunya. The answers (I was supposed to give in the interview) were written for me and the person conducting the interview was a security officer. When I refused to do this, they put me in solitary confinement for three and a half months. They told me I am going to stay in that cell until I die. I was not allowed to leave the room except to go to interrogation or to use the bathroom – which was allowed three times daily for one minute only.

After three and a half months, I was moved to the Military Police Branch in [REDACTED]. I stayed there for [REDACTED] days. Nobody interrogated me there, but I was left there until they presented me to the judiciary authorities. During this period, I was not physically tortured. I was however subjected to psychological torture through threats of rape. I was sexually harassed by members of the military police who touched my body when I left the bathroom. They would ask me to have sex with them. Then they would make fun of me. They would curse and insult me, saying words that infringe on my honour and my family, such as traitor, whore and others abusive words about my family. After that I was moved to [REDACTED] Prison. Even then, harassment from policemen and from (female) criminal prisoners did not stop. They would accuse me of treason and spying and monitored what I said in my phone calls, that I used to have to pay for.

I stayed in [REDACTED] Prison for a period of nine months and [REDACTED] days. I was released in a deal between the militant opposition, and the Syrian government, under the auspices of the Syrian Red Crescent. The deal was (to release me) in exchange for food to be delivered to the Syrian government soldiers inside the prison. I spent one year and two weeks in the Syrian government prisons. I was released on [REDACTED] in 2013.

At the military security branch in Dera'a, I saw many violations committed against male and female prisoners. I saw a girl from the [REDACTED] family of the city of Dera'a. The girl was beaten very hard, and then sent to Damascus. I also saw a woman from [REDACTED], over 60 years old, who was arrested with her daughter. Both women were severely beaten, kicked, and electrocuted all over their bodies. They were accused of dealing with militant terrorism groups, calling those enlisted for the Syrian military and inciting them to defect, as well as other charges such as defaming the reputation of the State, and inciting to armed actions against it. After the month I spent with them, they were transferred to an unknown place. I also saw a woman from Dera'a, from [REDACTED] neighbourhood. She was the responsible engineer of [REDACTED]. Her husband was a defected officer. She was beaten and humiliated over her subjection to sexual harassment. I have witnessed first-hand men dying under torture. The officer would ask the jail doctor to issue a death certificate stating that the deceased died because of a stroke or excessive eating. Of those dying under torture was a one-legged man from Dera'a, who was charged with carrying a machine gun together with other terrorists.

3. Case 3 / Shadia: Extraction of false confession: the example of "jihad al-nikah"

(Name is withheld as per her agreement with the source, and because she continues to be imprisoned)

Shadia is a 20 year old female from the governorate of Qamishli (North-East), and is a student of [REDACTED] at the University of Damascus. She was arrested by the Political Security Branch in June 2013.

The University security arrested me in mid-2013 while I was at the [REDACTED] Faculty. It was during the University exam period. I was transferred to the 'political security' in the [REDACTED] region of Damascus on the same day and remained in custody for a period of [REDACTED] days. I was

then transferred to ██████ branch linked to the Political Security and remained in their custody for five and a half months.

In the beginning the interrogation was about my participation in the peaceful anti-regime demonstrations and about promoting terrorism through my Facebook page. Later, I was accused of enlisting in Al Qa'eda, enlisting other women in Al Qa'eda, establishing field hospitals, booby trapping cars, making explosives and delivering them to opposition militants.

During my interrogation, I was beaten up, electrocuted, tortured with 'bisat al reeh' [the so-called 'Flying Carpet'], suspended by my hands and put in solitary confinement. I was sexually harassed and called abusive names. During the torture sessions, the interrogator offered to release me in exchange for cooperating with them. He told me that my 'confession' - that I should write to the Security - would be in exchange of my release, and that it would be filmed. (...) He told me that the film would be used if I revealed the fact that I was tortured.

One of the things I was asked to confess about was that I was involved in 'jihad sex' with opposition militants. As a result of the severe torture I was subjected to, both physical and psychological, and under the weight of threats, I agreed to give a confession and surrendered to the interrogator's demands.

After my release, in ██████ 2013, I was examined by a coroner, alongside two other young women, to confirm or not our virginity based on their accusation that we practiced jihad sex. The doctor confirmed I was a virgin, but he was forced to write a report that confirmed I had practiced jihad sex, but that I had anal sex only. I signed a statement to this effect at the Security branch. Towards the end of last year I was transferred to ██████ prison and an arrest warrant was issued after I appeared before a field court in ██████ 2014. The charges I faced were involvement in acts of terrorism that caused the death of a human being and practicing jihad sex with opposition militants. I was taken by surprise when my confessions were aired on the official (Syrian) T.V.

The statement was taken on 16 July 2014, in ██████:

4. Case 4 / Saidah: Extraction of false confession: the example of "jihad al-nikah"

(Name is withheld as per her agreement with the source, and because she continues to be imprisoned)

Saidah, is 24 years old and from the Aleppo Governorate. She is married and a housewife. She was arrested in August 2013, from the town of ██████.

I have a baby girl who is one year and 3 months old. My husband left Aleppo two years ago. I was arrested on August ██████ 2013 in the town of Jadeeda. I was at ██████ - in the Damascus country side - (when I was arrested) and was imprisoned in the area branch (for military security) until the end of 2013. I was then transferred to the military interrogation branch for nine days, after which I was sent back to the (previous) area branch.

The interrogator who was questioning me was called ██████ by wardens. I did not see his face as I was blindfolded during interrogation sessions. The main charges against me were interacting with the militant opposition on the internet and financing (the opposition).

The torture I was subjected to in the previous two branches consisted in suspending me from my arms, severe beating, kicking and whipping with what they call "Al Akhdar Al Ibrahimi" – a green plastic pipe normally used for sanitary installations.

Upon my return to the area branch, the interrogator asked me to confess that I practiced jihad sex with my husband's brothers and relatives in my city, Aleppo. This (confession) would be in exchange for my freedom. He said I would have to confess to this on the official TV station. When I refused I was subjected to severe torture and threats to keep me arrested for two years at least. They also said they would transfer me to the notorious Palestine Branch.

When I insisted on refusing the TV filming, I was transferred at the end of last year to the Adra prison. I was sent to the field court and charged with funding and promoting terrorism as well as practicing jihad sex.

The statement was taken on [REDACTED] July 2014 in [REDACTED].

5. Case 5 / Lamya: Torture

Lamya is a 24 year old female from the [REDACTED] neighbourhood in the governorate of Damascus. She is a [REDACTED] trainer and an activist who helped equipping field hospitals. Her work as a [REDACTED] facilitated her smuggling of compulsory military service runaways – who did not want to participate in the on-going fighting in Syria - to leave the country. In October 2012, Lamya was arrested at the military security check point at [REDACTED] and moved to the [REDACTED] in Dera'a, then sent to the Military security branch in Dera'a, where she remained in detention for [REDACTED] months.

(...) I was put in a cell in the Palestine Branch, which was so glaringly white, even blinding. There was a camera in the cell. I was left for almost 24 hours without food, drink or going to the toilet. Then an investigator came in. He gave me a chair, asked me to sit and then said "what are you going to tell me?" I said to him "I have nothing to tell you". He said, "if you don't speak you will die here". I answered him that I have nothing to say, I have already told you all I know – I had told them about a young man I took to Jordan on a previous trip. He repeated his question several times and when I did not change my answer, he hanged me from my hands to the ceiling with my feet not touching the ground. I was left like this for six days. He would come around every 12 hours to untie me and allow me to go to the toilet. Then he would re-hang me.

I was left in my suspension in my under-shirt. They would throw a bucket of cold water on me, electrocute me. On the first day they repeated this three times. On the second day only once but the electrocution was very strong. Then they used a quad cable which tore the flesh where it hit. I did not count the strokes but there were many. There were less and less every day. I stayed like this for three days. During these six days, I saw death in the eye. I was healthy before my arrest despite being diabetic. I used to do sports. But because of the severity of the torture I was being subjected to, my blood sugar count increased. When I was taken down from my suspension, I fainted. Then they pulled me back to my cell, and when I woke up they took me back to be hanged from my hands again.

I remained in my solitary cell for nearly 3 months. During that period, the severity of the torture decreased by the day. Then I was moved into [REDACTED], alongside 25 other women.

The group cell I was moved into was about 3 or 4 meters. The wounds that I had where the cable had hit me were festering badly. One of the detainees used to clean my wounds at times. The detainees used to be surprised by my silence. They would say to me: "cry, scream!". But I was always silent. I remained in the Palestine Branch for a year and three days. There were many detained women. They would continuously come and go. On the day of the ██████ prisoners' exchange, around 18 women left my cell. But they (our captors) did not leave us to enjoy the emptiness of the cell and they brought (female) prisoners from other cells on that same night.

During my detention in this Branch, two continuous months went by, during which we were a total of 29 women in that particular cell. We couldn't sleep except sideways. We also couldn't all sleep at the same time, and had to take turns. After seven months, none of the women that I had been with when I came were still there with me. The number, however, did never decrease; women were only replaced by new ones. There was a seven month pregnant woman. Before giving birth she was transferred to Adra prison to deliver her baby there. There was also an ██████ prisoner there. She had an ██████ month old baby girl, and a ██████-year old boy with her.

In that place, everything was done with insults and humiliation. The food was sometimes good and at other times mouldy and musty. Nevertheless, we had to eat it. To humiliate me, I was searched naked by another prisoner who used to work for the officers. This woman used to be more humiliating and annoying than them. Anything we did that they didn't like, regardless of how silly it was would cause us to be severely beaten. I tried once to look through a small window high up. I will never forget the beatings I was subjected to because of this.

As a result of the high blood sugar I was suffering from I had a blood clotting in my leg which became terrifyingly huge. Then, they moved me to a military hospital ██████. Despite that, I had my hands and feet tied – even my swollen foot remained tied for two days in the hospital.

Because of my medical report, I was transferred to a court. On that day I met my brothers for the first time and did not recognize them. I thought I was going to be released, but was mistaken. I was transferred to the Military Security branch in ██████. Later, I was transferred to the Anti-terrorism Court in the women's prison in Adra. The situation there was a bit better. I was at least able to receive visits from my family. But the terrorism wing was overcrowded. Scores of the arrested women knew nothing about what was happening in the country. There were girls who told me they were detained only because their brothers did not go for military service – despite the fact that their brothers were not fighters. The situation was psychologically extremely harmful. I was once sexually harassed, but by another female prisoner and not by a warden.

I appeared before a court on November ██████, 2013. I was charged with transporting defected soldiers, bearing arms against the State, insulting the State and organizing field hospitals. The judge ██████ called me and set me free on the basis of a financial bail. When I was set free I immediately fled the country. My family told me later that I was convicted in-absentia for 15 years imprisonment.

I lost weight and my health deteriorated – despite the fact that they allowed me to take my medicine regularly for my diabetes (at my own expense) - and my kidneys were failing. When I was arrested I weighed 70 kg, and when I was released I only weighed 45 kg. I

have lost interest in trivial matters that used to occupy my mind before, and life has taken on a different meaning. I think the experience has made me capable of facing anything in the near and far future.

The statement was taken on 7 September 2014 in [REDACTED]

6. Case 6 / Laila: Deprivation of basic sanitation and medical care

Laila is a 38 year old female and graduate of [REDACTED]. She is an activist in the field of humanitarian aid. She is married and has two children. She was arrested by the Political Security towards the end of 2013, together with her [REDACTED] year old son. She was placed in custody in solitary confinement in Latakia Civil Prison for a period of 2 months, whereby she would be taken out from her confinement only for interrogation at the political security branch.

On one of the interrogation days, they started hitting me on my head, threatened me with electric sticks and cursed me with very dirty words. They accused me of recruiting children and arming them for the interest of the terrorists. They accused me of possessing guns and establishing field hospitals. One of the interrogators told me that I could only dream of daylight if I did not confess and tell them about the factories and storages of weapons that the armed opposition possess.

Maybe because of the scary circumstances my menstrual period started two weeks earlier than it was supposed to. My clothes were full of blood and when they took me to Latakia central prison I was still in that condition. It was during the night and they asked the inspector to search me as usual while I was naked. The room was very cold and there were rats. Blood was running down my legs and the inspector did not care. Instead she asked me to squat up and down, so she could see if I was hiding anything inside me. After she was done with her inspection, I begged her to help me and to give me a sanitary napkin, or even just a napkin, but she did not respond. They returned me to my single cell, so I was forced to use my scarf, which consisted of two pieces (as sanitary pad). The next day I started asking every passing policeman for a sanitary napkin but I only heard insulting words from them. Before my detention, I used to be too shy to even buy these sanitary napkins from the pharmacy. The days of my menstrual period were the worst, there was no place to throw away my bloody scarf, blood dried on my clothes and they did not allow me to wash. Two days later I started having pain from haemorrhoid. Haemorrhoids start as an abnormal change in the way blood gathers in vascular structure in the anal canal, which leads to an increase in intra-abdominal pressure and it starts to expand and inflame. It is very painful, especially when sitting. When it is outside the anus it becomes even larger and might bleed even more.

I already had haemorrhoids but with the increasingly bad food, a lot of psychological pressure and the lack of medicine it became even worse. I felt I was dying of pain, the bleeding did not stop and I was trying to keep my clothes away from the blood so no skin would stick to it. I was in horrible pain I was screaming a lot and asking them to bring me medicine. But their response was always the same: "no medicine for political prisoners". [REDACTED] the supervisor who brought food came and saw my pain, I told her: "I am going to die". Finally after a lot of argument, the First Lieutenant [REDACTED] came. [REDACTED] was

his nickname, (he was the deputy of the political security branch in the civilian prison who follows up on the issues of the branch detainees who were deposited in the central prison). When he saw my situation he talked to the doctor and they opened the door, a policewoman tied me and took me to the examination room. There were about 10 agents from the branch of political security and the civil police, (they were consulted for any decision). I could barely drag my feet, they were full of blood and I was surprised why they were afraid of a weak woman like me. When the doctor asked me about my pain, I answered him and everyone in the room was giggling about my disease. The doctor knew that I had not sat on a stool in 21 days he said to me I was going to die. He prescribed 5 kinds of medicine both in the form of injections, ointment and pills. Ironically, he also prescribed hot baths for me. The medicine was expensive, so he asked me if I had money. I told him I don't, but that my family could bring the money right away if they called them. The officer in charge refused immediately and said it was forbidden. The doctor offered to bring the medicine on his own expense but the officer refused that too. He said he would forward the case to the Association of Prisoners' care. I went back to my cell as if nothing had happened except that I had been an object of entertainment for 10 agents of the security and the police in the examination room. Two days later, ██████████ (an Allawi criminal prisoner) gave me some painkillers. She pretended to be in pain and asked her husband to bring medicine similar to what I needed or at least with the same effect. She gave me a pill every time she passed by my cell so the guards would not find medicine with me and punish both of us. She helped me a lot, I will never forget her as long as I live.

The statement was taken on 17 June 2014.

7. Case 7 / Sham: Financial matters in detention

Sham is a 41-year old woman from the governorate of Damascus and resident of ██████████. During a visit she made to Damascus towards the end of 2013, she was arrested by the military security at ██████████ area on the Syrian Lebanese border. She was detained in Branch ██████████ for several months and then in January 2014 transferred to appear before the Anti-terrorism court in the Mazzeh military airport.

I thought they were going to take me to court and from there I would be released. They put us in a huge car, I don't know what kind. It took us to Mazzeh military airport. They led us to a building that was a security branch that belongs to the terrorism court (this is what the driver told us).

They led us in, registered our names and then led us to a big room, where there were some girls. We saw them eating mortadella sandwiches. We were astonished as if we had not eaten in years. We were very hungry; I ate one sandwich, which cost me 1000 Syrian Pound. In this room there were detainees from various security branches. We stayed in that room from the morning until noon; then they took us all. There were some Asian girls there who were working in Syria as maids but whose residency ran out, so they were kept in the police station of ██████████ to be deported.

When we arrived they registered our names and led us to a room where there were 15 Asian girls. The room was clean, the beds were clean and the restrooms were clean. With the authorization of the police the Asian girls were trying to control us. One of the police agents told them that they are responsible for the room and the people in it. When we refused to listen to and obey the Asian girls, one of them went to the officer and complained to him. He had the rank of first warrant and his name is ██████████ (that is what she called him). He came to us

and started shouting at saying: "You terrorists, these foreigners are more honourable than you". He threatened us saying: "if any of you say a word, I will let you sleep in the bathroom all night". We slept that night, two detainees on each mattress. In the morning I asked to speak to the oldest of the Asian girls. I gave her 500 Syrian Pounds. She started kissing me and brought us tea and food. Then she went to the officer [REDACTED] and told him about it. He sent her back to me to tell me that if I wanted any food or anything else he could bring it to me. He called me to his office and showed me an iron closet full of fresh and conserved food. It was like a regular shop. I bought food for 10.000 Syrian Pounds for myself and for the others. He was selling us things for at least double their price. We stayed two days in the police station of [REDACTED]. The morning of the third day they released us and took us with a big bus to the court. The bus drove into the middle of Damascus, down [REDACTED] Street towards [REDACTED] until we arrived in front of the police station of [REDACTED]. There the bus stopped, we stepped out and they led us in.

Inside, they registered our names and led us to a big room where there were about 100 female detainees. There was another room that had a similar number of detainees too. There were no beds or blankets; we slept that night on the floor. It was very cold and I will never forget that night.

The next morning they told us that we were going to Damascus Adra prison. They put us in big trucks that were like iron cages and had windows of iron grid. They took us on a long detour because the direct road to Adra was blocked (the driver told us). We arrived in Adra and we stepped out of the trucks. They made us walk about 15 minutes until we arrived to the prison from the backside. We entered through a hole in the wall. The path was muddy. We arrived at the building of the prison and they led us into a section with the name 'terrorists section' written on it. Reading this sentence was enough to shock me. They registered our names and inspected us. When I entered the dormitory, criminal prisoners took my suitcase and divided what was left of my clothes among them. I later saw that there were 10 dormitories. In each dormitory there were 25-30 women. There were beds, blankets and good covers. I thought I was in paradise compared to the area branch.

In the Adra prison the situation was not bad. A detainee lacks nothing except money and clothes. I felt freer. We could go out and walk. It was enough for us to see daylight. I was able to buy food and to drink tea. The jailors treated us well, but they were strict when it came to absence and presence. (...)

Through a detainee whose name is [REDACTED], I was able to give the telephone number of my mother-in-law to a policeman together with 1000 S.P. so he could call her and tell her that I was in the Adra prison. Indeed, the next day my brother and my mother came. They thought that I had died in the security branch. My brother gave me money and I stayed in the Adra prison for another 17 days. On the [REDACTED] day I was called and transferred to the terrorism court. My brother had arranged everything in advance. We went by car (a Skoda) with first lieutenant [REDACTED] and when I arrived, they led me to a female judge whose name is [REDACTED]. She read my file from the Area Branch. I denied what was in it and told her my story. She then requested the notary to write in my files that my detention was a mistake based on similarity in names between me and another woman. Her verdict was that I was innocent. Later, I learned from my brother that he had paid the judge and the notary 150 thousand S.P. so they would release me. I was released on February [REDACTED] 2014.

The statement was taken on 22 August 2014.

8. Case 8 / Nirvana: Sexual Violence (witnessing rape)

Nirvana is 28 years old and from Dera'a. She is married and a mother of two children. She is also a Law graduate from ██████ University. She was arrested by the military security in June 2011, shortly after the onset of the protests in Syria and was charged with participating in a demonstration. However, she was released the following day. The military intelligence re-arrested her in November, 2011 at a check point close to ██████, along with ██████, a 19 year old female arts student at Damascus University. They were both detained at the Raid Branch (215).

My name is Nirvana. I am 28 years old from Dera'a, married and a mother of two. I am a Law graduate from ██████ University. I am hereby giving independent testimony of what I personally witnessed happened to that girl.

On November ██████, 2012 I was taking a bus from Dera'a to Damascus. We were stopped at a military check point in the city of ██████. Passengers ID's were then collected, and after a short while an officer came to the bus and called Hanan and myself. That is when I saw Hanan and knew her name. We were taken from the bus and the officer told us that we were required to appear before the security authorities.

They took us in a yellow cab. It was about 9 a.m. and we drove to Damascus. We reached an area near ██████. They let us out in front of a big building, more than 5 storeys high. We were led into the Security Branch. After the Branch chief had seen us, they recorded our names. I knew he was the 'chief' from what was written on the door of his office. They took us to a room where we saw a woman from ██████ village in Dera'a. When I heard her speak the dialect of Dera'a, I asked about her name and she told me it was ██████. We stayed in that place for almost an hour. I learnt that Hanan is from ██████ in Dera'a, that she is nineteen and a student in the Faculty of Arts at the University of ██████. Afterwards they separated us, and each of us went to an isolated cell. My cell was only two square meters.

On the third day of my arrest, and in the course of the interrogation, I was accused of using/carrying weapons. I persistently denied the charges. The investigator said to me: "Do you know what happens here?" I said: "No". He ordered one of the officers to take me to another room. The officer took me while insulting and swearing at me. He led me into another investigation room. There was a desk, three chairs, and a metal bed. I saw Hanan naked on the bed, except for her (red) bra and there were three, almost naked officers there. Two of them were holding Hanan's hands, while the third, who was wearing a black under-shirt, was violently rapping her. She was trying to resist, screaming and crying but to no avail.

I started to scream and cry from the horror of what I was seeing. I stayed there for a couple of minutes after which I had a nervous breakdown. They then took me out and back to investigation. I did not see ██████ after that day in the Branch, since I was released from detention after five days. Two months later, I was taken by surprise when ██████ came to visit me in my house in down-town Dera'a. She had just been released from prison. She told me that her imprisonment lasted for a month and a half. She was in a very bad psychological condition as a result of what happened to her. She was petrified that her family would learn

that she was raped and lost her virginity to officers of the Syrian government forces. She told me that after her rape she was put in solitary confinement for a period of nine days.

She also said that they did not give her any treatment, except for bringing her sanitary pads. They tortured her during that period, and always used the worst abusive words, especially when they gave her food. They would say to her: "Eat you (.....) so that you will live to tell your brother (what happened to you)". She was continuously beaten and electrocuted to make her confess about her brother, who was a fighter in the militant opposition. She came to me to ask for my help. I took her to the [REDACTED] Hospital in the [REDACTED] neighborhood in Dera'a. A (female) gynecologist [REDACTED] restored her hymen through an operation. Then she returned to her family. I am still in contact with her here in [REDACTED] every now and then. She continues to be in a bad psychological situation despite the elapse of time since her arrest. Hanan continues to live with her family that restricts her movement a lot and forbids her to go anywhere. She is unable to lead a normal life that could help her overcome what she has endured.

The statement was taken on 15 August 2014.

9. Case 9 / Sawsan: Torture and sexual violence & stigma of women upon release

9.1 Torture and sexual violence

Sawsan is a 36-year old housewife and resident of Damascus. She is divorced with two kids and only finished middle school. She was first arrested by the government loyal Shabeeha militia in August 2012, at a checkpoint in [REDACTED] neighbourhood. Sawsan was released in early September 2012, when opposition forces raided the place where she was detained. She was re-captured from her home with her 16-year old son at the end of September 2012 by the Military Security Branch.

At about ten a.m. on [REDACTED] September 2012, I was with my (former) husband and my son [REDACTED], who is sixteen, at home in the [REDACTED] area in Damascus. [REDACTED] is under the control of the Syrian government and its militias. I was taken by surprise when a number of armed officers – around twenty – wearing military uniforms and carrying AK47 and ammunition broke into our home. They started to beat me up for no reason. Then, they took off all my clothes and accused me of working with militants and terrorists. They started breaking and damaging the furniture and beating my son. They however did not hit my husband. They took me, my former husband and son - after they allowed me to put my clothes back on - in an armoured vehicle (B.M.B). We were hand cuffed. There was another armoured vehicle and car that accompanied us until we arrived at a four storey building opposite [REDACTED] mosque, in an area towards the end of [REDACTED] Road in [REDACTED], Damascus. The building we were taken to, was no more than a kilometre from my house, and required no more than a 5 minute drive.

They did not beat us up inside the armoured vehicle, but they were cursing and insulting me. When we reached the building, they led us out of the car into the building, and took us to a room in a furnished apartment on the second floor. There was a man standing at the entrance to the apartment who seemed to be waiting for us. The armed officers were calling him (Sir [REDACTED]), and he was wearing a green, un-camouflaged military uniform. He was of a medium height, bold and had a moustache and his dialect was that of the Syrian

coastal areas. I met him once again at a later stage after I was moved from ██████ to the Palestine Branch. ██████ slapped me with both of his hands and said to my husband: "you must divorce her". He called me insulting names and said to his officers: "take her away from my sight and deal with her".

Three of the men who were present in the building with ██████ took the three of us to another room on the second floor. The room was completely unfurnished. The walls and floors were stained with blood. A young guy of around twenty years was there. The three officers in the military outfits started beating my son in front of me. They made my husband leave the room with the young man who was there, without beating my husband. I don't know where they took them. The three officers tore off all my clothes and I stood naked in front of my son. The first officer, that I heard them call ██████, was a young man in his thirties, tall, thin and dark, who also spoke the coastal Syrian dialect. The second, called ██████, was in his thirties, tall, white and also spoke the coastal Syrian dialect. The third called ██████ was short, thin, and dark, in his fifties and spoke the Damascus dialect. After they undressed me, two of them – ██████ and ██████ – left the room and I was left there with my son and ██████. The latter started to beat me up while I was naked. He then fully raped me in front of my son. He penetrated me with his penis, and ejaculated. My son started to scream hysterically. ██████ hit my son on the shoulders with both hands and with his pistol. Here, ██████ and ██████ entered. They took my son away to an unknown place. Later, I learnt that they released my son and my husband after six hours.

██████ then pulled me from my hair and took me to a bathroom near the room. He opened the cold water on me and tied an electric wire to the middle finger of my right hand, and another to my left foot. He then connected the wire to the electricity for a period of an hour – on and off. The electricity stung me, while he insulted and cursed me. Then ██████ came and dragged me to another room that had no windows and only one brown coloured door. The room was painted pink and had no furniture except a small flat sponge mattress on the floor. He threw me on it and started to beat me up. Then he sexually penetrated me and ejaculated in me. ██████ then left and ██████ came in. Again he raped me completely. Seven other men also came in and raped me. But I stopped feeling anything and lost any sense of time and fainted.

When I regained consciousness I did not know how long I had been like that, but I found myself in a dark place. I started to scream. The room was then lit, but the light went off again. This was repeated all day long. I saw a man (on the floor) who was completely naked, but he was not moving at all. He was covered with blood and his body had traces of beating and torture. An iron skewer was penetrating his body from his lower back and sticking out from the side of his head. I couldn't establish how old he was or what he looked like as he was covered with blood and a bad smell was coming from him. The blood was not completely dry. The floors and walls of the room were full of blood. I stayed in the room without food or drink for a day or two – I don't really know how long, as I was losing consciousness and then regaining it. Nobody came near me nor talked to me during that period.

On the second day, ██████ and ██████ opened the door. They blindfolded me and I was still hand cuffed. They put me in a car and after half an hour, the car stopped and they led me out of it. After we had walked for tens of meters and had gone up staircases, I heard one of the men pulling me along saying: "We brought her, Sir ██████". He ordered them to remove the blindfold and keep me hand cuffed. In front of me I saw the same man who beaten me up when I came into the building where I was arrested in Nisreen Street. He was the man

referred to by the officers as "Sir [REDACTED]". The room was rectangular, had a desk and was well furnished. There was a picture of Bashar Al Assad hanging above the desk. There was also a wall clock on the left side of the desk and the time was eight p.m.

[REDACTED] started to curse, insult, and accuse me of having sex with officers of the Free Syrian Army. I denied it, and then he slapped me with both his hands. He ordered his officers to take me away. Two of them took me and we went one floor down. We left the building and walked for almost half an hour, after which we reached another building. I was still blind folded. They took me two floors underground. We reached a basement. They put me in a small hole the size of which could not have been more than one square meter. The floor was full of blood and insects. After they put me in the hole they locked the door from above – a metal door – completely. There was no opening for air or light. The hole was completely dark. I think I stayed there for a whole day, without any food, drink or anybody talking to me.

9.2 Stigma of women upon release

Sawsan was placed in solitary confinement in an underground cell at the Palestine Branch (235). A month later, in [REDACTED] 2012 she was transferred to the Military Intelligence Raids Branch (215) where she remained for an additional period of two months. After that, she was brought to appear before the Anti-terrorism Court in [REDACTED] 2013. She was placed in the Adra Central Prison, despite approval to release her on bail. In [REDACTED] 2013 she was moved to the [REDACTED] Branch where she stayed until her release in July 2013.

(...) (After my release) I did not go to my (now former) husband's house. I called him and asked to see my children. He brought them to my mother's house. He tried to force me to go with him to our 'marital house' but I refused. The reason was, that the interrogators' questions during my detention on elaborate details that no one but my husband knew off, had led me to believe, that he was the one who gave the security forces information about my activities. He also did not visit me while I was in the women's prison, despite the fact that it was possible for him to do so. He also accused me of betraying him and running away with another man during my first period of arrest. Based on this, I requested a divorce. At the beginning he refused, but my insistence on a divorce, and his refusal, forced me to forgo all my marital rights. He then agreed to divorce me. The divorce was officially settled and documented at the (governmental) Islamic Court (Sharia'a) in [REDACTED] on [REDACTED] August 2013. My living condition now is very bad. I found a simple job in a [REDACTED] company in Damascus. When the business owner found out that I am a former security prisoner, he fired me, saying he did not want any problems with the government's security. The physical traces of torture continue to be clearly seen on my body, let alone the psychological effects that I suffer from, such as depression and insomnia.

The statement was taken on 24 July 2014.

10. Case 10 / Zainab: Stigma of women upon release

Zeinab is a 19-year old woman from Homs – Bab Al Sba'a. She was arrested by the Military Security Branch in [REDACTED] 2011 at [REDACTED] neighbourhood.

I was arrested by the Military Security Branch in Homs on [REDACTED] [REDACTED] 2011. I was going to the market from my sister's house in [REDACTED] neighbourhood in Homs. My detention

at that Branch lasted for one month. I learnt that I was at that Branch from the interrogators who questioned me. During that period I was beaten severely by the interrogators. They wanted me to give information on my brothers who were wanted by the Syrian Intelligence. They used to beat me with electric cables, kick me with their feet and use wooden canes to beat me with. They also threatened to rape me if I refused to give them the information they wanted. A month after my arrest in Homs, I was transferred to the State Security Administration [REDACTED]. In the cell I was in, I met with an activist from the Damascus countryside. (Zainab refused to give her name in the testimony, since the activist continues to be in custody. Later however, she told us the activist was [REDACTED], who was released from prison in the [REDACTED] exchange deal). The activist told me the name of the place we were in. She also told me that they (the regime authorities) had shown a dead girl in the media, who was cut into pieces, defaced and delivered to her family as Zeinab AlHosni.

I was subjected to psychological pressure. They brought my eldest sister and my two uncles to the Branch in an attempt to make me appear on Syrian Television and say what they wanted me to say. My sister also told me that they killed my brother [REDACTED] under torture. His body was delivered to my family and they buried him in [REDACTED] neighbourhood in Homs. In Damascus, Major General Ali Mamlouk asked to see me. He told me who he was and asked me to appear on Syrian TV, and Al Dunya TV, to talk about armed terrorist gangs and say that they are the ones who are killing people. I was told what to say on TV by [REDACTED]. He introduced himself to me and said that he was responsible for making the TV interview. The interview was aired on [REDACTED] October 2011, and was recorded in Major General Ali Mamlouk's office itself. They told me to cooperate on this, or else I would be subjected to worse than what I already went through in Homs. He directly told me that I would be raped and tortured by everyone if I didn't collaborate.

After the interview was recorded and the world saw it (the link is at the end of the testimony) I was put in an [REDACTED] in [REDACTED] neighborhood in Damascus for a month. I was then released without any charges and without appearing before a judge. After my release, I faced new kinds of problems which concerned my family.

Upon my release I went back to [REDACTED] neighborhood in Homs where my family lived. I didn't find them there. Due to what had happened to me at the time, they had all been displaced to a location unknown by the neighborhood residents. I went to my relatives and to my aunt, but they refused to have me and accused me of having been subjected to shameful things in prison, that tarnished their honor. I was forced then to go back to Damascus. I met a young man from [REDACTED] who gave me shelter and asked me to marry him, which I did. We spent a few months in Damascus, and during that period I tried to call my sister in her house in Homs. I told her that I am married and live with my husband in the [REDACTED] area. She told me that one of my brothers wants to get rid of me because I disgraced the family. A couple of months later, two young men came to where I live with my husband [REDACTED] in Damascus and tried to kill me. They had a fight with my husband and stabbed him with a knife in his back and ran away. He was badly hurt and I took him to the hospital because of the dangerous injury he incurred, which crippled him permanently and prevented him from being able to take a job. After this and on [REDACTED] January 2013 we had to immigrate to a neighboring country, where we currently live.

<http://www.youtube.com/watch?v=hQuztQ-KQZY>

The statement was taken on 25 February 2014.