



NO SILENT WITNESSES:
VIOLATIONS AGAINST CHILDREN
IN SYRIAN DETENTION CENTRES

ACKNOWLEDGEMENTS

LDHR would like to acknowledge and thank the brave survivors whose stories are the foundation of this report. These survivors documented their cases and agreed to share their stories in LDHR Reports to give a voice to those still detained and to try to help bring desperately needed change.

LDHR also takes this opportunity to thank its dedicated expert doctors who tirelessly prepare medical expert reports with survivors in extremely challenging circumstances, and upon whose excellent work this report is based.

We also thank our Humans Rights lawyers for their assistance in researching and drafting this Report, and our international partner, Synergy for Justice, for its continuing support and mentoring for this work.

We are extremely grateful for the funding and support received from our donor.

LDHR is grateful to the artist Marc Nelson who has provided his powerful artwork for this report. <http://www.marcnelsonart.com>

The title of this report comes from a quote from Carol Bellamy, who was the Executive Director of UNICEF from May 1995 until May 2005: *"When the lives and the rights of children are at stake, there must be no silent witnesses."*

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"There is no trust more sacred than the one the world holds with children. There is no duty more important than ensuring that their rights are respected, that their welfare is protected, that their lives are free from fear and want and that they can grow up in peace."

--Kofi Annan

"If we don't stand up for children, then we don't stand for much."

--Marian Wright Edelman



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EXECUTIVE SUMMARY

This is LDHR's fourth report in a series of reports on detention in Syria. It highlights the sexual and physical violations against children in Syrian detention centres.

Even children are not safe from the systematic torture and sexual violence which is inflicted on detainees in Syria. By examining LDHR medical expert reports, we found evidence that Grave Violations were being committed against children in detention including killing and torture, sexual violence, arbitrary detention and potentially enforced disappearance. At addition, protection under the Convention on the Rights of the Child (CRC) (ratified by Syria) was almost entirely lacking, with violations of virtually all CRC provisions relating to children in detention and of international minimum standards for detention including the Mandela, Bangkok and Havana Rules.

Out of ten LDHR Medical Expert Reports for patients who were juveniles while they were in detention:

- Nine were 17 years old when they were arrested, one was 10 years old.
- Four out of five of the girls were subjected to sexual violence.
- Three out of five of the boys were subjected to forced nudity (a form of sexual violence), and four out of five of the girls.
- Nine out of ten were subjected to physical violence. The 10-year-old girl was threatened with execution.
- All juveniles were mixed into the adult prison population for most if not all of their detention.
- The 10-year-old girl was twice subjected to one week in solitary confinement.
- The average duration of detention was 438 days (in stark violation of Havana Rule 2 which determines detention of children must be a last resort and for the minimum time possible).
- The conditions of detention were life threatening, with disease and death around them.
- Only four were taken before a court at any time during their detention, none promptly after arrest.
- None had contact with family outside detention, and none spoke of contact with or assistance from a lawyer.

These children have been used as weapons of war to pressure and retaliate against the people whose opinions and beliefs oppose the government's policies and practices.

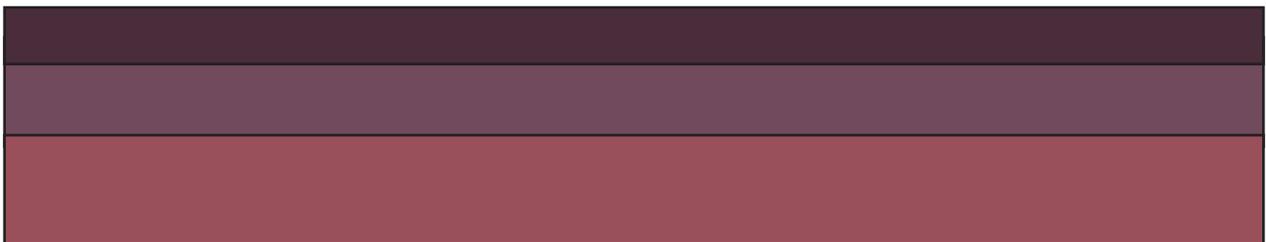
These children were deprived of all the rights guaranteed by law, including legal representation, family visits and other legal rights of children. LDHR Expert Reports reveal that at least one child died in detention from brutal forms of torture, according to an eye-witness.

They are victims of this conflict, which has broken them before even reaching adulthood. The impact of this on them, and the younger generation of Syrians, is profound and long-lasting. While only a small patient group was studied, the impact findings are alarming and may perhaps help us to understand how to respond better for juvenile detainees. 90% of them had physical consequences from their detention. 100% of them still suffer anxiety, fear, sleep disturbances and nightmares. 90% report flash-backs, intrusive recurrent memories, an impact on the relationships with their families, and physical sequelae from the events in detention. 80% present with symptoms of depression. Strikingly, 50% of them reported suicidal thoughts or attempts.

LDHR analysed the cases of the 10 children and reports of the 25 eye-witnesses to determine the results, patterns, prevalence and impact of sexual and physical violence against children in Syrian government detention centres, aiming to:

- Contribute to the response systems for child sexual violence survivors, particularly in the Syrian conflict.
- Contribute to a better understanding and awareness of the patterns of sexual violence against children.
- Develop a clear picture of sexual and physical violence against children, to be used in investigations, prosecution and accountability for crimes in Syria.

LDHR hopes to highlight through this report the violations being committed against children in Syrian detention centres, without regard to any rights, laws or treaties that protect the rights of these children. LDHR urges quick and strong action from all actors to protect and prevent such violations against children continuing in Syria. As Carol Bellamy, who was the Executive Director of UNICEF from May 1995 until May 2005 insists, *"When the lives and the rights of children are at stake, there must be no silent witnesses."*



RECOMMENDATIONS

We call upon:

The Syrian authorities to:

- fulfill their obligations and commitments based on Syria's ratifications of the Convention on the Rights of the Child, the Optional Protocol on the Involvement of Children in Armed Conflict and the Geneva Conventions.
- Immediately release detained children, especially those detained in the backdrop of the armed conflict as required by UN Security Council Resolutions 2139, 2165, 2191, 2258, 2332 and 2268, and abide by international laws concerning the detention of children, including additional protection provision for girls.
- immediately disclose all the information it holds regarding the names and whereabouts of children detained in Syria, and in addition to release immediately all information about the fate of those children who have died during detention since March 2011.
- publish, and provide to the United Nations, all records and camera footage related to detention.
- open all detention centers to international observers.
- Stop the torture and ill-treatment of child detainees and to cease using them in illegal acts such as forced labor.
- Allow immediate access to medical and psycho-social care for detained children in need of such services.
- Take legal steps and procedures to investigate, prosecute and, where appropriate, punish those responsible for enforced disappearances, torture, sexual abuse, ill-treatment and the death of children in detention.
- Suspend from work any security personnel against whom there are credible allegations of human rights violations.

The United Nations Security Council to:

- take steps to ensure that its resolutions are implemented by all States, including the Syrian Arab Republic, including the following:
- Resolution 1882 of 2009 on the killing, mutilation and sexual violence committed against children during conflict.
- Resolution 1539 of 2004, which stresses the importance of putting an immediate end to impunity, and emphasizes the implementation of previous council resolutions to provide protection to children affected by armed conflict.
- Resolutions 2139, 2165, 2191, 2258, 2332 and 2268 regarding the release of arbitrarily detained persons in Syria, including prioritising the release of women and children first.
- Use the findings of the MMR, Special Representative of the UN Secretary General on Children in Armed Conflict, the UN Commission of Inquiry on Syria and others to impose UN sanctions for grave violations against Syrian children.

The Human Rights Council to:

- Create a fact-finding Detention Release Commission to implement the binding requirements under UN Security Council Resolutions 2139, 2165, 2191, 2258, 2332 and 2268 in keeping with The Six Point Plan in the Geneva Communiqué (June 2012) to facilitate the urgent, rapid release of arbitrarily detained people and persons detained who were involved in peaceful political activities. In lieu of any progress by individual States, this body should:

- (i) demand and collect a list of all places where people are detained,
- (ii) seek immediate access to all places of detention,
- (iii) demand prompt response from the Syrian government to all written requests for information, access or release of such persons,
- (iv) create a set of release criteria in consultation with Syrian civil society, and
- (v) receive applications in relation to Syrian detainees regarding a determination of their status under these UNSC resolutions (arbitrarily detained/detained for peaceful exercise of human rights or expression of political opinions).

In this regard, LDHR urges the UNHRC to consider the joint civil society work on release mechanisms available at <https://women-now.org/wp-content/uploads/DETENTION-RESPONSE-AND-REFORM-STRATEGY-AND-ACTION-PLAN-MARCH-2018.pdf> and urges them to made progress on the release of arbitrary detained Syrians since March 2011. Many more people, including children, will die every day the United Nations hesitates to implement and enforce the UN Security Council resolutions on this matter.

-Appoint a Special Rapporteur on the rights of children, or children in detention, or violence against children, similar to the Special Rapporteurs on torture and of women and ensure there is a specific special procedures communication system in place for violations against children.

- Urge the special rapporteurs on torture and violence against women to pay special attention to and to prioritize the study of cases of violence against children in Syria, and to file reports about their investigations.

The Independent International Commission of Inquiry on the Syrian Arab Republic (UNCOI) and the International Mechanism (IIIM) to:

- consider violations against children as a priority.
- start an immediate and effective investigation into these violations, prepare special reports and build criminal cases relating to these crimes, and support national prosecutions using universal jurisdiction to ensure charges addressing crimes against Syrian children in detention.

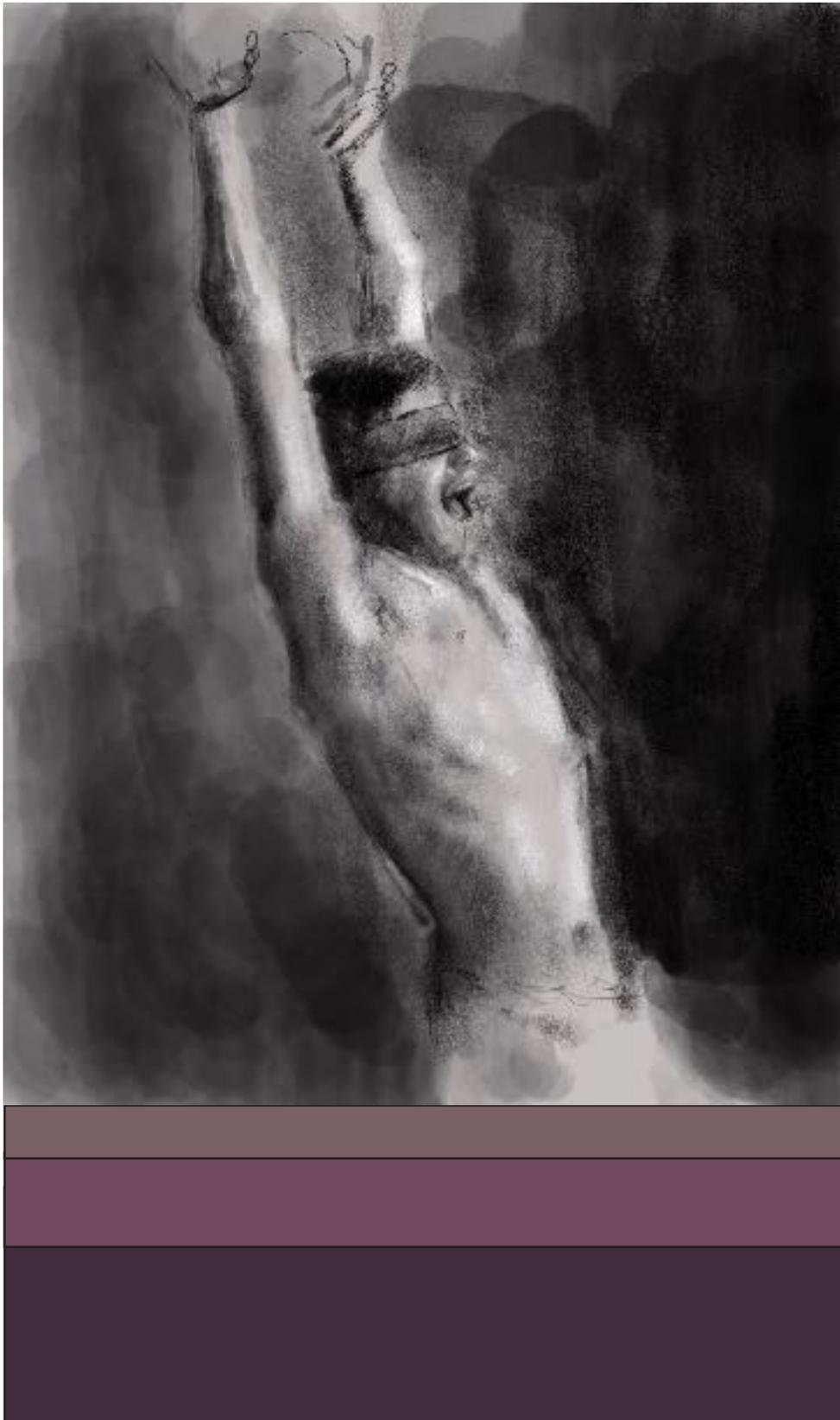
States and Regional Bodies to:

- Use their influence, as required under UN Security Council Resolution 2268, to advance the early release of any arbitrarily detained persons, particularly women and children, including sponsoring and supporting the creation of an international independent Detention Release Commission through the UN General Assembly or Human Rights Council.
- Support or institute UN, regional and national sanctions specifically in relation to grave violations against children in Syria.
- Work to develop international resolutions, regional directives and national legislation to prevent impunity and tighten penalties for violations of children's rights, including Syrian children.
- Ensure extra-territorial jurisdiction provisions in their national law cover grave violation against children, as permitted under jus cogens in international law, and pursue prompt and effective investigation and prosecutions of those responsible for grave violations against children in Syria under this jurisdiction.
- Use their influence, leadership and all opportunities to keep the issue of grave violations against children in Syrian detention centres on the agenda and to take real action to protect and prevent crimes against them.
- To abide by international laws, instruments and conventions, and develop their legislation in a manner consistent with those international obligation, to ensure the protection of the rights and best interests of Syrian child displaced from Syria during this crisis.

Syrian civil society to:

- Work together to support the cases of Syrian detainees, especially vulnerable groups such as children and women, and to unify the support efforts to pressure the actors in the Syrian conflict as a means towards their release.
- Co-operate with other human rights organisations to unify the data on detained children and update them regularly to assist in determining their location and fate, and to advocate for their rights and protection.
- Work together to establish clear, safe, comprehensive and effective referral pathways for child survivors and their families, including psychological, medical, social, rehabilitation and legal services.
- Address the needs of child survivors, taking into account the gender implications and the impact of sexual violence on each of them, and ensuring that the services are informed and provided with due consideration of their gender.
- Work on reducing the stigma by raising awareness amongst the families of the survivors in the first place, and in the local community in the second place, through informed and effective awareness programs, aimed at reducing and eliminating stigma.
- Co-ordinate and co-operate with the IIM and the UNCOI to highlight the issue of children in detention in particular, aiming for their release and demanding accountability for the perpetrators.

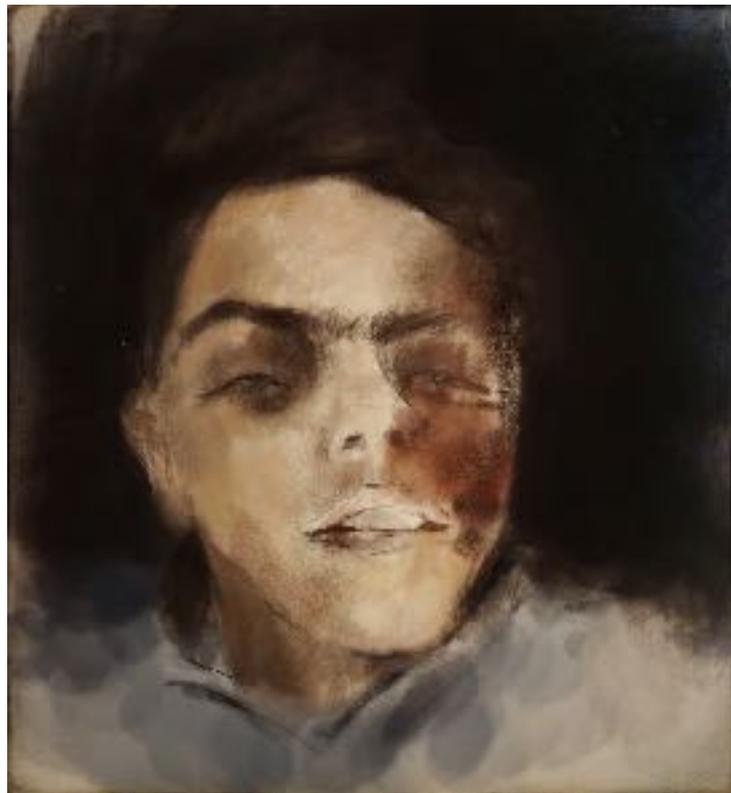
- Press for a new Constitution for Syria which guarantees the protection of children in accordance with the Convention on the Rights of the Child and other international standards, such as the Havana Rules, and provides for effective, independent civilian oversight and adjudication mechanisms to ensure those protections for children in Syria.



METHODOLOGY

LDHR's trained doctors conduct Medical Expert Evaluations which adhere to the Istanbul Protocol, the United Nations Professional Training Series No.8/1 Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This methodology applies international standards and procedures on how to recognise and document the signs and symptoms of torture so the documentation may serve as valid evidence in court. Each Medical Expert Evaluation includes a clinical interview, a physical examination and a psychological assessment. The Expert records all physical and psychological findings from the evaluation in a standardised fashion. Physical injuries are photographed. Diagnostic tests or consultations may be requested, if this would assist the medical expert to more fully document, record and assess the medical findings. The Expert then gives her expert opinion as to the degree of consistency between the narrated events and the medical findings, in accordance with the Istanbul Protocol.

LDHR relies on its Medical Expert Reports, as the application of science as evidence of torture and sexual violence. For the eight survivors who were juveniles in detention and whose stories are highlighted in this report, all had a Medical Expert Evaluation conducted when they were adults which determined that the findings in their case (be it physical or psychological injury) were consistent with torture and/or sexual violence. In addition, LDHR has also relied on Medical Expert Reports of 25 former detainees who were direct eye witnesses to violations against children (young children and juveniles) in detention.



LDHR is carefully and ethically developing its capacity to conduct safe and high quality medical expert evaluations for children. In this programme, it is assisted by international child sexual violence medical experts who are training, mentoring and developing LDHR's doctors' skills. Recently LDHR has started medical evaluations for children under 18 years old under the supervision of these experts (but only one so far has been included in this report). LDHR recognises the need for medical expert reports to support accountability for violations against children, and that there is a gap in investigations and securing evidence of such violations. LDHR is working hard to safely and carefully help fill this accountability gap soon.

In order to provide context to understand these events, LDHR has also relied upon the careful work of well-respected international documenters and investigators such as the United Nations Commission of Inquiry, Human Rights Watch and Amnesty International. These organisations set high standards for the use and reliance on information, in keeping with LDHR's own approach. The prevalence figures for other conflict-affected areas were also drawn from respected empirical studies.

LDHR has concealed the identity of the survivors and witnesses, giving them pseudonyms rather than using their real names. This has been done to protect them, especially in light of struggles and dangers that they can face in their own communities following detention. At the start of each Medical Evaluation, LDHR doctors carefully discuss how the survivor wishes his report to be used. LDHR has only included details from the reports of survivors who consented to use in LDHR Human Rights Reports to raise awareness, to seek action against the crimes in detention and to give a voice to both survivors and those currently lost within the darkness and depravity of the detention system in Syria. There are other medical evaluations which provide evidence of child violations, but these are consented for use in criminal proceedings only.

There are many cultural, societal barriers to discussing detention and what happens there. LDHR are extremely grateful to these survivors for their contribution to breaking these taboos, and to ensuring better understanding of violations against boys and girls in Syria and better access for child survivors to receive treatment, care and support more easily. LDHR oversees a confidential network for survivor support, which includes safe and vetted referral pathways for children.

This report focuses on the government's detention system, due to the scale and prevalence of the torture and ill-treatment hidden behind its walls. LDHR acknowledges that other parties to the conflict also stand accused of unlawfully detaining and torturing opponents, and its recommendations apply across the board to any unlawful detention of political prisoners, being held without cause or the protection of law.

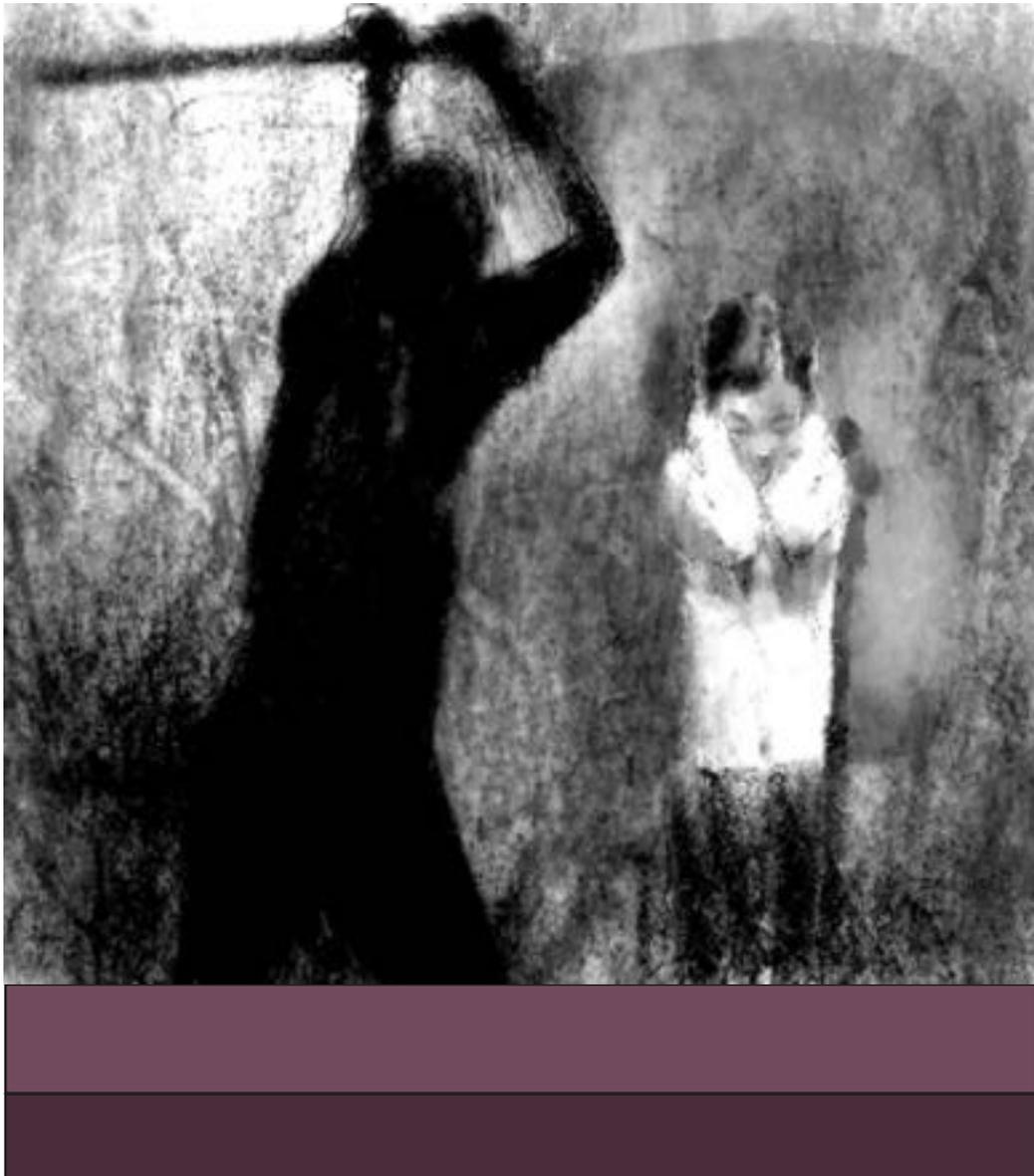
The findings are analysed against the elements required for international crimes in customary international law, as well as international human rights instruments ratified by Syria. While Syria signed the Rome Statute in 2000, it has not ratified it. Nor does it seem likely, after eight years of paralysis, that the United Nations Security Council will refer the crimes in Syria to the International Criminal Court's jurisdiction. Any wholesale justice process for the crimes in Syria is likely to found upon customary international law applicable at the time of the events. LDHR notes that the definition of crimes in the ICC Statute does not always reflect customary international law. The findings are also analysed with reference to the United Nations "Grave Violations" system of reporting (UNGA Resolution A/RES/51/77, UNSC Resolutions 1882, 1998, 2225). Reference is also made to the United Nations Mandela, Bangkok and Havana Rules – Minimum standards for detention for all, women and girls and juveniles respectively.

Syria has ratified the following international human rights instruments:

- **The International Covenant on Civil and Political Rights (R. 1969)**
- **The International Covenant on Economic, Social and Cultural Rights (R.1969)**
- The International Convention on the Elimination of All Forms of Racial Discrimination (R. 1969)
- **The Convention on the Rights of the Child (CRC) (R.1993) together with the Optional Protocols on Armed Conflict and the Sale of Children**
- The Convention on the Elimination of Discrimination Against Women (CEDAW) (R. 2003 with a reservation)
- **The Convention against Torture and other Cruel, Inhuman or Degrading Treatment (R. 2004)**
- The International Convention on the Rights of Migrant Workers (R. 2005)
- The Convention on Disability Rights (R. 2009) together with the Optional Protocol
- The Arab Charter on Human Rights (State Party, in force since 2008)



LDHR has chosen not to name or identify any individual perpetrators in this report in order to ensure due process, fair trial standards and full criminal accountability in the future. Where consent is provided by survivors, LDHR passes any names, identification and descriptions of possible perpetrators to investigative entities which either have a mandate to build criminal files against perpetrators of crimes in Syria or which provide lists of such perpetrator to the United National Security Council or other such bodies which use such lists for sanction and future accountability. There must be no silent witnesses for the violations against the children of Syria. We must all stand up for their rights and protection, and rigorously pursue accountability for the wrongs against them.



SURVIVORS

At the heart of this report is the story of eight juveniles who suffered violations during arrest and detention. Their stories are supported and supplemented by 25 adult survivors who were eye witnesses to violations against children in detention. As with LDHR's reports on women in detention and male sexual violence, the survivors whose experiences are presented in this report are not connected. They were not arrested at the same time or place. While some may have ended up in the same places of detentions, they were not detained together. With one exception in this report, one of the eye witness survivors was the mother of a girl who was detained. Both of their experiences are drawn from in this report. They were not arrested at the same time and only some periods of detention they were held together.

Overall, LDHR has conducted medical expert evaluations for ten patients who were under the age of 18 years old while in detention. While eight of those cases are described in this report, LDHR has used all ten cases for its statistics for violations, and on impact later in the report. ¹

- Nine were 17 years old during their detention, one was around ten years old.
- Four out of five of the girls were subjected to some form of sexual violence.
- Nine of the ten were subjected to physical violence. The 10 year old was threatened with execution, and the execution of her mother (from whom she was separated on detention).
- Three out of five of the boys were subjected to forced nudity. Four out of five of the girls were.
- All were mixed into the adult prison population. The 10 year old twice endured one week periods in solitary confinement. She was separated from her mother upon detention.
- Average duration of detention: 438 days.
- Number who were ever brought before a court: 4/10.



¹Boys: "Shahoud", "Akram", "Anas", "Younis", "Badei". Girls: "Jasmine", "Rawan", "Subhiyah" and two consented for criminal prosecutions whose cases will not be detailed here.

The juvenile survivors (10) and adult eye witnesses (25) endured or witnessed child violations across 20 different detention facilities including :

Tartous

- Tartous Military Security Branch (1 witness, 2013)

Lattakia

- Military Security Branch (1 witness, 2014)
- Airforce Intelligence Lattakia (1 witness, 2011)

Homs

- Military Security Branch Homs (1 juvenile detainee)
- Political Security Homs (1 juvenile detainee)
- Central Prison Homs (1 juvenile detainee)

Hama

- Criminal Security Hama (1 witness 2016)
- Airforce Intelligence Hama (1 witness, 2012)
- Political Security Branch Hama (1 witness 2013)

Idlib

- State Security Idlib (1 witness 2013)

Damascus

- Branch 215 (1 witness, 2013, 1 juvenile detainee)
- Branch 227 (2 witnesses 2012-2013, 3 juvenile detainees)
- Palestine Branch (235) (5 witnesses 2012-2014, 2016; 1 juvenile detainee)
- General Intelligence Branch 251 Al Khateeb (1 witness 2012)
- Branch 285 (2 witnesses 2013)
- Branch 291 Kafr Souseh, Damascus (1 witness, 2012)
- Airforce Intelligence Al Mezzeh Branch (4 witnesses 2012-2014, 2 juvenile detainees)
- Political Security Al Fayhaa Branch Damascus (2 witnesses, 2011-2012)
- Adra Prison (2 juvenile detainees)
- Sednaya (1 juvenile detainee)
- Qatana (Rif Damashq, 1 witness 2013, 1 juvenile detainee)



Crimes and Human Rights Violations Against Children

In addition to all the protections of international criminal law (ICL), international humanitarian law (IHL) and international human rights law (IHRL) which apply equally to children, there are additional rules which specifically apply to acts against children. The Convention on the Rights of the Child and the United Nations 'Grave Violations' system (under UNGA Resolution A/Res/51/77, UNSC Resolutions 1882, 1998, 2225) detail additional and specific rights and protections for those under the age of 18 years old. Furthermore, when perpetrators of crimes against children have been found guilty, judges have held the age and vulnerability of the victim an aggravating factor in sentencing. ² Lastly, the UN Minimum Standards for the treatment of detainees, the Mandela Rules, are supplemented by the Bangkok Rules which apply to women and girls, and the Havana Rules which apply to juveniles in detention.³

All of these laws and protections are discussed below in relation to the treatment of children in Syria's detention system.



²Prosecutor v. Kunarac, Kovac̃ and Vukovic̃, ICTY-96-23, Trial Judgement, paras.864, 867, 874, 879 – considering the young age of victims, and their vulnerability and defencelessness.

³UN General Assembly, *United Nations Standard Minimum Rules for the Treatment of Prisoners*, 29 September 2015, A/C.3/70/L.3 "The Mandela Rules"; UN General Assembly, *United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders*, 6 October 2010, A/C.3/65/L.5 "The Bangkok Rules"; UN General Assembly, *United Nations Rules for the Protection of Juveniles Deprived of Their Liberty*, 2 April 1991, A/RES/45/113 "The Havana Rules".

Killing and the Right to Life

Designated as Grave Violation 2 (Killing and Maiming) against children, the Convention on the Rights of the Child also emphasises the State's obligation to protection children from all forms of physical violence. ⁴This is also prohibited by IHRL⁵, IHL⁶ and ICL⁷.

Five eye-witnesses saw either the killing, near killing or simulated execution of children while in detention. ⁸**"Abdullah"** (Branch 215, 2013) witnessed the death of a 13-year-old boy who died following brutal and repeated sexual violence. The boy died in his arms in the cell. **"Muntaha"** (Idlib State Security Branch, 2013) witnessed the torture and severe beating of a high school student. The boy begged the interrogators to stop, but they started whipping him. "Muntaha" tried to count how often he was whipped. She couldn't bear to count after it reached 250. After a while, the boy made no more sound. The interrogator announced he was dead.



⁴ CRC, Article 19: as well as all forms of mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse. It also requires preventative measures as well as identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement. See also [Bulacio v. Argentina](#) [2003] Series C No. 100; IHRL 1483, Inter-American Court of Human Rights - regarding appropriate compensation and reparations for the death of a child in detention, including the need for investigation and prevention of recurrence. "In its role as guarantor, the State does in fact have the responsibility to guarantee the rights of individuals under its custody as well as that of supplying information and evidence pertaining to what has happened to the detainee."

⁵ ICCPR, Article 6 (right to life).

⁶ Common Article 3(a) Geneva Conventions (GC)(1949). Art. 32, 147 GC IV; Art. 75 API; Art. 4, 13 AP II; Customary Rule 89 of the International Committee of the Red Cross (Henckaerts, Doswald-Beck eds.), Customary International Humanitarian Law Vol. 1: Rules, Cambridge University Press (2005). Additional specific IHL rules on Protecting Children: Art.24 of GCIV, Art.77 API, Art. 4(3) AP II, Customary Rule 135, *ibid*.

⁷ For example, ICC Rome Statute, Article 7.1(a) murder as a crime against humanity, Article 8(2)(a)(i) grave breach, (c)(i) Common Article 3 of GC. See for example, ECCC Case No.1 Trial Judgement, 26 July 2010, paras.201,214-216.

⁸ There is also another eye-witness to the killing of a child in detention who has consented to providing evidence in criminal proceedings.

“Raghad” (Hama Criminal Security Branch, 2016) was held for three days in a cell with more than 40 women and children of different ages. She heard the torture of a boy who was around 10 years old outside the cell – she looked out of the door and saw him on the floor, with blood coming out of his mouth and ears. The jailers picked him up and threw him to the ground again.

“Hakam” (Al Mezze, late 2011) was blindfolded and lined up with other prisoners. He heard a father and his four young sons be shot near him. He is not sure whether they died or not, as he only heard the shots fired towards them – he could not see. **“Qadri”** (Palestine Branch, 2012) heard the voices of children under torture, and spoke to a young man in his cell who was severely tortured and almost dead. The boy asked others to say goodbye to his parents and siblings if he died.

Of the eight juveniles whose cases were documented, four were subjected to simulated executions or were threatened with death (one of the boys, all three of the girls).



“Subhiyah” (Homs Political Security Branch, 2015) was separated from her mother on arrival at the detention centre. She was only 10 years old, and left on her own. The officers threatened to kill her and to kill her mother. **“Rawan”** (Al Mezzeh Airforce Security, 2015) was 17 years old when she was detained. She heard a shot being fired in the room next to where she was being interrogated, and then saw blood flow from under the adjoining door. She believed she would be next. She was two months pregnant at the time and within six days in detention, she miscarried in the cell. She had to use a plastic bag and some pieces of cloth to catch the blood and tissue – she felt she was drowning in blood for four days.

On arrival at Branch 155, one guard hit **“Yasmine’s”** head (2013) and slapped her hard enough to knock her off her feet. “Yasmine” was beaten around her head and face, was jolted with electricity through an electric stick on different parts of her body. Her interrogator order that she be taken into the yard and executed. She was taken out, lined up and the soldiers cocked their rifles. She was not shot.

“Younis” (Homs Military Security Branch, 2014) faced extreme violence by multiple soldiers at once. He lost consciousness during electrocution. He was threatened “to confess or lose his life”. In detention, **“Akram”** (Branch 227, 2016) had his nose broken and was knocked unconscious for three days, due to the extreme violence unleashed upon him. He was just 17 years old.



Torture

Torture is designated under Grave Violation 2 “Killing and Maiming”. The Convention on the Rights of the Child also prohibits the torture, or other cruel, inhuman or degrading treatment or punishment against children.⁹ This is also prohibited under IHRL,¹⁰ IHL¹¹ and ICL¹².

All but one of the juveniles who LDHR evaluated reported extreme violence as part of interrogations.¹³ There were many different forms, including electrocution, burning, *falanga*, *dulab* (the tyre), “the flying carpet”, “the German chair”, *shabeh* (suspension), beating, and forms of psychological torture such as sleep deprivation, threats of death/violence, and forced witnessing of the torture of others. Sexual violence has also legally been recognised as a form of torture,¹⁴ but is separately considered in its own section below.

“**Subhiyah**”, who was 10 years old, may not have been touched by physical violence, but was separated from her mother, threatened with death and held for week long periods in solitary confinement. They also told her they had killed her mother, and asked about her father, whom they knew had been killed when she was 7 years old. “Subhiyah” was terrified, screaming, crying and calling for her mother. She could hear the sounds of torture. She left all alone, thinking that she had no one left. Three years after detention, recalling her detention still feels suffocating for “Subhiyah”. She describes a feeling like being strangled with hands around her throat. This would likely amount to torture: the infliction of severe physical or mental pain or suffering to obtain information or a confession, or to punish, intimidate or coerce the victim or a third person, or to discriminate on any ground.¹⁵

⁹ CRC, Art.37.

¹⁰ For example, ICCPR, Art.7, Convention against Torture (CAT), Art.1.

¹¹ Common Article 3(a) Geneva Conventions (GC)(1949). Art. 32, 147 GC IV; Art. 75 API; Art. 4, 13 AP II; Customary Rule 90 of ICRC, *ibid.* Additional specific IHL rules on Protecting Children: Art.24 of GCIV, Art.77 API, Art. 4(3) AP II, Customary Rule 135, *ibid.*.

¹² For example, ICC Statute, art.7(1)(f), 8(2)(a)(ii), 8(2)(c)(i).

¹³ Noting the different in the elements of torture as a human rights violation under CAT (which requires purpose as an element, as well as the participation or acquiescence of a state agent), the ICC Art.(1)(f) which requires neither but does require custody or control by the perpetrator, and customary international law, which is similar to the CAT definition but does not require state agent involvement.

¹⁴ See e.g. Prosecutor v. Mucic, ICTY-96-21, Trial Judgement, paras.452-496.

¹⁵ See e.g. *A.B. v. France*, ECtHR, Application no. 11593/12 [2016] where loud noise and anxiety for 18 days while detained with parents amounted to a violation of the prohibition against torture under Article of the European Convention on Human Rights

Electrocution

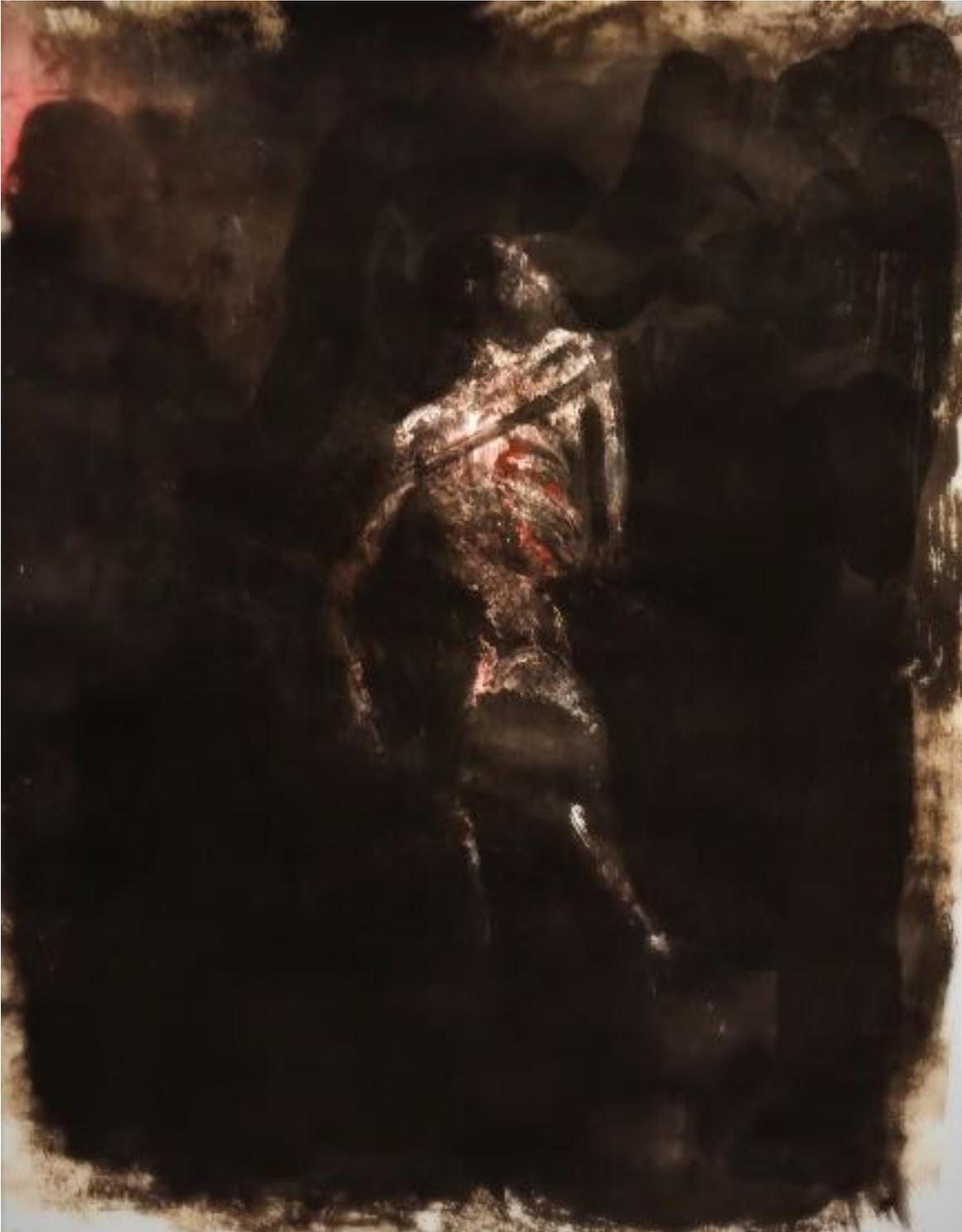
“Badei” (Al Mezzeh Air Force Intelligence, 2012) was suspended by cuffs which cut into his wrists, making them bleed. While hanging, interrogators thumped him with green plumbing pipes, shocked him with an electric rod all over his chest and stomach, and whipped him with what “Badei” thinks was a cable. He was blindfolded as he hung there. He was hung for three days, only being allowed down to go to the toilet twice a day. But each time on the way to the toilet, he was beaten.



Over the course of repeated interrogations, he was slapped, punched, forced into a tyre, beaten across his feet (falanga) and strapped to a wooden board which bent his back the wrong way (‘the flying carpet’). “Badei’s” young face and body are still covered in scars of this abuse. His “psychology shattered.” The devastating impact of this torture on his life is more fully described in the Impact section below.

In Homs Military Security Branch, **“Younis”** was blindfolded and his hands handcuffed behind his back. He was forced to kneel like this in a corridor for around two hours, during which others were beaten by soldiers around him. The soldiers then threatened to bring his parents to the branch (implying that they would be tortured). Two days later, he was called again for interrogation. This time, two soldiers beat him severely, all over his body, with green plumbing pipes. They kicked him in the stomach, slapped his face and punched his head. This lasted two hours. On the third interrogation, again two days later, the soldiers tied him to a chair, splashed him with water and electrocuted his hands and legs. “Younis” lost consciousness from pain for a few moments. Following that session, an electrocution contact points on his right arm got infected and discharged pus. It was the fourth session at which the interrogator threatened to torture him to death unless he confessed. He was suspended by his hands with a chain, and beaten across his back with the green pipes and metal cables. He confessed to everything they wanted because of the pain.

“Younis” was later transferred to Branch 215, where he was subjected to more torture – being beaten by green pipes during interrogation. The interrogator also cursed “Younis” as they beat his feet (falanga) and again threatened to kill him. In the cell afterwards, he passed out, naked, in front of the ventilator and woke up unable to move without assistance. “Younis’ ” back is riddled with scars. His body still bears electrocution marks. He is plagued with debilitating back pain. This torture has had a profound impact on his life, which is described in the Impact section below.



Burning

"Shahoud" (Idlib, 2013), who had been shot in the knee at the point of arrest, was also suspended for long periods. He was sleep deprived from being hung up overnight. He was whipped with electric wire across his stomach and buttocks. The interrogators focused their beatings particularly on his wounded knee. These men ground lit cigarettes into his skin on different parts of his body, and burned his left foot with a lighter. "Shahoud" also witnessed the torture of a 15-year-old boy in front of his father to force a confession.

Other Extreme Violence

As described above, interrogators and guard broke **"Akram's"** nose, beat him with hard green plumbing pipe, and landed a particularly strong blow to his head, which knocked him unconscious for three days. "Akram" was also strapped to the 'German Chair' (a metal chair with moveable parts which stretch the body and bend the back and neck in the wrong direction), which caused him excruciating pain.

The officer in charge at Branch 277 kicked **"Anas"** in the face with his military boots, and then smacked "Anas' " head against the wall. "Anas" was also hit with a hard, green plastic pipe at Branch 227 and again at an al rif Branch. At the al rif Branch, he was also slashed with two copper hooks across his feet which tore flesh. He and his cousin were tortured in front of each other.

For **"Rawan"**, she was hit once on the back of her head during interrogations. However, she endured psychological torture, as well as being subjected to sexual violence by a jailer as described below. At interrogations, she described her blindfold being soaked in blood. The interrogator threatened to bring her father and torture him in front of her. On several occasions, she was also put into a room where they tortured young men. On one such occasion, she saw a young man being electrocuted naked.

"Yasmine" was subjected to violence as described above, but she also witnessed her younger brother (14 years old) being beaten on arrival at Branch 227.

Nine eye witnesses detailed torture which they saw or heard inflicted upon children in detention.¹⁶ Some examples have already been detailed above and some more are included here.

¹⁶ "Na'uman", "Qadri", "Ayham", "Raghad", "Nadhem", "Sakher", "Muntaha" (above), "Ali", "Duha" (mother of "Jasmine").

“Nadhem” (Lattakia Air Force Branch, 2011) saw an eight year old boy being torture in front of his father, who was the Imam of a local mosque. He also heard the screams of other children during his detention. **“Ali”** (Branch 291, 2012) is still haunted by his memories of the torture of a boy about 11 years old in detention. The guards were beating the boy with sticks, and then would raise him high in the air then drop him on the ground.



¹⁶ “Na’uman”, “Qadri”, “Ayham”, “Raghad”, “Nadhem”, “Sakher”, “Muntaha” (above), “Ali”, “Duha” (mother of “Jasmine”).

Sexual Violence

The UN Security Council Resolution designated rape and sexual violation against children as Grave Violation 3 against Children. The Convention on the Rights of the Child requires States to protect children from all forms of sexual exploitation and abuse.¹⁷ Sexual violence is also clearly prohibited under IHRL,¹⁸ IHL¹⁹ and ICL.²⁰

Two of the female juveniles in detention describe various forms of sexual violence against them, including force nudity, verbal sexual harassment, threats of sexual violence, touching of breasts, thighs, buttocks and genitals, kissing parts of the body, indecent exposure, ejaculation on to her body.²¹ Out of the eight juveniles whose cases are detailed here, five were subjected to forced nudity.



¹⁷ Article 34.

¹⁸ See Declaration on the Elimination of Violence Against Women, Art.3 “The right to life, the right to equality, the right to liberty and security of person, the right to equal protection under the law, the right to be free from all forms of discrimination, the right to the highest standard attainable of physical and mental health, the right to just and favourable conditions of work, and the right to freedom from torture, or other cruel, inhuman or degrading treatment or punishment.” Listing human rights violations engaged by sexual violence.

¹⁹ CA3(e) GCs, Art.27, 32, 147 Geneva IV; Art. 75, 76, 77 AP I; Art. 4(1),(3) AP II; and ICRC Customary Rules 90, 93, *ibid*.

²⁰ See e.g. ICC Statute, Arts.7(1)(g), 8(2)(b)(xxii), 8(2)(e)(vi). See also e.g. *Prosecutor v. Kunurac*, *ibid*; *Prosecutor v. Akayesu*, ICTR, Trial Judgement, paras.416,421-424,429-431,437, *Prosecutor v. Bemba*, ICC-01/05-01/08, Trial Judgement, 21 March 2016, paras.493, 511, 516.

²¹ There are two additional LDHR juvenile female cases which involved rape and sexual violence and are consented for evidence in criminal prosecutions.

“Akram” was only 17 years old on arrest. He was stripped totally naked in front of women on his arrival at Branch 227. He “cried from shame”.²²

Nine of the eye-witnesses detailed sexual violence against children,²³ much of it extremely brutal and cruel.

Two independent eye-witnesses, **“Nadir”** and **“Taha”**, corroborate sustained sexual abuse against a large group of children (estimated around 70) held at Al Mezzeh Wings Hall in late 2012.²⁴ It is possible that this would amount to sexual slavery, given the captivity and servile status associated with the continuing sexual violence.



²² See LDHR (2019) *The Soul Has Died*, pp.39-42 for case law and discussion of male forced nudity as a crime and human rights violation.

²³ “Shahd”, “Abdullah”, “Sherzad”, “Ayham”, “Raghad”, “Nadir” & “Taha”, “Ubaidah”, “Duha”.

²⁴ There is a third independent witness whose evidence is consented for criminal prosecutions.

“Shahd” (Military Security Branch Tartous 2013) explained to the doctor evaluating her case, “There is nothing harsher than what I saw them doing to the children”. There were 21 children who had been arrested on a school bus, and detained for nine months. These children were used to distribute the food to the other prisoners. Jailers would beat them with whips and chains. One day, one of the boys gave extra yoghurt to a woman and her eight month old daughter because they reminded him of his mother and little sister. When one of the jailer saw this, the boy was dragged into the corridor and two of the jailers anally raped him, one after the other. While one was raping the boy, the other filmed it. The child was bleeding profusely, and was unable to walk. They then forced the boy to watch the video of his rape. The boy was screaming, hitting his head against the wall and trying to drag himself away. The other jailers brought two more children out of the cell and did the same to them. The place echoed with the screams of children. The detained women witnessed all of it.

“Ubaidah” (Hama Air Force Branch 2012) witnessed a shabiha leader come into the detention cell and start torturing a 13 year old boy. He forced something into the child’s anus and pushed it roughly further inside. The boy was begging to stop, because of the severe pain. **“Ayham”** (Palestine Branch, 2014) witnessed the rape of many juvenile male detainees by the jailor in the cell in front of the other detainees. Any one resisting would be severely beaten. He described the cell as full of blood, stool and vomit. He also described how all the detainees in the cell were forced to drink each other’s urine and eat stool from the bucket. **“Ayham”** reported four to five deaths a day in the cell.

“Duha” was arrested with her 14 year old son in 2013. During interrogation, she was beaten and electrocuted in front of her son. One of the soldiers unbuttoned her shirt and electrocuted her breasts. Because she was touching her son, the electricity also travelled through his body. The soldiers also spoke to her son, and threatened him that they would get his mother naked and rape her one by one. She was terrified.



Arbitrary Arrest

Human rights law is clear that the arrest, detention or imprisonment of a child, a person under 18 years old,²⁵ is a measure of last resort and for the shortest appropriate period of time.²⁶ It should be avoided to the maximum extent possible.²⁷

For the juveniles whose detention is described in this report:

The durations of detention are: 4, 10, 50, 75, 150, 285, 340, 395, 1125, 1954 days.

- Average duration of detention: 438 days.
- “**Subhiyah**”, the 10-year-old, was detained for 8.5 months, 4.5 of which were on her own without contact with her mother or family.

The Bangkok Rules also require that the gender vulnerability of juvenile female offenders must be taken into account in this decision-making (to detain or not). Five out of the eight LDHR juvenile detention cases included reports of some form of sexual violence.



²⁵ See [The Queen on the application of HC \(a child, by his litigation friend CC\) v. Secretary of State for the Home Department](#) [2013] EWHC 982, High Court of Justice - finding illegal a policy that did not offer 17-year-olds protection as children when detained at a police station based on the Convention on the Rights of the Child.

²⁶ *Havana Rule 2*: The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time. See also [Grabowski v. Poland](#) [2015] Application No. 57722/12, European Court of Human Rights – finding three months detention without judicial determination violates Art. 5 of the ECHR and made arrest unlawful. See also ECCC [Case_001](#) Trial Judgement, *ibid*, paras.235-238 on arbitrary and unlawful arrest including children.

²⁷ Bangkok Rules: *Rule 65* Institutionalization of children in conflict with the law shall be avoided to the maximum extent possible. The gender-based vulnerability of juvenile female offenders shall be taken into account in decision-making.

The Convention on the Rights of the Child requires that no child be deprived of their liberty unlawfully or arbitrarily (Article 37).²⁸

- **Violence during arrest:** four of the boys were subjected to violence at arrest.²⁹
- **Number blindfold and handcuffed at arrest:** four.³⁰
- **Number promptly informed at time of arrest of the reason for arrest and charges against them:** 2 told they were on a wanted list, but no charges explained until accusations during interrogations.
- **Number arrested under court order (required under Syrian law):** it seems 0.
- **Number were ever brought before a judge:** four (only 1 was a juvenile court).³¹
- **Number brought promptly before a judge - within 24 hours as per the Syrian Constitution:** 0.
- **Number allowed to communicate with family outside detention:** 0.
- **Number reporting access to or assistance from a lawyer:** 0.

²⁸ See also Universal Declaration of Human Rights, Article 9; ICCPR, Arts 9, 11.

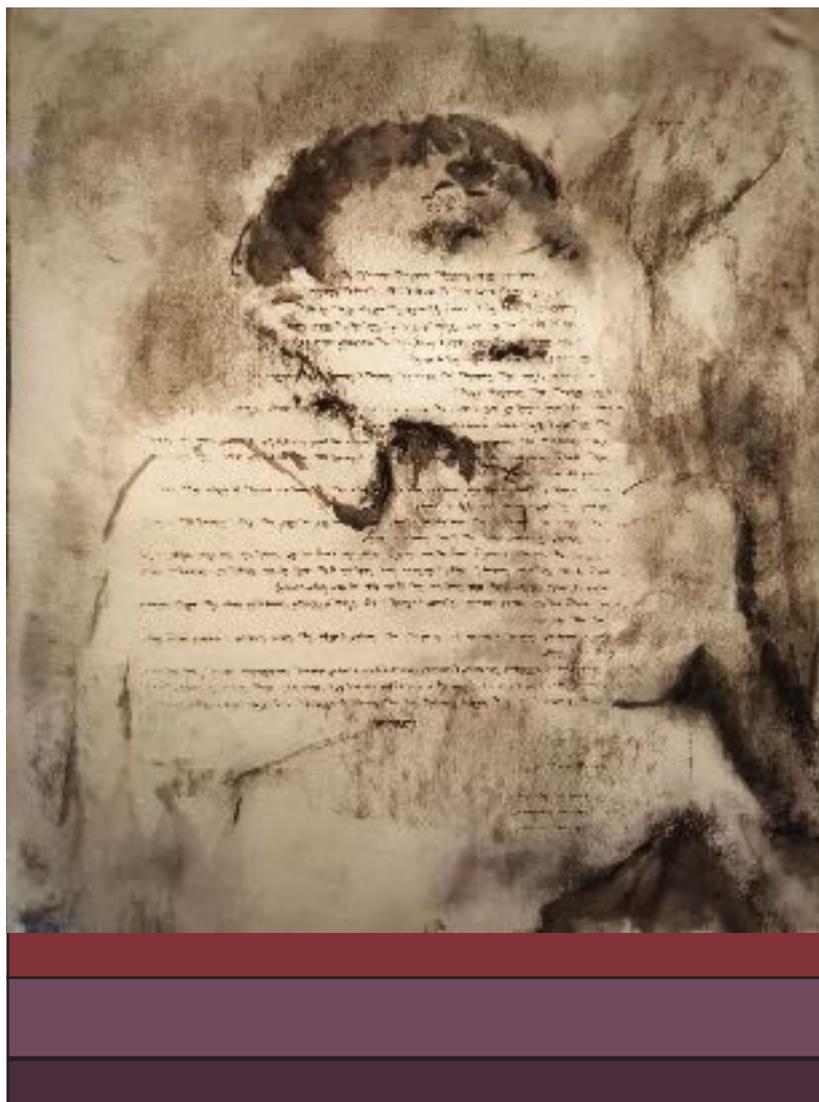
²⁹ "Akram" (also against mother, 10 guards pushed to the ground), "Anas" was arrested at bus at checkpoint, told on wanted list, locked in toilet for an hour, beaten kicked and head knocked against the wall. "Badei" was hit over head with rifle butt, pushed down stairs, beaten.

³⁰ "Anas", "Jasmine" (and removed hijab), "Rawan" (blindfolded and cursed), "Badei" (tied hands and legs, blindfolded, taped mouth).

³¹ "Akram" after 50 days told judge he had only confessed under torture, released but under order to join army, "Anas" brought before judge after 2 months, ordered release but was on his own and didn't know how to get back home so family asked to come, next day female judge sentenced him to three months instead. "Yasmine" terrorism court with mother and brother after 11 months, sent to Adra, there reported as underage and released after 13 days), "Younis" several juvenile court judges after 3 months, then Adra (2 years 11 months)

None of the eight juveniles reported any contact with the outside world or any indication that their family outside prison knew where they were during detention. Deprivation of liberty, followed by failure to provide information about the whereabouts of that person can amount to the crime of enforced disappearance. In relation to violations against children, this would be included in Grave Violation Four – Abduction.³²

The violence in detention described above and the conditions of detention set out below would also render the detention unlawful (even if the arrest had initially been lawful).



³² See Office of the Special Representative of the Secretary General on Children in Armed Conflict, Working Paper No.1, The Six Grave Violations Against Children During Armed Conflict: The Legal Foundation, updated version November 2013, pp.22-23.

Rights of Children Deprived of Liberty

The Convention on the Rights of the Child stipulates in several sections that children deprived of liberty must be treated with humanity and respect for their dignity.³³ The Havana Rules also set out a number of minimum standards for juveniles in detention. Breaches these conditions of detention can amount to torture, or cruel and inhuman treatment.³⁴

1. Children should be held separately from adult population (unless in the child's best interests)³⁵

All ten spent long periods of time mixed into adult population (in horrific squalid and violent conditions). Two were separated from their mothers on arrival but still ended up in group cells. Only two eventually ended up in juvenile sections or prisons.³⁶

All 25 eye witnesses saw children mixed within the adult detention population in over 20 places of detention across Syria.



³³ CRC Arts. 37(c), 40.

³⁴ See e.g. ECCC Case 001, *ibid*, paras.260-274 finding detention conditions as other inhumane acts as crimes against humanity. See also *Kalashnikov v. Russia* (2002) ECHR (47095/99) para.97; *Trepashkin v. Russia*, (2007) ECHR (36898/03), paras.93-95; *Masslotti and Baritussio v. Uruguay*, Communication No. R.6/25, CCPR (1982), UN Doc. Supp. No. 40 (A/37/40) para.187; *Deidrick v. Jamaica*, Communication No. 619/1995, CCPR (4 June 1998), U.N. Doc. CCPR/C/62/D/619/1995; *Gomez de Voituret v. Uruguay*, Communication No. 109/1981 (22 July 1983), CCPR (1984), U.N. Doc. Supp. No. 40 (A/39/40) para.164.

³⁵ CRC Art.37(c) In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do. Havana Rule xxx . See also *Minors in detention v. Honduras* [1999] Case 11.491, Inter-Am. CHR, report No. 41/99, American Court of Human Rights - finding the detention of children in adult prisons unlawful.

³⁶ "Anas", "Younis" (both after three months).

2. Solitary Confinement is strictly prohibited in relation to children

Havana Rule 67: “All disciplinary measures constituting cruel, inhuman or degrading treatment shall be strictly prohibited, including corporal punishment, placement in a dark cell, closed or solitary confinement or any other punishment that may compromise the physical or mental health of the juvenile concerned.”³⁷ Against children, solitary confinement may amount to torture.³⁸

“**Subhiyah**”, who was ten years old at the time, was subjected twice to one week periods isolated in solitary confinement (and terrorized). “**Younis**” reported that he was once punished by putting him in the solitary confinement cell. The cell was “very bad and dirty”, and he had to share his food rations to avoid getting bitten by a rat. “**Rawan**” was initially put into a dark solitary confinement cell for three days (she was two months pregnant, and shortly afterwards miscarried).

3. Children deprived of liberty must be kept in humane and healthy conditions

The Havana Rules for juvenile detainees require that detention conditions, facilities and services meet requirements of health and human dignity (Rule 31), and provide privacy (Rule 32), separate, sufficient and clean bedding (Rule 33), private and clean sanitary installations (Rule 34), clean, adequate, non-degrading or humiliating clothing (Rule 36), food of sufficient nutritional quality and standard, and clean drinking water for all at any time (Rule 37).



³⁷The Committee on the Rights of the Child has stated, “disciplinary measures in violation of Article 37 must be strictly forbidden, including ... closed or solitary confinement, or any other punishment that may compromise the physical or mental health or well-being of the child concerned”, General Comment No. 10 (2007) CRC/C/GC/10, para. 89. See also CRC/C/15/Add.151, para. 41; CRC/C/15/Add.220, para. 45 (d); CRC/C/15/Add.232, para. 36(a)).

³⁸Istanbul Statement on Solitary Confinement 2007

http://solitaryconfinement.org/uploads/Istanbul_expert_statement_on_sc.pdf; UN Special Rapporteur on Torture [report on Solitary Confinement](#), submitted to the General Assembly, 5 August 2011. UN Doc Number: A 66/268.

To give a sense of the kinds of conditions these children faced, **“Ashraf”** provided this description of the conditions of Branch 215 in 2013 - where “Younis” was held:

The Hangar was large – around 150m x 50m, but it contained around 1,500 detainees. It had four toilets and two bathrooms for all of the detainees. In one part, there were beds – but just for detainees who collaborated with the jailers and helped in the torture of others. Diseases spread like wildfire – almost every person had scabies and lice. Most of the detainees had changes in the colour of their skin and eyes (jaundice). Some had severe diarrhea and fever – which mostly ended in death. There was tuberculosis and epilepsy among the detainees as well. A large number of the detainees had lost their minds - gone crazy from the conditions. They too ended up dying.

“Ashraf” described how the scabies affected him. It started in his legs, then spread all over his body. His foot swelled from the severity. Other detainees tried to keep their distance. The only ones who came close, were using the space to defaecate, since they could not get to the toilet. He thought he must be about to die. One of the other detainees brought a blunt meal bar with a sharp edge and started to scrape the scabies off his body. They had to scrape down about 0.5cm deep. **“Ashraf”** suffered from urinary and faecal incontinence: because he had lost control, he ended up defaecating between other detainees. He only had his hands to clean up the mess. Later he also suffered a skin disease which grew boils and rashes on his skin. He lost the use of his hands at that time.

The dead were piled up in a room which was emptied every three days when there were at least 15-25 bodies. Some who were close to death were put in to that room early. Looking around the Hangar, the detainees had hollowed eyes and were naked. **And among them, children between the ages of 10 to 15 years old.**

(a) Light, Ventilation and Space

Seven of the juvenile detainees reported that their cells were dark, without any source of light. At least two were held in cells underground (**“Akram”**, **“Anas”**). Three spent time in small, dark solitary confinement cells (**“Younis”**, **“Rawan”**, **“Subhiyah”**). The same number described overcrowded cells. Some sharing tiny solitary confinement cells with 7-12 others. One with 40 others (**“Akram”**), 100 others (**“Badei”**), and one with 300 others (**“Anas”**). Many describe not having enough space to sit or lay down.

“Badei” also explained that he was transported between detention centres, with 40 other detainees in a closed cabin/container, which had only small holes for air. One prison died after seizing and foaming from the mouth. Fellow detainees also died from overcrowding and lack of ventilation in his cell at Al Mezzeh Airforce Intelligence Branch.

“Yasmine” spent five months in an overcrowded cell in the Palestine Branch. Each detainee had a small square of space (30-40cm²) to exist in. There was no way to sit or sleep – they had to do that by rotation. There were no windows and very poor ventilation. **“Yasmine”** began to struggle to breathe. On one occasion, the jailers had to take her out of the cell because she was unable to take a breath.

(b) Sanitation and Hygiene

For some of the juveniles, the only toilets were in their overcrowded cell. **"Akram"** explained that in order to reach the toilet in the cell, he had to step over dead bodies which were piled up beside it. For some of the others, they had to get permission to go to a toilet outside the cell. **"Yasmine"** told the doctor examining her that as punishment, permission was often denied. Female detainees were then forced to urinate or defaecate in their own small square of space in the cell. They were rarely allowed to wash, and when it was available, there was only laundry detergent as soap. In **"Younis"** cell, they were only allowed out to the toilet once a day, so he had a urinate in a bottle in the cell.

"Subhiyah", aged ten, had a toilet in her solitary confinement cell. She was only allowed to shower once a week - she did so fully clothed.

(c) Health and wellbeing

Such was the extent of violence, unhygienic conditions and disease, four of the juveniles witnessed the death and dead bodies in their cells. **"Akram"** woke up twice to find the person sleeping next to him had died. **"Anas"** said dead bodies remained in the cell until the next day. **"Badei"** saw many people in his cell die from torture and the health conditions. **"Yasmine"** watched as jailers carried dead bodies away which had already started to decompose. In addition to demonstrating the risk to life and health, witnessing such things had a lasting impact psychologically on these juveniles.

The juveniles described widespread scabies,³⁹ lice,⁴⁰ prurigo (itchy nodules formed by repeated scratching),⁴¹ pus-excreting skin abscesses,⁴² and other skin infections.⁴³ During detention, **"Younis"** was diagnosed with helicobacter pylorus (a serious bacteria which attacks the stomach lining, spread through faecal-oral transmission/food contamination/lack of hygiene and can lead to stomach ulcers and cancer. **"Akram"** and **"Anas"** spoke of outbreaks of diarrhoea among detainees in their cells.⁴⁴

Around these juveniles, adult detainees lost their minds in those conditions.⁴⁵

³⁹ "Anas", "Yasmine", "Badei". Corroborated by eye witnesses who spoke of similar conditions in detention where minors were being held: for example, "Sherzad", "Na'uman", "Hakam", "Sadeq", "Farhan", "Ashraf" (as above) and "Ali" (explained it was so severe that some people died from it).

⁴⁰ "Akram", "Yasmine", "Rawan" in her underwear. Corroborated by eye witnesses who spoke of similar conditions in detention where minors were being held: for example, "Na'uman", "Hakam", "Sadeq", "Farhan", "Ali", "Ashraf" (as above).

⁴¹ "Akram".

⁴² "Akram", "Badei" experienced this. Corroborated by eye witnesses who spoke of similar conditions in detention where minors were being held: for example, "Sherzad", "Sadeq".

⁴³ "Akram". Corroborated by eye witnesses who spoke of similar conditions in detention where minors were being held: for example, "Na'uman", "Sadeq", "Farhan" and "Ashraf" (above).

⁴⁴ Corroborated by eye witnesses who spoke of similar conditions in detention where minors were being held: for example "Ayham", "Ashraf" (as above), "Na'uman" and "Sadeq" both of whom witnesses detainees dying after contracting diarrhoea.

⁴⁵ "Anas". See also "Ashraf" above.

(d) Sleeping

Five of the juveniles recounted their sleeping arrangements – all five had to sleep on the floor.⁴⁶

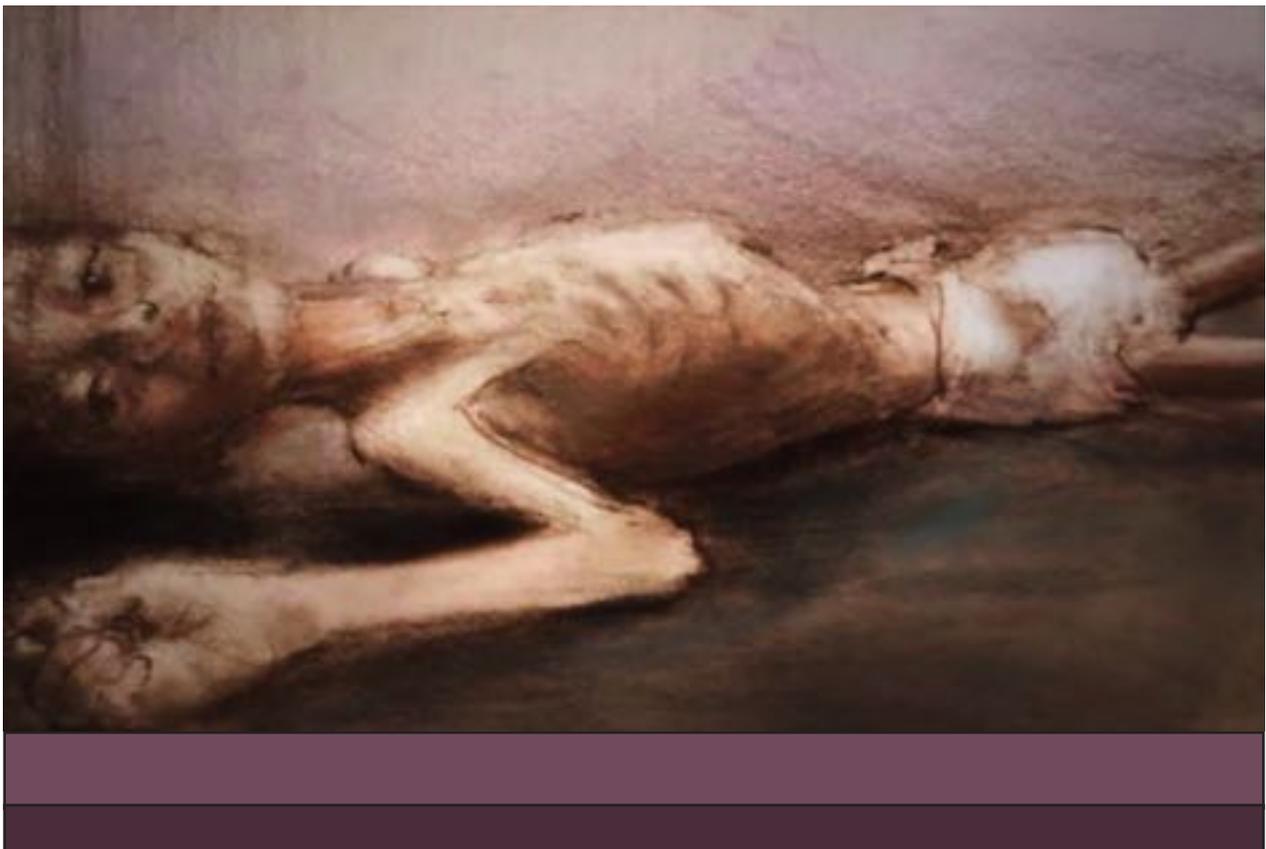
Three of them were in such overcrowded cells that they either slept “like logs” (“Anas”) or had to take turns in even getting to sit on the floor (“Yasmine”, “Badei”).

(e) Clothing

“Akram” remained in only his underwear throughout, even in the cold of winter. “Yasmine” had her hijab removed when she was arrested.

(f) Food and Water

“Shahoud” and “Subhiyah” received small amounts of food twice each day. “Yasmine” received only small amounts of potato, bread or bulgar. “Akram” said food was rarely provided and was bad. “Badei” explained the food was never enough and was always dirty.



⁴⁶ “Shahoud”, “Akram”, “Anas”, “Yasmine”, “Younis”.

4. Children have the right to maintain regular contact with family

The Convention on the Rights of the Child states that every child has the right to maintain contact with their family through correspondence and visits.⁴⁷ The Havana Rules clarify that adequate communication with the outside world is an integral part of the right to fair and humane treatment.⁴⁸

Havana Rule 60. Every juvenile should have the right to receive regular and frequent visits, in principle once a week and not less than once a month, in circumstances that respect the need of the juvenile for privacy, contact and unrestricted communication with the family and the defence counsel.

Havana Rule 61. Every juvenile should have the right to communicate in writing or by telephone at least twice a week with the person of his or her choice.

None of the juveniles had contact with their families outside of detention. Two of the girls were separated immediately from their mothers on arrival to the detention centre.

5. Children have the right to prompt access to legal and other assistance

The Convention on the Rights of the Child, Article 37(d) requires, that “Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.”

None of these juvenile detainees were given access to a lawyer of any kind.



⁴⁷ Article 37(c).

⁴⁸ Rule 59.

6. Pregnancy and children born in prison

The Bangkok Rules provide detailed provisions for the treatment of pregnant women and girls in detention.⁴⁹ Firstly, non-custodial measures should be preferred whenever possible (Rule 9). There should be health-screening on entry (Rule 6(a), and medical care and monitoring should be provided (Rules 39, 48). Other rules prohibit use of solitary confinement for pregnant women, women with infants, breastfeeding mothers.⁵⁰ There are also clear rules about separating mothers from their children – including where it is necessary, that it is done with sensitivity and that those mothers are given the maximum possible opportunity to meet with their children.⁵¹

⁴⁹ **Bangkok Rule 39** *Pregnant juvenile female prisoners shall receive support and medical care equivalent to that provided for adult female prisoners. Their health shall be monitored by a medical specialist, taking account of the fact that they may be at greater risk of health complications during pregnancy due to their age.* **Bangkok Rule 48** *Pregnant or breastfeeding women prisoners shall receive advice on their health and diet under a programme to be drawn up and monitored by a qualified health practitioner. Adequate and timely food, a healthy environment and regular exercise opportunities shall be provided free of charge for pregnant women, babies, children and breastfeeding mothers.* **Bangkok Rule 5** *The accommodation of women prisoners shall have facilities and materials required to meet women's specific hygiene needs, including sanitary towels provided free of charge and a regular supply of water to be made available for the personal care of children and women, in particular women involved in cooking and those who are pregnant, breastfeeding or menstruating.*

⁵⁰ Bangkok Rule 22 *Punishment by close confinement or disciplinary segregation shall not be applied to pregnant women, women with infants and breastfeeding mothers in prison.*

⁵¹ *Rule 49 Decisions to allow children to stay with their mothers in prison shall be based on the best interests of the children. Children in prison with their mothers shall never be treated as prisoners.*

Rule 50 Women prisoners whose children are in prison with them shall be provided with the maximum possible opportunities to spend time with their children.

Rule 51 (1) Children living with their mothers in prison shall be provided with ongoing health-care services and their development shall be monitored by specialists, in collaboration with community health services. (2) The environment provided for such children's upbringing shall be as close as possible to that of a child outside prison.

Rule 52 (1) Decisions as to when a child is to be separated from its mother shall be based on individual assessments and the best interests of the child within the scope of relevant national laws. (2) The removal of the child from prison shall be undertaken with sensitivity, only when alternative care arrangements for the child have been identified and, in the case of foreign-national prisoners, in consultation with consular officials. (3) After children are separated from their mothers and placed with family or relatives or in other alternative care, women prisoners shall be given the maximum possible opportunity and facilities to meet with their children, when it is in the best interests of the children and when public safety is not compromised.

“Rawan” was 17 years old when she was detained. She was two months pregnant at the time. She spent the first three days in solitary confinement. Within six days, she had miscarried in her cell, catching the blood and tissues in a plastic bag and with scraps of cloth.

She also spoke of the ordeal of other pregnant women and girls in her cell. Within two or three days of delivery, newborn babies were all taken from their mothers. If a mother refused, she was denied milk and diapers which forced her to give the baby up. This caused significant psychological harm to the women. One mother, whose three month old baby was taken from her, attempted to commit suicide in a solitary confinement cell. She first tried by cutting her wrists. She also tried to drink anti-lice liquid.



Commentary p.38 Pregnant girl prisoners comprise one of the most vulnerable groups in prisons, due to the social stigmatization to which they may be subjected, their inexperience of dealing with pregnancy and the lack of adequate facilities for pregnant juvenile female prisoners.

Impact

“Children deprived of their liberty are at a heightened risk of violence, abuse and acts of torture or cruel, inhuman or degrading treatment or punishment. Even very short periods of detention can undermine a child’s psychological and physical well-being and compromise cognitive development. Children deprived of liberty are at a heightened risk of suffering depression and anxiety, and frequently exhibit symptoms consistent with post-traumatic stress disorder. Reports on the effects of depriving children of liberty have found higher rates of suicide and self-harm, mental disorder and developmental problems. The unique vulnerability of children deprived of their liberty requires higher standards and broader safeguards for the prevention of torture and ill-treatment.”

Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez A/HRC/28/68, 5 March 2015

The impact of detention on these juveniles has been profound. It has changed the lives and psychological well-being of all of them. For some of the boys and girls, the story of the impact is shared below. LDHR has also considered commonalities in the impact. In the following pages, there are two tables – one showing types of impact overall, and the second showing disaggregated data between the boys and girls. All 10 LDHR juvenile cases were used for these statistics: five boys and five girls.

While it is a small patient group, the results are still alarming, and may perhaps help us to respond better for juvenile detainees. 100% of them still suffer anxiety, fear, sleep disturbances and nightmares. 90% report flash-backs, intrusive recurrent memories, an impact on the relationships with their families, and physical sequelae from the events in detention. 80% present with symptoms of depression. Strikingly, 50% of them reported suicidal thoughts or attempts. When we look at the difference between the girls and the boys: four girls isolated themselves v. one of the boys. Five of the girls reported blaming themselves v. two of the boys. For the boys, three of them felt loss of energy and apathy v. one of the girls. Three boys also experienced palpitations when reminded of detention v. only one of the girls. Other comparisons can be seen in the tables below.

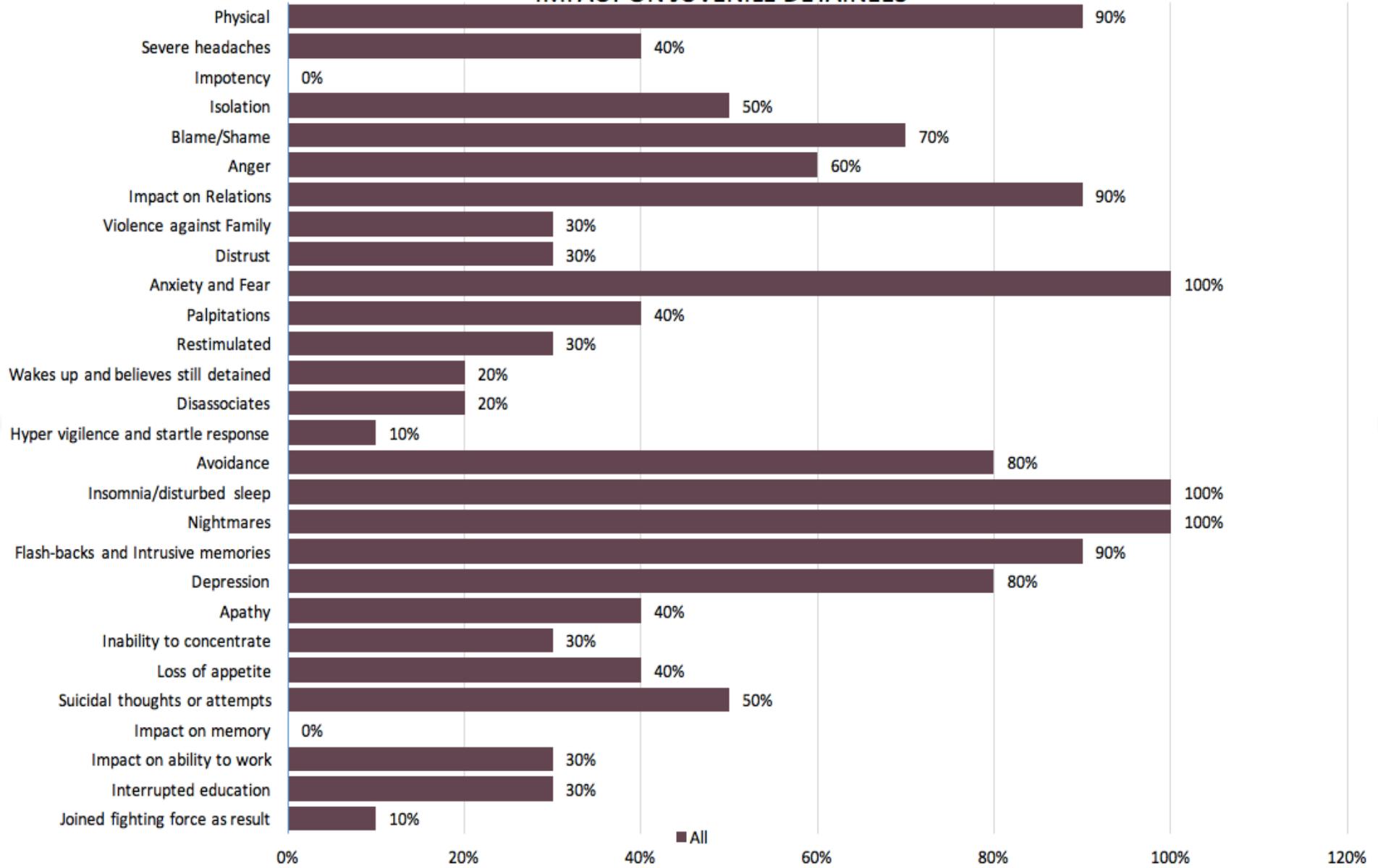


“Subhiyah” was only thirteen at the time she saw an LDHR doctor. After eight and half months in detention, she has changed. She was terrified and on her own there, convinced by her jailers for more than half of that time, that her mother (and father who died in 2012) had both been killed. She believed she was all alone in this world. When she remembers the detention, she says she feels like she is suffocating, as if there are hands around her neck strangling her. She cannot stop herself from crying.

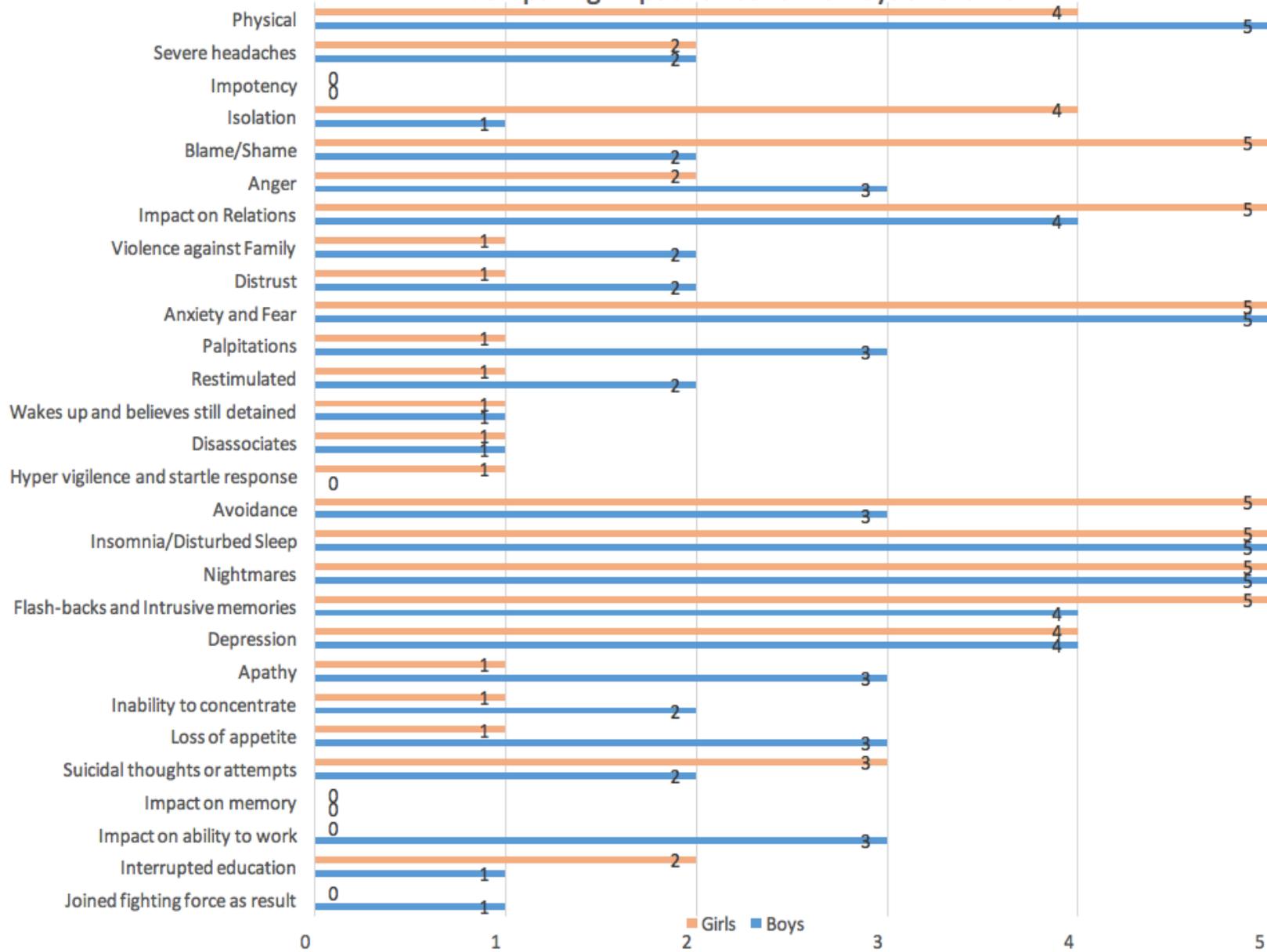
For a month after her release, “Subhiyah” did not talk. She recalls how her mind being exhausted. She was also scared that people would look at her differently. She was embarrassed by how others would look at her. These days, she remains detached from others. “Subhiyah” still has recurring nightmares which disrupt her sleep. She dreams of her cell. She also dreams of falling from a high place, about to die. She tries to forget what happened and avoid talking about it. “Subhiyah” finds herself crying a lot. She cries quickly, often for the simplest or smallest of reasons. She often cannot stop. She has asked her mother for medication to stop the crying. The child psychiatrist who saw her, reported signs and symptoms of pervasive fear, avoidance, detachment and isolation from others, anger, shame, tearfulness and sadness. He also reported indications that “Subhiyah” suffered from PTSD, from which there is some recovery now.



IMPACT ON JUVENILE DETAINEES



Comparing Impact on Juvenile Boys and Girls



“Rawan” was 17 years old when she was detained. She was released one year and one month later. During detention, she endured a miscarriage, health issues (acute kidney pain, stomach ache, constipation, haemorrhoids) and escalating sexual violence at the hands of one of her jailers. “Rawan” feels she was arrested a little girl, but was released as a weak and broken women. She still struggles to separate herself from detention – *“I feel as if my soul is still there, only my body left.”*

When she was released, she did not recognise herself. She found herself telling people inappropriate jokes, which embarrassed her relatives. She was ululating. She cried when her husband tried to approach her. She screamed when he tried to kiss her. He knew something was not right. She once asked her husband if he would accept her if something had happened to her in prison. He was quiet for a few minutes before he said that he loved her and that it would not be her fault. She has not spoken to him or anyone else about detention, worried by his initial silence. “Rawan” says she feels “broken” in her relationship with her husband.

Detention has also impacted her relationship and interactions with others. “Rawan” expresses great fear at losing the people around her, so she says she allows them to treat her badly so they won’t leave her. She often feels shunned by people. She gets angry and sometimes hits her child. She immediately hugs him and asks his forgiveness. “Rawan” describes feeling worn and broken, feeling weakness every day. She now gets help from a psychiatrist. She thought of suicide while she was in prison. She has thought of it since, as she feels trapped between prison and reality but living in neither. She believes her attachment to her child and the glimmer of home holds her back.

“Rawan” also has a complex history of trauma, with a prior attempt at suicide. She presented complex symptoms and behaviours at the evaluation.



Despite being only 17 years old when detained, “**Badei**” has seen a lot of death. He witnessed some die from the detention conditions. He had to watch as other detainees were forced by jailers to kill fellow detainees. “Badei” explained that the sounds and screams of tortured detainees stays with him day and night. While he was in prison, the conditions and torture became so unbearable that he and some other detainees decided to protest by cutting themselves – either it would force the jailers to listen or it would be suicide. He had hidden a shaving blade left in the bathroom. When the agreed time came, “Badei” started to cut himself across his stomach, neck, arms, legs and feet. As soon as the others saw his blood, they backed out. The jailers came into the cell, poured salt water over him, then dragged him to solitary confinement. There he only had some bags to wrap his cuts. Many got infected.

When “Badei” was released and stepped outside, rays of sun hit his face. He was blinded for a few seconds and lost his balance. He tried to run but he was “like a little baby” – his feet hitting off each other. He needed help to get the bus home. He had been detained for more than five years.

“Badei’s” body is riddled with scars from his detention. He bears scars on his head and face, consistent with kicks by military boots and a hit with a rifle butt. Scar tissue spreads irregularly across his upper back, consistent with being hit with a car socket wrench and the wounds becoming infected. He also has linear scars on his back consistent with being hit with a hard instrument, and longitudinal scars on his wrist consistent with having been suspended from cuffs. Full details of the scars are not included here in order to protect this identity. For some time after this release, he felt pain across his body, general weakness and continued to have difficulty walking for a few months. He still suffers lower back pain. He lost a lot of weight in detention, and remains thin.

“Badei” says that detention has shattered his psychology. He is quick to anger and easily irritated. He thinks people are weak and cannot help anyone. He beats his wife and child – which he knows is wrong. He has intrusive memories and flashbacks, of those that died in detention. He still remembers the names, phone numbers and requests from those he left behind. He also has trouble sleeping because of nightmares. He wakes up in the night thinking he is back in Sednaya prison. Military boots also re-stimulate him - he instantly feels like he is back in detention. He disassociates from the present. He feels pain in the parts where he was kicked. He was so angry about what had happened to him, he joined the FSA shortly after his release to fight against the regime that had done this to him.

After “**Yasmine’s**” release, she suffered from severe recurrent headaches, as well as numbness and tingling in her limbs. She was eager to get back to school and continue her education, but she preferred to isolate herself and avoid others. She would feel overwhelming fear near checkpoints or any one in military uniform. She fled regime-held area, and chose to go to a besieged area despite the different dangers it presented. She blamed herself for her mother and brother’s detentions, and felt they blamed her too. She also experienced acute anxiety and extreme sadness. At the point of her evaluation, “Yasmine” still suffered from acute anxiety, nightmares and recurrent intrusive memories of detention. It has impacted her relationship with her daughter. She scolds her for the simplest of reasons, then feels guilty.

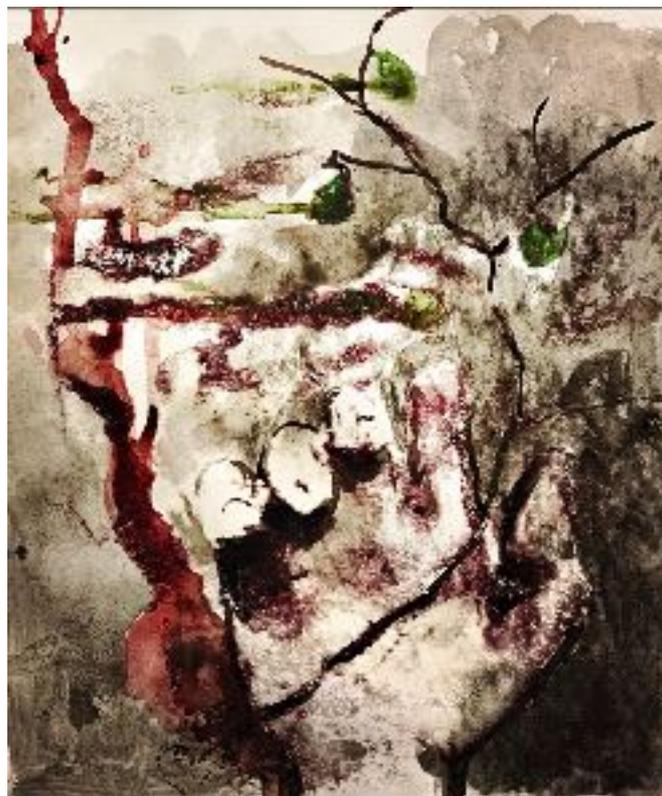


“Shahoud” has undergone four surgeries for his left leg since being released from jail (shot when he was arrested). His body maps tram-line scars on his upper arm (highly consistent with whipping), circular scars on his arms and legs (virtual diagnostic of cigarette burns), as well as other smooth scarring with nerve damage on his foot (highly consistent with burns), skin ruptures (highly consistent with beating) and wrist scars (consistent with ligatures).

He suffers from sleep disorder – having difficulty falling asleep, waking up frequently and suffering from recurrently nightmares which revolved around torture and interrogation. His friends told him he was once talking in his sleep and seemed to be answering interrogation questions. “Shahoud” has sustained migraine headaches (left side) and dizziness. He also suffers from agitation and fear of closed spaces (claustrophobia). He tried sleeping on the roof of his building for the first 15 days after detention so that he wouldn’t be in a closed room. He is unable to concentrate and is unable to complete simple tasks.

“Shahoud” frequently and easily cries. He feels deeply sad and lonely. In his view, he has become “extremely emotional”. He feels his future is lost. He attempted suicide four times in detention- he used the bandages from his foot to hang himself during the night. All four times, the other detainees rescued him just in time. He carries a dagger or blade with him at all times. He does this so he can kill himself if they ever try to detain him again. He is now only 19 years old.

“Anas” has felt extreme fear since his release. He gets flashbacks, which “play like a horror movie” of his time in detention. He hates all the world when this happens. When someone even mentions the word detention, he gets palpitations and has difficulty breathing. He has difficulty sleeping – he was once unable to sleep for three consecutive nights. “Anas” finds himself constantly crying. He has lost trust in every one, except his parents and siblings. After all the weight he lost in detention, he has been unable to gain it back because he has no appetite. He too wished to restart his education having been arrested when he was in the ninth grade. His fear of checkpoints and detention prevented him from attending – he had to quit. He has lost weight.



On his body, the doctor found scars which were highly consistent with injuries from broken glass (reported to have been thrown against a glass window during arrest) and others on his feet highly consistent with the slashing with hooks. He also has a linear scar on his wrist, consistent with cuffing, pigmentation and oval scars consistent with scabies, a scar consistent with an abscess. "Anas" still suffers intermittent tremors in his hand and leg.



"Younis" has various transversal linear scars marking his back (highly consistent with beating by a plumbing pipe), and an oval scar on his arm (consistent with electrocution). The most significant toll has been on his psychological health. On the first day following release, he ended up beating his cousin for no reason. He is plagued by memories of detention, particularly the sounds of torture. When children are playing and shouting in the neighbour, "Younis" is convinced that someone is torturing them. Even speaking of this brings pain and "Younis" had to pause with his head in his hands. He suffers nightmares every few days. His wife has to wake him up because of his movements and sounds during these dreams. He tries to avoid any reminders of detention, such as watching news about detainees.



He isolated himself from others, not wishing to interact or talk to anyone. "I don't trust people." There are new family issues which have resulted as well. He finds tensions with his parents and his wife. He avoids his relative, who was detained with him.

"Akram" also bears similar transversal linear scars across his back (consistent with being whipped by wires) and multiple scars on his head, feet and hands (consistent with being hit with a stick). He has a deformed nose (consistent with kick in the face). Since detention, he has pain in his right shoulder and a weakness in his right hand now, so that he cannot lift anything heavy or do hard work. He has chronic strong headaches, which he sometimes takes up to four painkiller tablets to try to ease. The headache only started after the events in detention.

"Akram" suffers from nightmares about torture and armed men, and he gets little sleep because of this. He has intrusive memories of his mother getting beaten at his arrest. He feels sad and often has crying fits. He blames himself for the detention of some of his relatives. His father often asks him why he did not join compulsory military service. He has decreased appetite and decreased concentration. He works as a garbage collector. He is still only 21 years old.

Many of the adults who witnessed violations against children have been deeply impacted by what they were forced to watch. For example, **"Muntaha"** witnessed the beating and whipping of a nine year old boy to death in detention. After her release, she would not let her own son (who had been in the ninth grade) go to school any more. She was too afraid of what might happened to him. She worried that she has now destroyed her son's future by depriving him of his education.



Conclusions

LDHR's previous reports clearly pointed out the types of torture and other cruel, inhuman and degrading treatment and sexual violence suffered by detainees in Syria. This report shows that these violations affect both adults and children. Young age does not protect or reduce the scale of the violence or suffering. Nor did it provide them with the minimum protections guaranteed by international laws and conventions, including those guaranteed under the Convention on the Rights of the Child and the Havana Rules.

This report - based on the reports of medical experts in LDHR - further confirms and sheds light on the crimes committed in Syrian detention centres. The extent of the harm across time and location evidences systematic practice, policies and procedures which consistently violate minimum protections for children as required by the laws and customs of war in times of non-international armed conflicts, CRC and other human rights instruments.

The medical evaluations in this report show the profound and long-term human damage that the children in detention suffered, especially the psychological impact associated with what has happened to them during detention. This threatens their family bonds, relationships and social interaction with the community around them, as well their future. The impact which this report reveals urges us to seriously work on developing effective and fair response strategies that ensure the dignity, rights, well-being and recovery of survivors. We must also take all measures possible to stop these practices and prevent them from happening again.

Female survivors, including young and adolescent girls, suffer from the effects of the stigma associated with sexual violence, which underlines once again the importance of designing effective response programs to tackle stigma in our communities, and allow safe, secure access to support services.

Concrete and effective adjudicative accountability is critical to end the impunity which just emboldens those who continue to commit violations in detention centres in Syria. Those most responsible must be prosecuted in a fair and independent criminal court, and punished if found guilty. Otherwise the documented cruelty and violence against children in Syrian detentions will continue unabated.

It is time for everyone to meet their responsibilities to address the issue of detention in Syria. To take all reasonable measures to ensure the immediate release in Syria of all political prisoners, especially children and women, and to initiate effective measures to bring those most responsible for these violations and crimes to trial as soon as possible.