LDHR
HUMAN RIGHTS REPORT
RELEASED MARCH 2019

“The Soul Has Died”:

Typology, Patterns, Prevalence and the Devastating Impact of Sexual Violence Against Men and Boys in Syrian Detention

LAWYERS & DOCTORS FOR HUMAN RIGHTS
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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.

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

Languages: Arabic and English
Graphic Design: DB
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EXECUTIVE SUMMARY

This report is the third in a series of LDHR reports on Syrian detention centers. It focuses on sexual violence against men and boys.

Contrary to traditional assumptions, sexual violence in conflict is not restricted to women and girls. Men and boys are also victimised. Indeed, the prevalence of male sexual violence in some conflict settings may be very high.[1] Yet there has been little focus on cases of sexual violence against men and boys. It is not well-recognised or understood, nor has any identification of its prevalence been translated into cohesive and consistent action, response or accountability.[2] The "*dearth of systematic data on male victimisation is problematic: it demonstrates the pervasive gendered expectations about women's and men's roles [with women as the only victims and men solely as perpetrators] during war time prevent researchers and policymakers alike from robustly analysing questions about wartime sexual violence. [...] [M]ore consistent reporting on the occurrence, forms, patterns and prevalence of male sexual violence could assist international investigators, prosecutors, victims' and defence counsel, and judges, leading to increased legal recognition of these violations.*"[3]

On analysis, the sexual violence against men and boys is rooted in the same harmful gender norms and conflict dynamics as violence against women and girls. It is the same weapon of war in the same hands, used as a systematic instrument to humiliate and break opposition, to dominate and devastate individuals, their families and their communities, and to break any will to stand up against those welding power.[4]

[1] *See* the prevalence section below.
[2] *See e.g.* Dustin Lewis (2009) "Unrecognized Victims: Sexual Violence Against Men in Conflict Settings Under International Law" 27 Wis. Int'l L.J. 1; S. Sivakumaran (2010) Lost in translation: UN responses to sexual violence against men and boys in situations of armed conflict, IRRC Volume 92 Number 877, March 2010, p.259.
[3] Valerie Oosterveld (2014) "Sexual Violence Directed Against Men and Boys in Armed Conflict or Mass Atrocity: Addressing a Gendered Harm in International Criminal Tribunals", Law Publications, 109, p.116, 119.
[4] *See e.g.* Sandesh Suvakumaran (2007) "Sexual Violence Against Men in Conflict", EJIL 18, 253–276.

There have been few reports focused on sexual violence against men and boys (SVM) in Syria.[5] Sarah Chenowyth's research found, *"This study sheds light on the under-explored issue of SVM in the Syria crisis, and offers a starting point for further investigation. Much more attention is needed to better understand the scope, nature, and impact of SVM, as well as how to meet the needs of male survivors. Though the extent of SVM remains unclear, we do know that Syrian … men and boys have been and continue to be subject to sexual violence. They—like all survivors of sexual violence—need and have a right to comprehensive, good quality, life-saving care and support."* [6]

Myths, assumptions and misunderstandings cloud most responses and accountability for male sexual violence. If we misunderstand, mischaracterise and diminish, we fail to provide access points or support recovery. Trauma and emotional damage in men impact women and children, communities and generations to come. We will not overcome the deep stigma which impacts the survivors unless we talk about what has happened and ensure the stigma is shifted from the victim to the perpetrators. The lack of systematic data and trends results in one more risk to recovery for Syrian survivors, families and communities.

Every stage of criminal justice proceedings can be impacted by the same myths, assumptions and stigma – as can be seen from this report's discussion of relevant jurisprudence for different types of male sexual violence identified by Syrian survivors. From failure to investigate, failure to ask the right questions, failure to recognise signs and symptoms, fear of disclosure, failure to charge, failure to lead evidence and failure to convict and hold those perpetrators to account fully for their crimes.

[5] Mainly, UN Commission of Inquiry reporting, Sarah Chenowyth (2017) "We Keep It in Our Hearts: Sexual Violence against Men and Boys in the Syrian Crisis" (UNHRC), and All Survivors Project (2018) "Destroyed from Within: Sexual Violence against Men and Boys in Syria and Turkey".
[6] Chenowyth, ibid, p.67.

Based on a review of 138 LDHR medical expert reports relating to male detainees and 15 in-depth cases studies which epitomise the patterns and findings in the broad case collection, this report explores the typology, context, patterns, prevalence (in that case collection) and impact of male sexual violence in Syrian government detention centres. In doing so, LDHR seeks to:

• add to the body of work on sexual violence against men and boys, particularly in the Syrian context;
• contribute to the recognition and better understanding of "occurrence, the context and the pattern"[7] of male sexual violence;
• help shape a more attuned set of access points and support services which meets the needs and responds to the impact on male survivors, and
• create a clear picture of male sexual violence for investigations, prosecutions and accountability for Syria.

Importantly, LDHR hopes that this report can catalyse an important and overdue discussion within Syrian communities, reduce taboos and tackle stigma, and forge paths for male survivors to accountability, support and recovery.

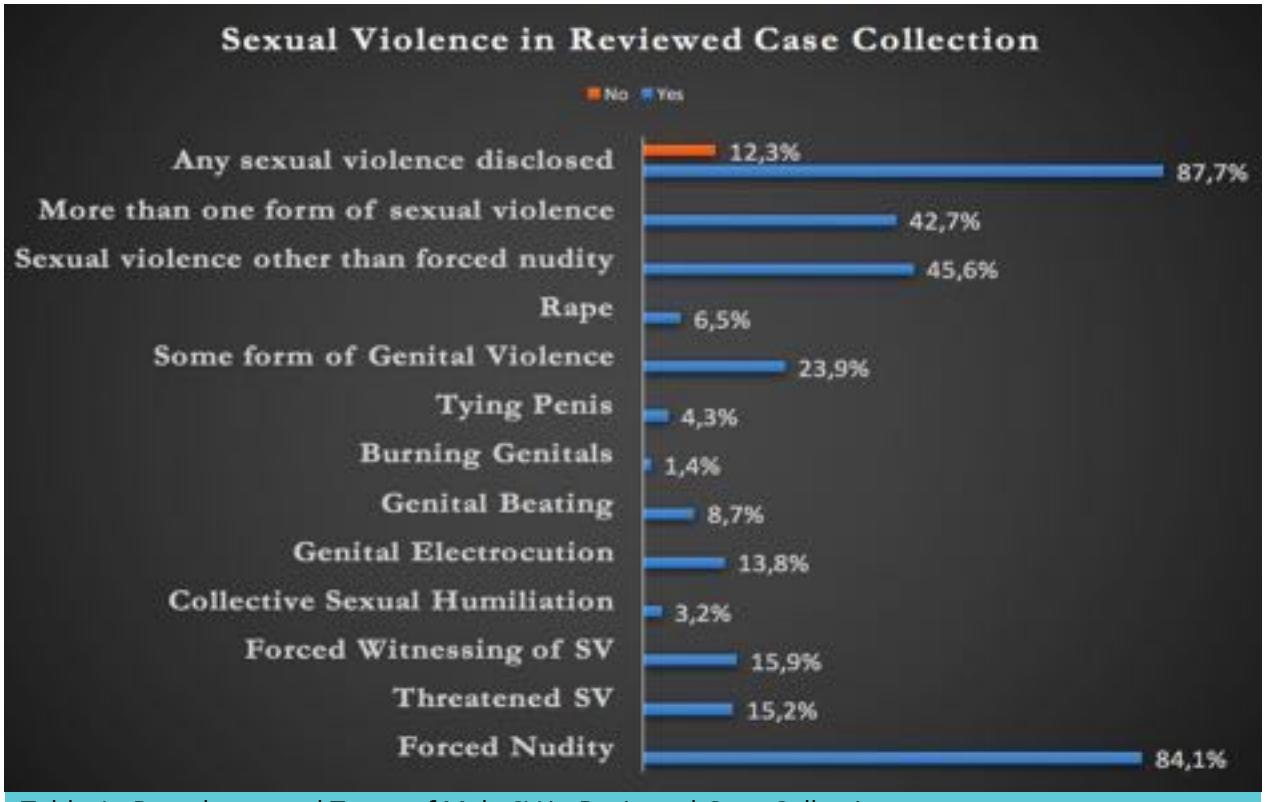
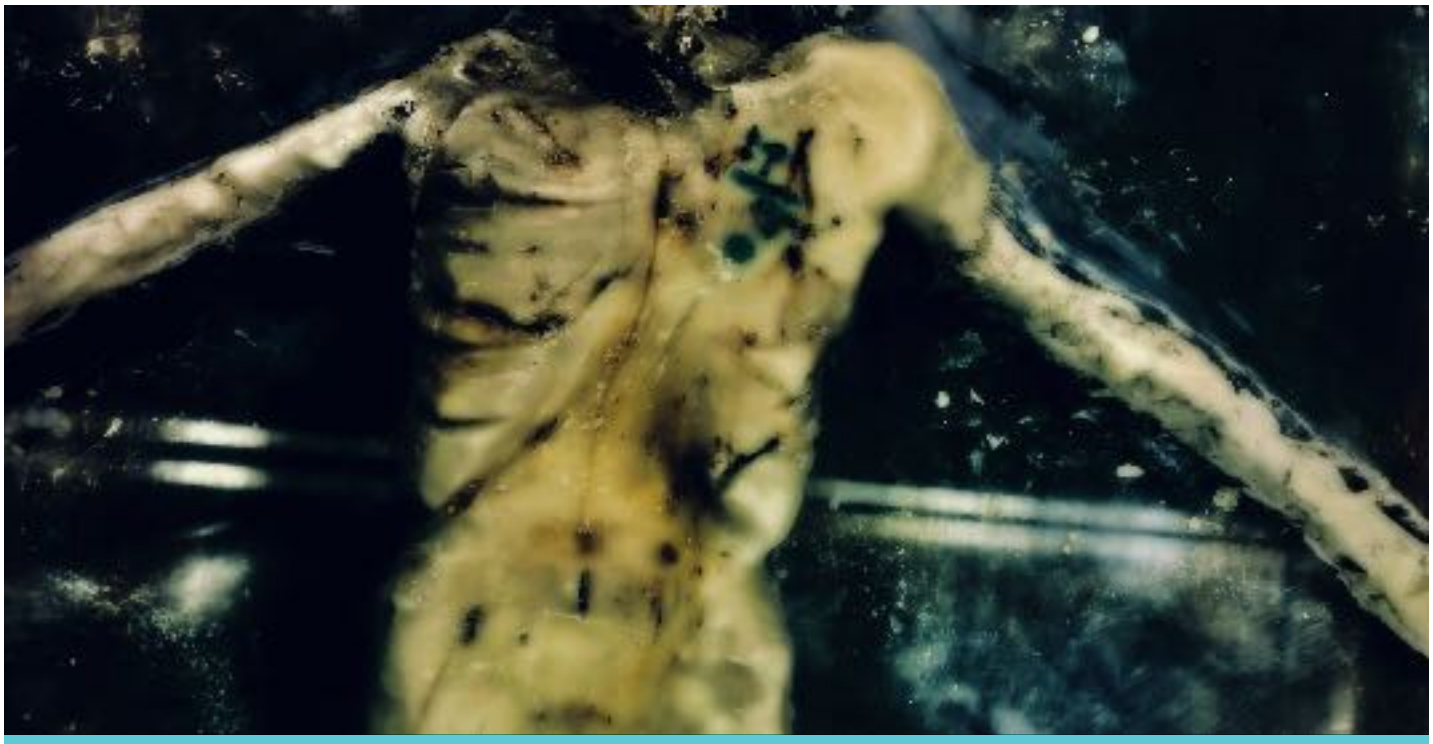


Table 1. Prevalence and Types of Male SV in Reviewed Case Collection

[7] *Valerie Oosterveld, ibid.*



Of the 138 reviewed medical reports, 87.7% reported some form of sexual violence, 42.7% reported more than one form and half of those reported sexual violence other than forced nudity. Almost one quarter of the males reported direct assault of their genitals. 15% disclosed threats or forced witnessing of sexual violence and 84% of the men and boys reported forced nudity.

The deeper analysis of the 15 male survivors in detention in the case studies showed that the impact of the sexual violence has been long-term and devastating, affecting their daily lives, their relations with their family, and their engagement and position within their communities. The physical, psychological, social and economic impacts reported in the male survivors in the case studies are presented in detail later in this report. Symptoms most prevalent in the case study group were sadness and depression (93%), flashbacks or intrusive memories/thoughts (93%), anger (87%), self-isolation (80%), fear and anxiety (73%), impact on close relationships (73%), insomnia (73%), nightmares (73%), and hyper-vigilance or heighten startle responses (73%). Of note, 60% reported suffering from impotency or infertility following detention. Over half felt lasting shame, self-blame or humiliation (53%). Two thirds of this group had been displaced from their homes/towns following detention, either as IDPs or as refugees in surrounding countries.

It is important to understand these impacts for many reasons, not least to ensure care, support and recovery for male survivors, their families and their communities. Studies of Syrian mental and psycho-social needs and care found that Syrian men are less likely to seek help.[8] Given our fin dings about prevalence and in light of the life-changing and life-threatening sequelae for the survivors and their families, it is imperative that a route is found to meet survivors' needs better.

Based on the sexual violence evidenced in LDHR's medical expert reports for the case studies, Syrian regime officers and agents have committed the following international crimes, specifically through their sexual violence against men and boys in Syrian government detention centres:

• Rape, enforced sterilisation and other sexual violence of comparable gravity (genital violence – electrocution, burning, mutilation, tying, sexual humiliation, forced nudity, threats of sexual violence, forced witnesses of sexual violence), as well as torture and persecution all as Crimes against Humanity.

• Rape, enforced sterilisation and other sexual violence also constituting a serious violation of Common Article III, outrages upon person dignity, in particular humiliating and degrading treatment, violence to life including mutilation, cruel treatment and torture, subjecting people under control to mutilations are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons as serious violations of the laws and customs of war in an non-international armed conflict.

As noted elsewhere, there is clear and well-documented evidence of other crimes committed in relation to and in detention in Syria.

[8] *See* Hassan G, Kirmayer, LJ, MekkiBerrada A., Quosh, C., el Chammay, R., Deville-Stoetzel, J.B., Youssef, A., JefeeBahloul, H., Barkeel-Oteo, A., Coutts, A., Song, S. & Ventevogel, P. Culture, Context and the Mental Health and Psychosocial Wellbeing of Syrians: A Review for Mental Health and Psychosocial Support staff working with Syrians Affected by Armed Conflict. Geneva: UNHCR, 2015, pp.34-35.

RECOMMENDATIONS

To the Syrian Authorities:

The Syrian Government is fully aware of what it needs to do to stop crimes against humanity, including torture, sexual violence, ill-treatment and other acts committed by its security forces in a systematic and organised manner, to break the will of those who oppose them politically. We reiterate our call on the Syrian Government to:

• end their practice and policy of sexual violence, torture, and other types of ill-treatment.

• make it clear to all government forces and militias that such abuses will never be tolerated.

• immediately and unconditionally comply with United Nations Security Council Resolutions 2139, 2165, 2191, 2258 and 2332 through "the immediate release of all persons arbitrarily detained, starting with women and children, as well as sick and wounded, the elderly, humanitarian personnel and journalists", recognising that every additional day in detention means further torture, sexual violence, and inhumane conditions and constitutes an imminent threat to life.

• immediately and unconditionally release all remaining prisoners of conscience and persons imprisoned solely for the peaceful exercise of their human rights, their political views or because of their identity.

• ensure that all persons deprived of their liberty are protected from torture and other ill-treatment and treated humanely, as required by international standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules).

• allow immediate unrestricted access to international monitors, health care professionals and sexual violence expert response teams to all and any places under its control where people are deprived of liberty.

• abolish the use of unfair trials and the prosecution of civilians in military courts, abolish field military courts, reform or abolish the "Anti-Terrorist Court" in accordance with international fair trial standards, in law and in practice ", and abolish of the death penalty immediately.

• ensure that the most stringent international fair trial standards are respected in respect of proceedings for any possible offenses for which such punishment is imposed.

• ensure that all detained persons are registered and allowed to communicate with lawyers and can exercise their right to challenge the lawfulness of their detention before an independent and impartial tribunal.
• immediately publish all information they maintain regarding the whereabouts and conditions of all detainees in Syria, including the fate of all those who died in custody Since March 2011.
• ensure that detainees have access to the necessary health care and are detained in recognised places and that they are allowed regular visits from their families.
• inform families of the fate, whereabouts and legal status of all persons detained, facilitate the location and forensic identification of any remains, and to respond to all outstanding requests in this regard.
• ensure that all reports of sexual violence, torture and other ill-treatment are investigated and that those suspected of being responsible for such violations are tried by civilian courts in accordance with international fair trial standards and that victims receive full compensation.
• co-operate fully with the International Impartial and Independent Mechanism (IIIM) on the Syrian Arab Republic and to facilitate its unimpeded investigation of all allegations of crimes under international law, and violations and abuses covered by international human rights law and international humanitarian law.
• accede as a State party to the Optional Protocol to the Convention against Torture.

For the international community:
• to take all possible steps to ensure the release of all political detainees in Syria as an utmost priority and not to treat the issue of detainees as an agenda point for resolution through negotiations.
• to keep this issue at the top of the agenda until all of the tens of thousands of detainees are safely released or their remains recovered.
• to respond to its moral and humanitarian responsibility to act to stop and prevent further international crimes in Syria by taking all possible steps to end impunity, provide a comprehensive judicial adjudication mechanism to address these crimes and send a clear message that there will be accountability for such crimes.
• to conduct a comprehensive investigation and prosecution of those most responsible for the arbitrary arrest and unlawful detentions, enforced disappearance, torture, cruel and inhuman treatment, and sexual violence which have been an integral feature of the Syrian government detention system.

• to ensure the inter-agency cluster system integrates response to and programming for male sexual violence and tackling male sexual violence stigma in its co-ordination, prevention, protection and programming, and ensure support to and co-ordination with local efforts.
• To ensure the GBV-ISM system adequately captures and reports male sexual violence and its typologies and monitors prevalence in Syria.
• to support the localised development, expansion and sustenance of Syrian support, both immediate and long-term, for the survivors of torture and sexual violence in detention, and in particular to help build specialised capacity to respond to the needs of male survivors.
• to recognise, raise awareness and require integrated responses to male sexual violence across humanitarian and other programming, without impacting or reducing the much-needed response for women and girls.
• to review and establish or strengthen confidential, safe and appropriate access points, referral pathways, SOPs and vetted support services for male sexual violence survivors, across and within Syrian communities, and to support reviews and programming tackling structural stigma within service provision organisations.
• to support Syrian frontline response and community initiatives to respond to male sexual violence, including community awareness raising and stigma tackling work.
• to support research and programmes focused on breaking down barriers for Syrian men and boys to access support services, including MHPSS in particular.
• to require and support the development of immediate and longer term security and detention system reform in Syria to ensure abuse cannot occur in Syria's detention system again.

For the United Nations International, Impartial and Independent Mechanism, and other organisations working towards justice:

• to ensure the full extent of male sexual violence in all its forms is fully recognised, investigated, analysed and reflected in case building and any recommended charges, and to encourage the same from any justice actors who benefit from its work.
• to ensure all staff have sexual violence basic training and awareness, including knowledge and skills training on investigating and responding to male sexual violence.
• to ensure that its obligation to ensure clear service referral pathways includes an attuned consideration and support of access points and appropriate support services which respond not only to female survivors but also to male survivors, where they are needed within and close to Syrian communities.

• to prioritise the collection of evidence and building of prosecution cases regarding the crimes committed in Syrian detention centres, ensuring all necessary measures for the fair and efficient trial of perpetrators.

For the Syrian civil society, to work together to:

• call for the release of all political detainees held in Syria.

• unify and consolidate all data held for those who are believed to remain in custody in a comprehensive registry that can be used to find them.

• co-operate to ensure comprehensive support and care networks for all survivors (men, women, girls and boys) and their families, including medical, psychosocial services, protection services, rehabilitation and legal services.

• consider the gendered impact of detention, torture and sexual violence and consider ways to ensure that men, women, boys and girls receive the support they need.

• start discussions and awareness-raising activities in local communities to reduce stigmatisation of sexual violence, including male sexual violence, and encourage access points and support for survivors, including men and boys, through awareness-raising discussions and forums, advocating for their causes, addressing sexual violence issues in particular and establishing victims' associations, and support centers.

• work together to devise ways to reduce the barriers for male survivors to access services, in particular to mental health and psychosocial support.

• Work together to develop, agree upon a reform proposal in regard to detention and use it to address immediate needs, including the treatment and support of detainees, as well as the development of a detention system that complies with human rights standards and is subject to independent monitoring, inspection, and supervision.

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 15 men whose stories are highlighted in this report, all had a Medical Expert Evaluation which determined that the findings in their case (be it physical or psychological injury) were consistent with torture and/or sexual violence. 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 men, 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 and as survivors of sexual violence. At the start of each Medical Evaluation, LDHR doctors carefully discuss how the survivor wishes his report to be used. LDHR has only included the reports of men 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 many cultural, societal barriers to discussing detention and what happens there. LDHR are extremely grateful to these men for their contribution to breaking these taboos, and to ensuring better understanding of sexual violence against men and boys in Syria and better access for male survivors of sexual violence to receive treatment, care and support more easily. LDHR oversees a confidential network for survivor support.

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.

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.

THE SURVIVORS

While the prevalence figures are drawn from LDHR medical expert reports for 138 male detainees, at the heart of this report is the story of 15 men who suffered sexual violence at the hands of those who detained them. Their stories were selected for this report because they epitomise the types of sexual violence which is being inflicted, and the devastating impact this violence has on its victims, their loved ones and communities. As with LDHR's report on women in detention, the men 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.

Age range at time of detention: 20-56 years old.
Average age: 36.2 years old.
Detained between years: 2011-2017.
Average duration of detention: 17.8 months.
Places of detention:

- Idlib: State Security Branch, and Political Security Branch.
- Aleppo: Airforce Intelligence Branch.
- Homs: Al Baloneh Branch, State Security Branch, Airforce Intelligence Branch, Al Rastan Military Intelligence Branch, Military Security Branch.
- Hama: Airforce Intelligence Branch, Military Security Branch.
- Tadmur/Palmyra: Military Security Branch, Al Badia Branch/Palmyra prison.
- Lattakia: Political Security Branch, and Military Security Branch.
- Al Mezzeh Airport Airforce Intelligence Branch.
- Damascus: Branch 285, Politcal Security Branch, Military Security Branch, Sednaya, Branch 291, Palestine Branch, Al Khatib Branch, Al Fayhaa Political Security, Branch 293, and Branch 248.
- Military Police Branches: Aleppo, Idlib, Damascus, Hama and Al Quboun.
- Civil Prisons: Aleppo Central Prison, Hama Central Prison, Adra, and Homs Centre Prison.

Average number of detention sites for each detainee: 3.8.

A short summary of each of their accounts is provided through this report.

TYPOLOGY

"Typology assists in demonstrating that male sexual abuse is not only about rape: indeed, 'insofar as men and boys are concerned, [rape] may not be the predominant form of sexual violence committed against them.' Investigators, prosecutors, counsel (victims' and defence) and judges need to be alert to potential differences between, and within, conflicts of types of sexual violence, as well as potential differences in the location of male and female sexual violence."[9]

1. Rape

Definition from ICC Rome Statute and Elements of Crimes:
1. The perpetrator invaded the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body.
2. The invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent.

Among the 138 cases reviewed for this report, there are at least nine male survivors who have clearly disclosed being raped (in terms of the ICC definition above). In all of those cases, the men's anuses were penetrated by an object or finger. None disclosed penile rape, although there were threats of this in one case. For some men, this violation was also accompanied by genital electrocution. The acts were always accompanied by other simultaneous forms of violence and insults.

Out of the 15 cases detailed in this report, five men reported being raped. In these cases, there were multiple perpetrators involved, and other detainees present when it happened. In their description of the rape, it was always accompanied with other forms of violence, threats and insults. All were also victims of other kinds of sexual violence, as set out below. All of the survivors witnessed (mostly forced) sexual violence against women in the detention centre or had threats of sexual violence also made against their female family members. Some also witnessed sexual violence against children in the detention centre.

[9] Valerie Oosterveld, ibid, p.117.

The penetrating objects used varied from a water hose (with water then forced at high volume and speed into their rectum), an electric stick (with electric shocks then administered internally), a 'roller', a stick and fingers (during a forced inspection on arrival). The acts described took place either during violent interrogations with demands for signed confessions or on arrival (as part of a forced inspection).

"Abdullah" (delivering medical supplies to non-regime areas)

"Abdullah" was 31 years old when he was detained in 2013. While Abdullah was held in **Branch 285 (State Security General Intelligence),** in Kafr Sousa area of Damascus, he was stripped bare naked and put into a group cell underground. Over three months there, he was also subjected to insults and threats to bring his mother and wife to the centre to be tortured in front of him, and during one interrogation, the interrogator called **"Abdullah"'**s wife and insulted her with abusive language. The interrogation sessions were extremely brutal – they *"used to last for days sometimes, or until the detainee starts bleeding, loses consciousness, or dies"*. In one particular session, having burned cigarettes into his buttock, the interrogator inserted a plastic roller (used for rolling threads) into **"Abdullah"'**s anus, causing a great deal of pain. At the same time, **"Abdullah"** was electrocuted, particularly on his genitals. All of this occurred in an environment of pervasive, extreme violence (he ended up with a fractured skull and haematoma requiring hospitalisation), and ritual humiliation in the group cell including deprivation of water, followed by the jailer's urine being offered to drink, forcing detainees to move like certain animals and make animal noises.

"Abdullah" also witnessed repeated sexual violence against women and children in this branch. A 13 year old boy was *"brutally and repeatedly sexually abused"* and died immediately after this violence in **"Abdullah"**s arms. **"Abdullah"** remains deeply traumatised by this child's death, weeping for a long time having recounted this incident. He and his family have also been substantively impacted by the acts committed against him, as detailed in the impact section below. **"Abdullah"** was detained for four years in various security branches. He had been released for four months prior to the time of his medical expert evaluation.

Moaz (moving goods between regime and non-regime areas)

"Moaz" was also detained in early 2013. He was held in **Aleppo Airforce Intelligence Branch**. He too was subjected to increasing violence and brutal torture in interrogations in his first month at the branch. At the fourth interrogation session, he was subjected to *'shebah'* (suspension), and *'dulab'* (the tyre) – his feet were beaten and boiling water was poured over them. The interrogator inserted a water hose into his anus and turned on the water tap it was attached to. His body swelled up from the water. This was repeated again in the fifth interrogation session, to the point where his anus began to bleed. He was stripped naked in front of five other detainees, and his penis was tied with a wire, which was then attached to a door. The interrogator would hit the wire which made him lose consciousness from the acute pain. He lost consciousness at least five times. They threatened to rape him (penile rape) while insulting and swearing at him. Immediately afterwards he was placed in a cell with four people and five dead bodies. "**Moaz"** explained that there was a doctor detained there, who was also bleeding from his anus and penis. Female detainees were hung naked in the corridors where the male detainees had to see them each time they were taken out to the bathroom. In his cell, **"Moaz"** could hear the women being tortured. During this time, detainees were executed and another died from the unhealthy conditions. He was released after 18 months. His expert medical evaluation was undertaken approximately two years his release - his body still bore scars and he was referred for treatment of impotency.

"Hadi" (one brother deserted, the other was a doctor and treating patients in non-regime areas)

"Hadi" was detained in the autumn of 2014 for two months in **Idlib Political Security Branch.** He was subjected to full forced nudity on arrival, and kicked when he refused to take off his underwear. He was later chained to a heater in only his underwear and beaten, electrocuted and insulted for several hours. During his first interrogation, he was blindfolded, endured *shebah*, and could hear elderly men being tortured around him. He was beaten, electrocuted, and an iron skewer was stabbed into his leg. He was also beaten with a water-pipe, and hit on his head, causing him to fall to the floor.

His interrogators placed him stomach down on a military bed, tied his hands and feet, and then alternated between shocking him with an electric stick and beating him with the water-pipe. **"Hadi"** told the medical examiner what happened next;

"They inserted the electric stick deep into his anus then they electrocuted him several times causing acute pain, especially when defecating even after his release. They also used the electric stick on his buttocks several times. He felt tired and could no longer feel the pain from the electric stick and the beating, and pretended to lose consciousness.He also stated that the lieutenant colonel asked his colleague before starting the interrogation: Did you bring his wife, sister and mother? The colleague answered: Yes, we did Sir. Then he insulted his wife and mother, and said he'll do everything he wants to them with no mercy."

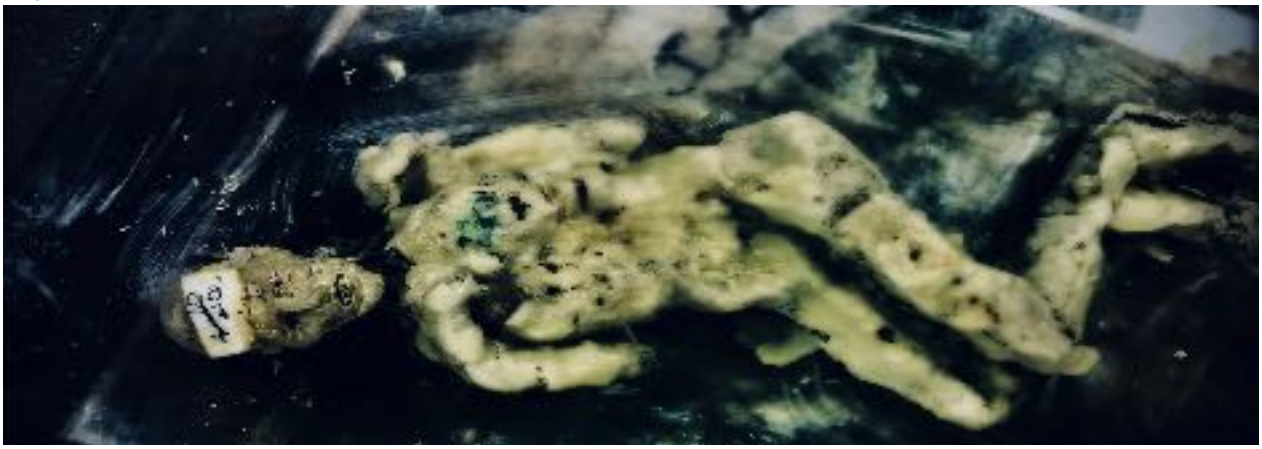
At the end of this interrogation, he was dragged by his hair out of that room, and kicked. When he was back in the cell, fellow detainees tried to ease his pain with water compresses. He also reported subsequent violent interrogation sessions.

The medical evaluation was conducted a year after his release. **"Hadi"'**s body was still marked with scars. These events had a significant psychological impact on him and on his family. He has been unable to resume sexual relations with his wife since detention and reports that he now beats his family due to his anger. The impact on **"Hadi"** is explored further below.

Inspection on Arrival as Rape

Some detainees disclosed that during the inspection on arrival, that in addition to forced nudity (discussed in more detail below), they were subjected to body cavity searches. The Inter-American Court of Human Rights has held such searches can amount to rape (and torture).[10] International human rights standards, Prison Rules and case law all either prohibit such searches[11] or set very rigorous procedural requirements including, i) only if it is absolutely necessary, decided carefully on a case by case basis and only where scanners or alternative observation measures are not possible,[12] ii) reasons should be recorded in writing,[13] iii) it must be conducted by medical trained personnel,[14] iv) using great care to be as respectful of dignity and privacy including a private, examination room setting, minimal numbers present, and same gender personnel.[15]

Alexa Keonig highlights several aspects in her article about cavity searches in Guantanamo which suggest a purpose beyond a security check: lack of information or translation provided surrounding these acts, probable exploitation of cultural practices and norms, exploitation of gender norms including presence of women, the show of force and roughness used, mocking and "an overall environment that was deliberately constructed to humiliate and to humble … while simultaneously fostering a sense of degradation and humiliation that almost always accompanies rape." [16]



[10] Case of the Miguel Castro-Castro Prison v. Peru, Inter-American Court of Human Rights, Judgement 25 November 2006, para.312"the acts of sexual violence to which an inmate was submitted under an alleged finger vaginal "examination" (supra para. 309) constituted sexual rape that due to its effects constituted torture."
[11] European Prison Rules, IACHR citation, France and Brazil Principle XXI, Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas.
[12] Mandela Rules, R52.
[13] Mandela Rules, R51.
[14] Mandela Rules, R52(2).
[15] Mandela Rules, R51-52. See also R v. Golden, Supreme Court of Canada for a discussion of such procedures for strip-searches, discussed below in the forced nudity section.
[16] Alexa Koenig, (2017) When is a Cavity Search Not a Cavity Search: Rape at Guantanamo, 11 January 2017, available at https://medium.com/lemming-cliff/when-is-a-cavity-search-not-a-cavity-search-rape-at-guantánamo-b2b320af05db

"Ibrahim" (peaceful demonstrations)
"Ibrahim" was arrested at his home in rural Homs in mid 2011 by five armed soldiers and an officer. He was blindfolded and his hands tied behind his back, and told he was being arrested for harbouring armed personnel in his shop and for killing one of his friends (later he was accused of taking part in peaceful demonstrations, supporting the opposition and being against the regime). He was taken chained to 23 other detainees to the **Military Intelligence Branch in Homs.** The detainees were cursed and beaten with rifle butts on the way. As they arrived, they were taken from the truck and beaten with batons, sticks and chains, while being cursed and accused of treason. *"At this point, [ ] stopped talking. He looked affected and sad. He explained that the detainees were stripped naked, and were searched by opening their mouths and checking inside the anus cavity using a thin wooden stick, fearing someone might hide a blade or other sharp object."*

In the one year and seven months in detention which followed, **"Ibrahim"** was subjected to extreme violence, electrocution, falanga (beating of feet), dulab (the tire), shabeh through suspension by his hands in a corridor for days on end with others, all being tortured (called the "torture party"). He witnessed the death of many detainees from torture. He was humiliated (interrogators made him get on his hands and knees, and called him a dog). He was cursed, bad words spoken about his honour, and sectarian slurs used against him. The interrogators also cursed God in front of him.

"Nidal" (ambush)
"Nidal" was an FSA soldier captured in an ambush in the winter of 2014. He was taken to the **Airforce Intelligence Branch in Homs**. On arrival, he was striped completely naked, forced to do "security moves" (to squat up and down) and the branch personnel inserted their fingers in all of his orifices, including his rectum, while he was naked and in front of many others.

He was held for four months in solitary confinement and interrogated more than ten times. During such interrogations he was suspended for two days continuously. He was also beaten with plastic tubes used for plumbing, as well as being punched, kicked, slapped, insulted and humiliated. Interrogators electrocuted his genitals using an electric baton, repeatedly three or four times. During the electrocution, the person doing this said he intended to make him unable to have children, because Sunni children will kill Alawites. He was released after a further five months in an overcrowded cell with over 100 others who had scabies, lice and illnesses such a diarrhoea. He was released after a large bribe was paid by a relative.

The medical evaluation was conducted in 2017, more than a year after this release. In addition to other physical findings, he reported and was referred for treatment for impotency.

Witnessing the Rape of Other Male Detainees

In addition to these cases, there is also evidence of witnessed rape of other male detainees. For example, **"Mansour"**, whose case is detailed below, witnessed a stick being inserted into another detainee's anus. **"Moaz"** saw other detainees bleeding from their anuses but he did not witness the cause (he too was bleeding following rape with a water-hose).

2 . Genital Violence including mutilation, electrocution, burning, beating and tying the penis

Violence directed at male genitals (mutilation, electrocution, tying, burning or beating for example) has not always been recognised, charged or convicted consistently as sexual violence.[17] Similar violence targeting female genitals has been somewhat more readily characterised and convicted as sexual violence (albeit still slowly and without concrete consistent convictions).[18] As highlighted by pre-eminent international experts, many unconscious biases, myths and assumptions cloud full recognition (socially and legally) of the gendered and sexual aspects to violence, including the forces of masculinity, dominance, power and emasculation as tools and weapons of war.[19] While international legal definitions are now mostly gender-inclusive, applications of those laws remain flawed.

The former Special Rapporteur for Slavery defined sexual violence as "any violence, physical or psychological, carried out through sexual means or by targeting of sexuality." [20] As the ICTY Appeals Chamber in Prosecutor v. Dordevic noted in relation to sexual violence "often parts of the body commonly associated with sexuality are targeted." [21]

[17] Prosecutor v. Niyitegeja, ICTR TJ, paras.456-467 genital amputation and display as an "inhumane act of sexual violence", Prosecutor v. Sesay et al (RUF case), SCSL, TJ, paras. 1208, 1307 slicing of "private parts" of men and women- both victims of SV/"outrages of personal dignity".
But see Prosecutor v. Kenyatta et al, ICC Confirmation of Charges Decision, 23 January 2012, paras.265-266 (despite detailed Prosecution pleadings contextualising forced castrations and circumcision considering gender and masculinity). Also early ICTY and ICTR often overlooked the sexual aspects of violence against men: Prosecutor v. Muhimana, ICTR TJ, paras. 442,444,448 focused on killing and beheading, left out genital amputation and display; Prosecutor v. Mucic et al (Celebici case), ICTY TJ, para.113 beaten on crotch and kicked in genitals "Muslims should not propagate" but not discussed as SV. Lit fuse wire tied around genitals similar – physical mistreatment not discussed as sexual.
[18] See examples set out below.
[19] See e.g. Sandesh Suvakumaran (2007) Sexual Violence Against Men in Conflict, EJIL 18, 253−276, Valerie Oosterveld, ibid.
[20] E/CN.4/Sub.2/1998/13, 22 June 1998.
[21] UN Sub-Commission on the Promotion and Protection of Human Rights, Systematic rape, sexual slavery and slavery-like practices during armed conflict : final report / submitted by Gay J. McDougall, Special Rapporteur, 22 June 1998, E/CN.4/Sub.2/1998/13, paras.21-22, available at: https://www.refworld.org/docid/3b00f44114.html

The targeting of sexuality is further clarified in relation to genital violence by the circumstances in which such violence has taken place – in detention centres, as part of terrorisation and breaking of opposition, circumstances of nudity and other forms of humiliation, in the presence of others (including mixed gender), amid threats of other forms of sexual violence and for some, with direct verbal reference to limiting their ability to have children (as detailed below). The UNCOI for Syria has reported genital mutilation, genital beating, genital electrocution, and tying of the penis as forms of sexual violence.[22]

Sexual Violence as defined in the International Criminal Court Statute and Elements of Crimes (as a crime against humanity):
(1) Committing against one or more persons or causing to one or more persons to engage in
(2) an act of a sexual nature
(3) by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or persons or another person, or by taking advantage of a coercive environment or such person's or persons' incapacity to give genuine consent.
(4) Such conduct was of comparative gravity to other forms of sexual violence lists in Article 7(g) of the Statute.
Enforced Sterilisation is defined in the International Criminal Court Statute and Elements of Crimes (as a crime against humanity) as:
(1) deprive one or more persons of biological reproductive capacity (result-based crime),
(2) neither justified by the medical or hospital treatment nor with their genuine consent.

Case Examples
Prosecutor v. Krasjnik, ICTY, TJ para.867 - genital mutilation as underlying act of genocide and persecution as severe pain and suffering, and as a measure to prevent births.
Prosecutor v. Sesay et al. (RUF case), SCSL, TJ, para.1307 - slitting male and female genitals was held to be outrages of personal dignity (as it was charged).
Prosecutor v. Mucic et al. (Celebici case) ICTY TJ, paras.1038-1040 – a burning fuse cord tied around genitals was held to be wilfully causing great suffering or serious injury to body or health under Article 2 (grave breaches), and cruel treatment under Article 3 (serious violations of laws and customs of war) of the ICTY Statute.

[22] UNCOI "I lost my dignity": Sexual and gender-based violence in the Syrian Arab Republic: Conference room paper of the Independent International Commission of Inquiry on the Syrian Arab Republic, 8 March 2018, A/HRC/37/CRP.3, paras.49-50.

Of the 138 male patients studied for this report, almost a quarter disclosed some kind of beating or mutilation of the genitals (23.9% of cases). Most prevalent in the disclosed forms was electrocution of genitals (13.8% of cases).

In the smaller selection of 15 case studies, 13 disclosed genital electrocution, tying of the penis, mutilation or beating. Over 50% disclosed electrocution, four had their penises tied, and five reported beating or mutilation. Three of these patients provided accounts of witnessing other male detainees subjected to these forms of sexual violence which led to their deaths.[23]

Analysing the 15 case studies, genital violence occurred most frequently during interrogation, with others present – including multiple interrogators, officers, and other detainees, sometimes including women. On many occasions, the person was being suspended from the ceilings by their hands at the time of the violence. Most often, these forms of sexual violence were also accompanied by forced nudity and other forms of sexual violence including threats, insults and other forms of humiliation.

Electrocution

"Qadri" (participating in peaceful demonstrations Palmyra 2011)
"Qadri" was arrested and taken to Palmyra Military Security Branch (Al Badia Branch) in 2011. He faced collective forced nudity on arrival and beatings. Daily interrogation sessions lasted up to an hour, and included being punched in face and lost teeth, 'the flying carpet' (a device that bends a person's back the wrong way), *falanga* (beating of feet), and *shabeh* (suspension) for four days during which he was forced to urinate and defecate on himself where he hung. They burned his legs, arms and buttocks with lit cigarettes. On six or seven occasions, the officers/interrogators attached two wires to his penis and scrotum, and electrocuted him. He repeated lost consciousness during these electrocutions, and they would pour cold water on him to wake him up. The interrogators would also kick him severely and repeatedly in the genitals, which caused rupturing and profuse bleeding of his penis. His penis turned blue and swollen, and he lost feeling in his genitals. While they beat and kicked his genitals, the security men told him this was to prevent Sunni men having children who would grow up to kill Allawis.

[23] **"Hameed"**, "**Mansour**" and **"Taha"**.

He was held for three months there, in a solitary confinement cell between interrogations and then released. **"Qadri"** was detained again for most of 2012 in multiple branches in Palmyra and Damascus, but did not disclose further sexual violence. The medical evaluation took place in 2017 at which time over 20 scars were found on his body, including multiple scars on his penis consistent with ruptured skin and electrocution. He also reports being infertile.

"Uday" (his uncle had been arrested the day before)
Security men came for **"Uday"** at his house. He tried to flee, but was shot at and captured. His house was searched and he was then taken blindfolded to the **Lattakia Political Security Branch**. Upon arrival, he was interrogated and denied accusations that he assisted the opposition with money and weapons. He was taken to a long corridor and suspended from a pipe on the ceiling for about a week (*shabeh*). He was only brought down for short periods to drink water or eat a small amount of food once a day. They would beat his mouth and then force him to eat the food. Many other detainees were suspended at the same time in the same corridor. All were beaten, insulted and cursed. **"Uday"** could hear the screams of the others. He was whipped with wires, and beaten with a metal rod or pipe, often deliberately targeting his stomach and genitals. His stomach was also burned with charcoals. He lost consciousness many times. They woke him up by bringing him down to kick him or by pouring water on him. They also put him in a tire (**dulab**) and beat him with rods. At the end of that corridor was another small corridor where women were also tortured – he could hear them screaming, begging for the security officers to stop, 'get away from me', 'do not touch me', etc. **"Uday"** believes the women were being subjected to sexual violence.

He recounted a particular incident because of the severe pain it caused. While enudring severe torture, he and another detainee cursed Bashar Al Assad. The response was immediate and brutal. The other detainee was beaten until he died. For **"Uday",** they attached wires to his ears, and electrocuted him there first. Then they put the wires on his scrotum, and electrocuted his testicles repeatedly. *"He explained that those moments were the worst he went through in his life. He wished to die just to end this torture. They also poured hot water all over his body."*

Among other effects from torture, he suffered bloody urine for some time after this. After two months of this, he was transferred with others to Al Fayhaa Political Security Branch in Damascus. In the prison yard, all the detainees were ordered to completely undress, do "safety moves" (squat up and down) and put their hands behind their heads.

All the blindfolds were removed so everyone could see each other. The prisoners were all beaten. He was held there for four months in terrible overcrowded and disease-ridden conditions, and was subjected to further extreme violence during interrogations. After a further three months in Adra civil prison, he was released. His medical evaluation took place some years after release, but **"Uday"** continues to be significantly impacted by these events.

Electrocution was also reported as part of anal rape (**"Moaz"** as detailed above). **"Karem"** also disclosed genital electrocution as collective group all subjected to forced nudity and being forced to watch others be electrocuted.

Tying the Penis

Four patients reported that their penises had been tied in detention and subsequently beaten, pulled and ligated in order to restrict urination. Restricting urination can have serious health consequences including severe infections and renal failure. The patients undergoing penile ligatures included **"Moaz"** described above, "Mansour" whose case is detailed below in the genital mutilation section, **"Khalil"** and **"Taha"** whose experiences are summarised here. This unusual form of genital violence was inflicted in a relatively consistent manner in different branches (Airforce Intelligence, Military Security and State Security), in different cities (Damascus, Aleppo and Idlib) in different timeframes (2011, 2012, 2013). [24] For example, both **"Moaz"** and **"Taha"** had their penis tied and then the string attached to a door, one in Aleppo and the other Al Mezzeh, both Airforce Intelligence branches.

"Khalil" (checkpoint, travelling to try to get his sons released from detention)
In the last few days of 2012, **"Khalil"** was arrested and taken to **Idlib State Security Branch.** His first interrogation included being suspended overnight for approximately seven hours in a corridor, being beaten, punched, cursed and insulted. He was struck with sticks and plastic pipes, and electrocuted with an electric stick. During his second interrogation, he was tied down to wooden board, naked and was electrocuted. He described a torture device they called "the Kebbe machine". It had two wires and a pulley which discharged electricity which increased with the speed of the spin. One wire attached to or around his penis.**"Khalil"** described the agonising pain. He agreed to thumbprint a blank sheet of paper after this was done to him. A pharmacist, detained with him in his cell, tried to stop the pain but only had water to bath the penis. On another occasion, they brought his son to the room and threatened to use the "Kebbe Machine" on him. He again agreed to confess anything to prevent this.

[24] See also UNCOI (2018) "I Lost My Dignity", *ibid* at para.49 reporting evidence of penis tying on multiple occasions at Military Intelligence Branch 235 (Palestine Branch) and at least once at Branch 293 (known as Officers' Branch).

He was referred to 'head of investigations' where the violence continued, and he was beaten to the point of loss of consciousness several times. One interrogator told him his son was dead, then stripped him, tied his hands and feet to walls, and then tied his penis to a nylon wire. The interrogator would pull the wire and hit his penis with a ruler. He spoke of the acute pain this caused. More violence and beatings followed. He was rendered unconscious for four days, and had multiple bones broken. His penis was tied again in similar way on one other occasion. More bones were broken and life-threatening violence was inflicted on him repeatedly.

"Khalil" was later transferred to **General Intelligence Branch 285 in Damascus** where the sexual violence continued. In their cells, they were forced to be naked, and ordered to lay nude in other detainees' laps or to lie on top of each other naked, all as a means of humiliating and demeaning them. He was released after six months in detention. His LDHR medical evaluation was conducted in 2016, three years after release. His body was marked with multiple scars, significant physical findings and impairments. A urologist's report found impotency, which is highly consistent with reported tying, electrocution and beating of the penis.

"Taha" (activist)
"Taha" was arrested in 2012 and detained in Hama Airforce Intelligence Branch. Along with and in front of his father, they were stripped naked together, cursed and insulted at same time, and searched. They were both subjected to violent interrogations, with one being forced to witness the other's torture.

He was moved to **Al Mezzeh Airforce Intelligence Branch in Damascus**. Where he was greeted with, "Welcome to Tehran!" and put in 50 days of solitary confinement. Violent interrogations including suspension *(shabeh)*, electrocution of his nipples and stomach. During one questioning, the interrogator shot him in his left leg. **"Taha"** described being taken to the Officers room and given matte to drink. After he had done this, verbal "harassment' started and then **"Taha"** was forced to undress.

The officer tied **"Taha"'**s penis with thread and then tied the other end to the door handle of office. The door was open and closed repeatedly, each time pulling painfully on his penis. He was unable to urinate. For two days, he was left like that, there in the office with officers coming in and out. He defecated himself twice, and was beaten when he did. On the third day, they untied penis, and he urinated blood. The bloody urination lasted for five months.

In "Wing Hall" at the same branch, **"Taha"** witnessed the guards strip naked another detainee when they found a memory card hidden on him. After some confusion over the password for the memory card, the detainee's penis was then tied, and pulled left and right. He was suspended and beaten until he died. The guards realised, after the inmate had died, that they had put in the wrong password memory card. Once open, there were only verses from the Quran on the card. In the same place, **"Taha"** spoke of a group of children held there and used sexual slavery.[25] Most of the detainees were kept continually naked in that hall all of the time.

"Taha" spent over two years in detention, across multiple security branches, and horrendous conditions, subjected to extreme violence. Since release, he has needed long-term medical treatment, including intramuscular injections and treatment for neurological dysfunction. He has also been diagnosed as suffering from generalised anxiety disorder.

Genital Mutilation

"Mansour" (took up arms, caught in skirmish)

In mid 2011, **"Mansour"** was captured after a skirmish, and taken to Homs Military Security Branch. He was quickly transferred to **Military Security Branch 248** in Damascus. On arrival, he was subjected to forced nudity.

After one day in solitary confinement, he was brought for interrogation. He was stripped naked and hung 'like a crucifixion' on a metal door, his hands and feet cuffed to door in metal rings. The interrogators separated his legs and poured water on him. Electric current started to pass through his body. At first, it was like mild needle pricks, then it was increased. He screamed out in pain. He lost consciousness three or four time, and each time they poured water on him to revive him.

[25] This is independently corroborated by several other LDHR medical expert reports..

Before the second interrogation, he was deprived of water. When it started, they gave him lots of water, which he drank because he was so thirsty. The men then tied a metal wire around the root of his penis and around his scrotum. They suspended him from his hands. They beat him and broke his ribs. Others were also suspended around him. He witnessed another detainee have his genitals burnt using a pressurised gas cylinder with a pipe firing flames. The interrogators continued to burn the detainee's genitals until he died. As **"Mansour"** hung there, he was also forced to witness another detainee have a stick inserted in his anus. He hung there, suspended from his wrists, with his penis and scrotum tied for ten hours. He felt as if his bladder would explode. Once untied, he urinated blood.

The next day, he was burned in interrogation, and then his interrogator used an electric drill, drilling through his upper thigh into the pubic area. He lost consciousness, waking to find more holes in his legs. These injuries became infected and turned black. While he was there, **"Mansour"** also heard women begging and pleading. He believes they were being subjected to sexual violence but didn't see this directly.

He has multiple scars including scars on his penis, and deep scars in his pubic area. He described 18 months of impotency, and recovery only after lengthy treatment. He had broken ribs and multiple other physical findings. Six years after release, he is still deeply impacted from psychological symptoms, enduring insomnia, shame and stigma.

Genital Beating

"Alaa"

In late 2015, **"Alaa"** was arrested at his office and taken to Military Security Branch in Lattakia. He was subjected to collective forced nudity on arrival, accompanied with violence and insults. While naked, he was threatened with other sexual violence. He was also whipped with electric cables. During the first 15 days of interrogations, he was taken into a corridor where guards targeted his genitals for kicking and beating. He suffered a crushed left testicle, difficulty urinating, urinary frequency and hesitancy, reddish colour of urine, and pain upon urinating.

During interrogation, **"Alaa"** was also suspended *(shabeh)* all day, with the cuffs digging into wrists and shoulders feeling paralyzed. He screamed in pain. He was taken down for only a few minutes and then suspended again, until the following afternoon (over 24 hours). During this time, he was beaten with green plastic piping. He lost consciousness. **"Alaa"** spoke of the deep feeling of humiliation. He was whipped across his back, and put into a torture device called "the German Chair" (designed to bend a person's back the wrong way). The first time in the German Chair, the soldier declared, "I snapped his back". During this period, he was subjected to three day-long suspensions, and three time in the German chair. He was later transferred to the Palestine Branch in Damascus. The conditions, violence and humiliation were terrible: detainees were made to eat their own stool, and he saw other detainees bleeding from their penises. Here he was beaten while forced inside a tyre *(dulab)*.

When he was released, **"Alaa"** found out his son had died while he was in detention. He fears he is now impotent. He feels shameful about the forced nudity, and is significantly impacted psychologically. The urologist found damage to varicose veins and lack of movement/dead sperm, requiring surgery.

Genital beating was also reported by **"Hameed"**, whose experiences are set out below.

3. Collective Sexual Humiliation

Prosecutor v. Dordevic, ICTY Appeals Chamber Judgement, para.852: *"It is evident that sexual assault requires that an act of a sexual nature take place. The Appeals Chamber notes that the act must also constitute an infringement of the victim's physical or moral integrity. Often the parts of the body commonly associated with sexuality are targeted or involved. Physical contact is, however, not required for an act to be qualified as sexual in nature. Forcing a person to perform or witness certain acts may be sufficient, so long as the acts humiliate and/or degrade the victim in a sexual manner [...]it is precisely the sexual humiliation and degradation which "provides specificity to the offence"* (emph. added).

It is not required in international law that the perpetrator himself was engaged or physically did the sexual act himself. It is sufficient that he or she forced others to perform those acts. E.g. cases below and **Prosecutor v. Cesic,** ICTY Sentencing Decision, para.35-36; **Prosecutor v. Dordevic,** ICTY AJ, para.850 *"this includes requiring that other person to perform such an act."* (citing **Prosecutor v. Milutinovic,** ICTY TJ Vol.1, para.201).

Examples from Case Law

Prosecutor v. Sesay (RUF case), SCSL TJ, paras.1205 and 1305 – a couple forced to have sexual intercourse in front of their daughter, who was made to wash her father's penis afterwards. The court found this "severely humiliated the couple and their daughter, and violated their dignity."

Prosecutor v. Krasjnik, ICTY TJ paras.304, 372 and 800 – male detainees forced to perform sexual acts on each other, sexual mutilation and forced to eat the severed parts.

Prosecutor v. Martic, ICTY TJ, para.288 fn.899 - male detainees forced to perform fellatio (rape) on each other and prison guards, also to mutually masturbate.

In the review of the 138 LDHR cases, there are reported incidents of collective group sexual violence including mixed gender groups where forced nudity and many of the other forms of sexual violence were subjected publicly on groups, to debase, humiliate and break the detainees. The cases noted below involve cases where detainees have been forced to perform sexual acts on each other. Disclosure of this type of sexual violence is extremely difficult if a person was made to engage in such acts, given the humiliation, taboo, stigma and shame it evokes. Those survivors who spoke of it, also reflected on the great humiliation and shame involved. This may be an under-reported crime.

"Rashid"

"Rashid" was arrested at checkpoint in 2016 and held at the **Hama Military Security Branch**. During interrogation, they rotated between three methods all day; suspension *(shabeh)*, the tire *(dulab)* and beating of his feet *(falanga).* During all three, he was beaten with green water piping, electric cables, and metal skewers. Interrogators stubbed out lit cigarettes on his body. He lost consciousness at some point. He woke in a solitary confinement cell so small that his head was near the toilet. He spoke of his humiliation and said he wanted to die. This interrogation was repeated every day for 27 days. The interrogators added new methods each day; making him roll on broken glass, electrocuting his nipples, urinating on him, and forcing detainees to take an unknown drug. As a group, detainees were forced to swallow cups of salt. **"Rashid"** watched another detainee die from this. He was also kicked in the head, lost teeth and lost consciousness for four days.

[26] LDHR has other medical expert cases which disclose similar crimes, which are consented for criminal prosecutions, but not for use in human rights reports.

Upon transfer to **Homs State Security Branch,** he was stripped completely naked, and remained like that, being watched for four hours. He was then instructed to do "security manoeuvres". He was kept in an overcrowded room, which was separated from the female detainees by only a curtain. For interrogation, **"Rashid"** was suspended in only his underwear in front of the women's prison and women could see him like that for an hour. The interrogators then brought two women into the connecting interrogation room – the women and he could see each other through a large window. The women were ordered to take off their clothes, say dirty words and make sexual gestures and touch each other. He was also told to take his clothes off, make sexual movements in front of them and touch his genitals. This went on for an hour. Through the same window, he was also forced to witness the rape of one of the female detainees. He said he lost his mind for four days. He was released after two months in detention, and has multiple scars.

"Zaid" (accused of trying to defect)
"Zaid" was a soldier accused of trying to defect in 2011. He was first held in Branch 293 ("the Officer's Branch"), then transferred to Branch 248 and then Sednaya.

While he was held in Sednaya, he reported that in their cells, detainees were ordered to strip completely naked, lay face down on top of each other and pretend to have sex with each other. One detainee refused and was beaten by ten soldiers. He was released in 2014 after three years in horrific conditions of squalor, disease and death. Two years after release he was still battling skin conditions, scars and symptoms consistent with PTSD.

"Khalil" (with women), **"Moaz"** (male sexualised torture in collective setting), **"Taha"** (with father) and **"Karem"** (sexualised torture) also reported collective sexual humiliation or torture in group settings with forced nudity as an additional component.

4. Forced Witnessing of Sexual Violence

Prosecutor v. Dordevic, ICTY AJ, para.285 - *"Forcing a person to perform or witness certain acts may be sufficient, so long as the acts humiliate and/or degrade the victim in a sexual manner."*
(citing **Prosecutor v. Milutinovic et al.,** ICTY TJ Vol. 1, para. 199; **Prosecutor v. Brdjanin,** ICTY TJ, para. 1012; **Prosecutor v. Stakic,** ICTY TJ, para. 757; **Prosecutor v. Furundzija**, ICTY TJ, para. 186.
Prosecutor v. Sesay et al (RUF case), SCSL TJ, paras.171, 1205/1305 (forced to witness sexual violence held to be an outrage of personal dignity), 1347-1349, 1354 (forced to watch rape as terrorising civilian population as violation of laws and customs of war – Common Article 3 and Additional Protocol II
Prosecutor v. Kayishema & Ruzindana, ICTR TJ, para.153 – being forced to witness violence against others, particularly loved ones can amount to serious bodily and mental harm, but mens rea is needed – the perpetrator must know they had to watch.

Similar to the collective sexual humiliation section above, LDHR's cases suggest that forced witnessing of sexual violence occurred in public and collective settings. Often men were forced to watch sexual violence against women, or were collectively sexually assaulted together. Many of the case studies above include forced witnessing of rape, different forms of sexual torture, sometime fatal, and sexual humiliation against inmates. In its previous report on women in Syrian detention centres "Voices from the Dark", LDHR shared a report that one woman had died of a heart attack having been forced to watch a group of male detainees be beaten and have bottles forced into their anuses. She recognised one of the men as her son.[27]

In three of the case studies, forced witnessing of sexual violence including fatal sexual violence (**"Hameed", "Mansour", "Taha"**), and in one case, sexual violence against children (**"Abdullah"**).

[27] *See* LDHR (2017) "Voices from the Dark", p.15. in Aleppo Political Security Branch.

"Hameed" (accused of operating a field hospital in his house, brothers and their sons participating in revolution)

"Hameed" was arrested at checkpoint when travelling to his mother's funeral in April 2012. He was detained at **Hama Airforce Security Branch**. After 11 days, he was brought for interrogation. They stripped him naked, and forced him on to his elbows and knees. They beat him between 60-65 times with a cable while firing questions at him. The interrogators used an electric stick to shock his fingers and toes. He was also electrocuted while being suspended *(shebah)*. On another occasion, he counted over 100 strikes with a cable as he was suspended for 12 hours. He was then laid on the ground, ropes attached to each limb, and the ropes pulled to stretch him while people jumped on his back. This dislocated his shoulders. He reports attempting suicide twice in detention to stop the torture and pain.

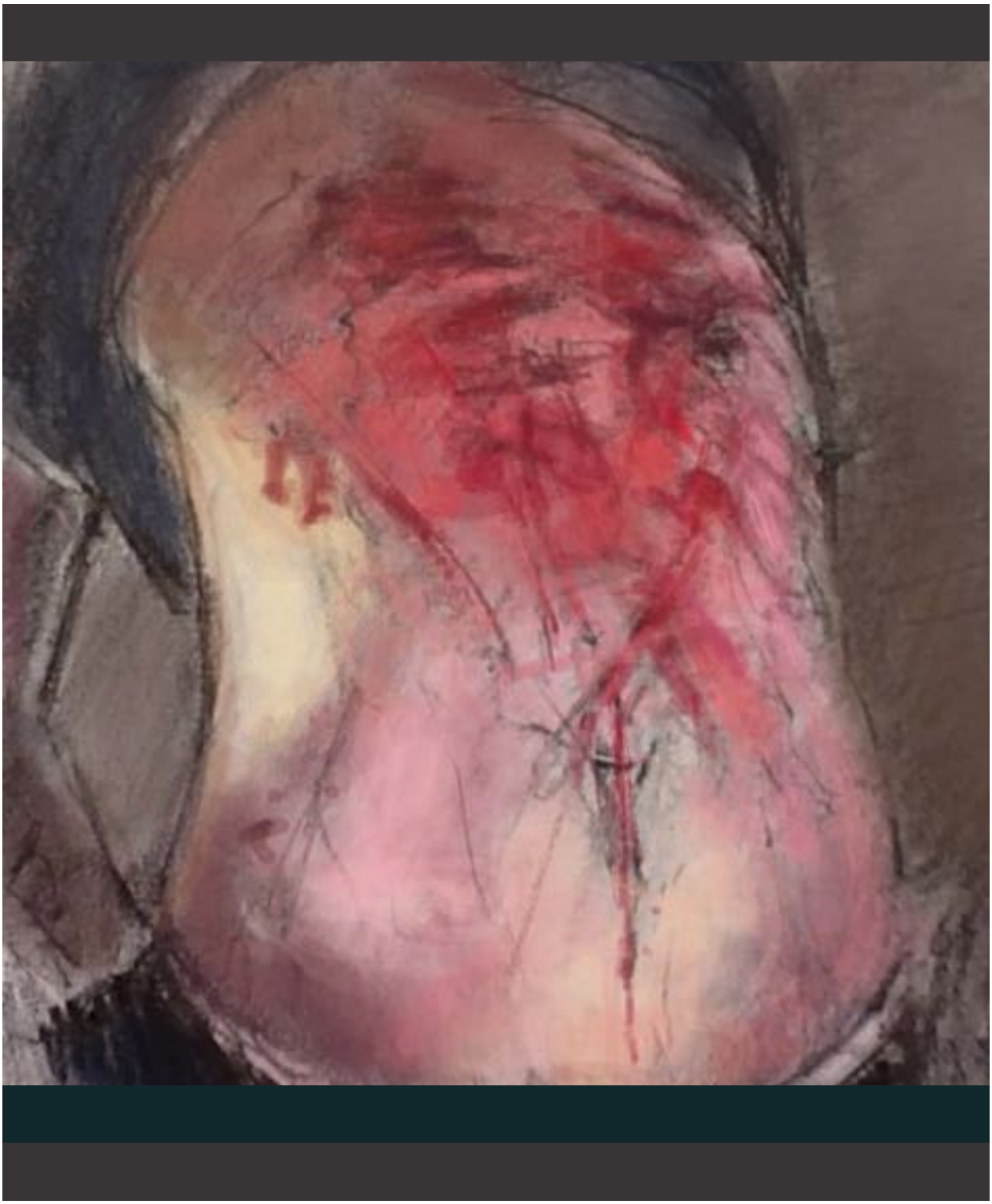
An interrogator once asked **"Hameed"** how many children he had. When **"Hameed"** replied, the man told him that was enough and *"he'll stop from him having children"*. The man then beat **"Hameed"**'s testicles until they were swollen. He was then hit in the face repeatedly until he lost teeth and consciousness. The interrogator poured water on him and described him as "another dead dog". He was transferred to Hama central prison, where he was subjected to collective forced nudity on arrival and the group of new arrivals were ordered to do three "security moves" together.

He was released in June 2016. **"Hameed"** still has a jagged scar on his genitals consistent with beating. He reports that at the time there was clear fluid like semen discharging from the wounds.

"Karem" (assisting defectors)

In April 2011, **"Karem"** was shot at a 'shabiha'-manned checkpoint. His friend died, and he was shot four times. The shabiha surrounded him and kicked him as he lay on the ground bleeding. He was taken to hospital, where he was interrogated by a Major General. After 27 days in hospital with several surgeries, he was then taken to the **Palestine Branch**. There he faced violent interrogations, during which he was suspended *(shabeh)*, beaten with truncheons, and whipping for two hours. He was asked to confess that he has assisted defectors. He was then taken to a room next to the first interrogation room where he was forced to become naked. There were three men in civilian outfits in the room: one questioning, two inflicting violence. Electrodes/pinchers were clamped to his scrotum, and he was shocked repeatedly. He was then tied to a chair and more electricity was jolted through him. This was even more painful because he could not move. The men punched him in his face, breaking three front teeth. He was beaten with electric cable and his head was hit against a wall until he lost consciousness. After this event, he was taken upstairs to the corridor of the Colonel's room. He could see two women, naked and suspended in corridor. They were screaming from the torture.

From there he was transferred to Branch 248, and on to Sednaya. **“Karem”** was released after two years and one month in detention. He had lost a third of his body weight, more than 30kg. At the time of his medical evaluation, he was isolated, suffered nightmares, and reported no sexual desire. He had undergone six months of treatment for bloody urination. The events in detention had a significant impact on his day to day functioning for at least six months. He has continuing psychological impact.



5. Threat of Sexual Violence

Under Common Article III and APII, acts or threats of violence with primary purpose of terrorising civilians are violations of the laws and customs of war.

Prosecutor v. Brdjanin, ICTY TJ,

• Para.516 – an elderly man ordered to rape woman. He refused and was killed. *"The Trial Chamber, by majority, finds that the threat of rape constituted a sexual assault vis-à-vis the female detainee."* [Note: it is not clear why the threat against the elderly man did not also constitute a sexual assault. In some cases where men are killed following sexual violence, that preceding violation has not been formally recognised in trial judgements.]

• Para.1013 – a soldier ran his knife along a female detainee's breast. This was described in the trial judgement as sexual assault. It is not clear whether it was as a threat to cut or as forced nudity and touching).

• Para. 1018 - threats to male detainees that their mothers and sisters would be raped was found to be humiliation and degradation as underlying acts of persecution as a crime against humanity.

Prosecutor v. Furundzia, ICTY TJ, paras.38, 82 – during interrogation, a soldier held a knife to a women's thigh and threatened to put it into her vagina if she did not answer his questions. She was also raped, subjected to forced nudity and other forms of sexual violence. It is not clear whether this was charged or held as sexual violence in its own right, separate from the other forms of sexual violence.

In the analysis of the 138 cases, 15.2% disclosed being threatened with sexual violence. This was about evenly split between threats of anal rape (including penile), threats of other forms of sexual violence, and threats to rape mothers, sisters or wives. Among the case studies, six were threatened with sexual violence. **"Khalil"** said that his son threatened with penile electrocution. **"Hadi"** was told his wife, mother and sister would be brought and raped in front of him. **"Mansour"** was threatened with anal rape. **"Moaz"**, who had already been subjected to anal rape with a hose pumping water, forced nudity, forced witnessing of sexual violence against women, and had his penis tied and beaten, was further threatened with penile anal rape.

6. Forced Nudity

Examples for Case Law relating to Forced Nudity of Women

Prosecutor v. Akayesu, ICTR TJ, para.688 *"The incident described by Witness KK in which the Accused ordered the Interahamwe to undress a student and force her to do gymnastics naked in the public courtyard of the bureau communal, in front of a crowd, constitutes sexual violence."*

Prosecutor v. Kunarac, ICTY TJ, paras.766-774 – women were forced to dance naked on a table in front of soldiers. The Trial Chamber held this to be outrages of personal dignity as violations of laws and customs of war.

Prosecutor v. Brdjanin, ICTY TJ, para.103 – a woman was forced to undress in front of jeering soldiers and police.

Prosecutor v. Kvocka, ICTY TJ, para.170 confirms case law that forced nudity is an example of sexual violence.

The ICC OTP, Policy Paper on Sexual and Gender-Based Crimes, includes forced nudity as example of sexual violence, *but see* Bemba Pre-Trial Chamber which held it was not of comparable gravity. [28]

[28] June 2014, p.3, at : https://www.icc-cpi.int/iccdocs/otp/otp-policy-paper-on-sexual-and-gender-based-crimes--june-2014.pdf

While the case law recognises forced nudity as sexual violence and often expresses this in a gender neutral way, most of the cases were specific legal findings have been made relate to the forced nudity of women. It is possible that forced nudity of men has been taken less seriously and either not investigated, not charged, not presented in evidence during trial or overlooked in judgements.

Case Law or Reports identifying male forced nudity as sexual violence

Prosecutor v. Stanisic and Zulpanin, ICTY TJ, para.1599 male forced nudity noted in context of other sexual violence.

From Bosnia, the FBiH Supreme Court:

Koler case, Verdict dated 11 March 2013 - two brothers forced nudity, threatened with genital mutilation and ordered to have sexual intercourse which they refused).

Milanovic case, Verdict dated 15 February 2013 – male detainees subjected to forced nudity, made to jump on trimmed bushes, then forced to engage in sexual intercourse (but not established that sexual intercourse happened). [29]

OSCE "As Seen, As Told: Findings from OSCE HRV Verification Mission 1998-1999", pp.106-107 – Under the title 'Sexual Assault on Men', *"The cases of sexual assault on men, reported below, are further indications that sexual violence was used as a deliberate tactic to undermine Kosovo Albanian identity by breaking down the physical, psychological and sexual identity of the victims. [...] Outside these situations, it appears that forcing men to strip naked was the most common way of sexually humiliating men."*

[29] From OSCE (2015) "Combating Impunity for Conflict-Related Sexual Violence in BiH: Progress and Challenges", June 2015, p.32.

In her discussion of forced nudity in the context of sexual violence against male detainees, Fionnuala Ni Aolain found, *"International law increasingly takes a nuanced and victim-centered approach to the experience of sexual coercion, noting that the social, cultural, and familial mores of the detainee must be explicitly contextualized in the investigation and acknowledgement of sexual harm."*[30] She also notes the recognised *"implication of nudity in Arab culture … Moreover, the religiously and culturally conservative reality of each detainee's life prior to detention and interrogative is factually and legally relevant in assessing the experience of sexual coercion. We cannot ignore that many of these men were culturally and religiously conservative, and that the exposure of their bodies to other men (and women) in such circumstances would have been demeaning, humiliating, and provoked fears for their physical and sexual integrity."*[31]

Another international academic expert, Sandesh Suvakumaran states, *"Individuals who are forced to strip naked feel exposed, vulnerable and without dignity. These feelings are exacerbated when the forced nudity is accompanied by threats of a sexual nature. Some male survivors state that, the humiliation of being interrogated while naked was a very drastic event in their lives'. Depending on the particular cultural context in which this forced nudity takes place, the effects may be particularly severe."*[32]

Based LDHR's reviewed case collection, forced nudity occurred at three settings 1) upon arrival – in public, group settings, with other detainees (some with women also present or relatives like father and son) described by some as "humiliating", often with insults and most often reported with "security moves" (see also cavity searches as a form of rape under the section above), 2) some times in cells as part of sexual humiliation (*see e.g.* **"Khalil", "Zaid"** above) or as part of horrendous conditions of detention, and 3) as part of interrogation as a means to demean, humiliation and dominate, often in collective setting with many people present, sometime with mixed gender detainees, with people forced to watch, and again often accompanied by other forms of sexual violence (see e.g. **"Rashid"**, **"Karem"**).

[30] Fionnuala Ni Aolain (2016) Forced Nudity: What International Law and Practice Tell Us", Just Security, 1 June 2016 https://www.justsecurity.org/31325/forced-nudity-international-law-practice/
[31] *See also* Alexa Koenig, ibid.
[32] Sandesh Suvakumaran (2007) "Sexual Violence Against Men in Conflict", ibid, at p.266 (discussion on forced nudity), p.270.

Regarding forced nudity upon arrival at detention centres (which appears almost universal), any argument that this is a necessary security procedure to ensure safety is readily debunked by considering (1) the human rights and international penal standards for lawful inspections, and (2) the conditions under which such nudity took place.

1) International Standard for Inspection of Detainees:

As described above for cavity searches on arrival at detention centres, international human rights and prison rules carefully restrict the practice of strip searches. Such rules emphasize respect for human dignity and privacy. Required procedures include same gender searches in private settings with minimal person's present.[33] In addition, staggered nudity ensures that a person is not fully naked at all once and body parts are unconcealed for the shortest period possible for inspection.

Valasinas v. Lithuania, European Court of Human Rights [34] - ordered to strip naked in front of several officers including a woman, no gloves used when checking/ touching his testicles, and then was required to do sit-ups to ensure nothing hidden in anus. *"The Court considers that, while strip-searches may be necessary on occasions to ensure prison security or prevent disorder or crime, they must be conducted in an appropriate manner. Obliging the applicant to strip naked in the presence of a woman, and then touching his sexual organs and food with bare hands showed a clear lack of respect for the applicant, and diminished in effect his human dignity. It must have left him with feelings of anguish and inferiority capable of humiliating and debasing him. The Court concludes, therefore, that the search of 7 May 1998 amounted to degrading treatment within the meaning of Article 3 of the Convention."*

[33] *See* Mandela Rules R50-52; EU Prison Rules R54; CAT/OP/MDV/1 para.201 (strip searches in group setting held to be "humiliating treatment"; *see* R v. Golden, Supreme Court of Canada, 2001 SCC 83;(2001), 153 O.A.C. 201 (SCC) (case by case assessment of necessity, prior authorization senior officer, private area, same gender, training, procedure, minimal force, minimal presence of officers).

[34] Judgement on Merits, 24 July 2001, https://hudoc.echr.coe.int/eng#{"itemid":["001-59608"]}, paras.26, 177 .

Iwańczuk v. Poland, European Court of Human Rights[35] - told have to undress and undergo a body search. He took off his clothes except his underwear, at which point the prison guards ridiculed him, exchanged humiliating remarks about his body and abused him verbally. He was ordered to strip naked, but refused to do so and was then taken back to his cell without being allowed to vote. *"Behaviour intended to provoke feelings of humiliation and inferiority, as in this case, showed a lack of respect for a prisoner's human dignity."*

2) The Circumstances of Forced Nudity on Arrival at Syrian Detention Centres

In contrast, almost all of LDHR's patients described a group setting in a public space with many officers present, different genders present (detainees or guards), complete nudity for long periods and examinations performed by staff with no medical training. Many described insults, additional humiliation or degradation, threats of sexual violence and significant and prolonged physical violence which accompanied this forced nudity on arrival. Some explicitly spoke of the cultural aspects of collective nudity, and the humiliation they felt.

"Taha", whose case is detailed above, was stripped naked in front of his father, and his father in front of him. He stressed the psychological impact of this.

"Alaa", also described above, reported that three men *"stripped him completely naked in the corridor. ... They were swearing at him. They threatened him with sexual assault, and everyone in the corridor saw him in that situation as he stayed like this for half an hour."* His psychological symptoms (associated with PTSD) included recurrent intrusive painful memories of being naked in front of others. He spoke of the humiliation.

On arrival at Homs State Security Branch, **"Rashid"** was forced to be completely naked with others for four hours before they were then made to do "security manoeuvres".

PREVALENCE

Establishing an accurate prevalence rate of sexual violence is extremely difficult. One reason is the risk of considerable under-reporting. Barriers to reporting include inhibiting social norms, stigma and shame surrounding sexual violence which both prevents survivors from coming forward and from being able to discuss sexual violence when they do. Certain types of harm may be more difficult to disclose than others.

[35] Judgement,15 November 2001, https://hudoc.echr.coe.int/eng#{"itemid":["001-59884"]}, paras.58-59 .

It is not possible or accurate to extrapolate figures from a small case collection to make any assertions about prevalence across the broader Syrian detainee population. LDHR does not seek to do this. Rather it simply presents the statistics from the reviewed case collection of 138 male detainee medical expert reports (consented for use). LDHR notes that its population are all former detainees, all of whom have voluntarily presented for documentation of some form of violence or ill-treatment which occurred in detention.

Information about the Reviewed Case Collection

- 138 Syrian males who had all been detained by the Syrian government and presented for medical evaluation with some report of violence or ill-treatment.
- Age range at point of detention: 20-56 years old.
- Average age: 36.2 years old
- Detained between years of 2011-2017.
- Average duration of detention: 17.8 months.
- Average number of places of detention: 3.8.

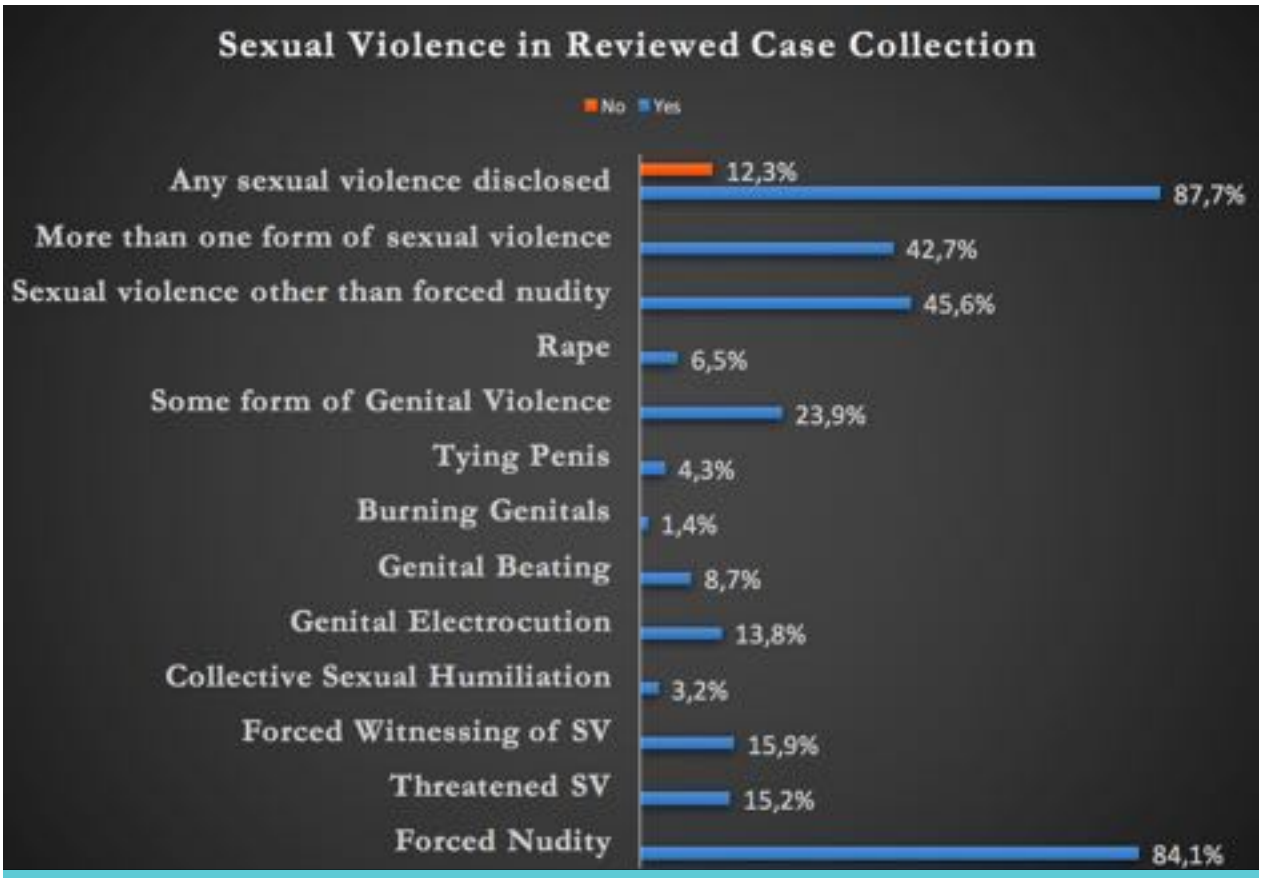


Table 1. Prevalence and Types of Male SV in Reviewed Case Collection

3) Comparison to Reported Rates of Sexual Violence in Other Conflicts, where figures are available[36]

Global figures for sexual violence against male torture survivors, suggest rates of sexual violence ranges between 50-80%.[37] LDHR notes this is the most similar population comparison to their reviewed case population. The prevalence in LDHR's case collection appears higher than the global range.

Eastern Democratic Conflict: estimated 23.6% of men had experienced sexual violence.[38]
Liberia: among former combatants, 32.6% men experienced sexual violence, 7.4% of male non-combatants.[39]
Uganda Male Refugee population: 38.5% experienced sexual violence over lifetime, 13.4% in preceding year.[40]
Sudanese Refugees in Uganda: 30.4% of men had experienced or witnessed sexual abuse of a man. Among non-refugee Sudanese men residing in conflict-affected state in **Sudan**, 46.9% had experienced or witnessed the sexual abuse of a man.[41]
El Salvador: 53% of documented sexual violence victims at the Truth Commission were male (following a review of records. Original report states 1%).
Peru: 22% of documented sexual violence victims at Truth Commission were male (following a review, report states 2%. Most wrongly coded only as torture).[42]

[36] The figures provided in this section are informed by Dr. Sarah Chenowith's report, ibid, p.14. Citations to her primary sources are also credited in the following footnotes.
[37] Sara Meger (2015), "'No man is allowed to be vulnerable': Fitting the Rape of Men in Armed Conflict into the Wartime Sexual Violence Paradigm." in Engaging Men in Building Gender Equality, Michael Flood with Richard Howson, eds. (Newcastle, UK, Cambridge Scholars Publishing).
[38] Kristen Johnson and others (2010) "Association of Sexual Violence and Human Rights Violations with Physical and Mental Health in Territories of the Eastern Democratic Republic of the Congo", Journal of the American Medical Association, Vol. 304, No. 5, pp.553-562.
[39] Kristen Johnson and others, "Association of Combatant Status and Sexual Violence with Health and Mental Health Outcomes in Post-Conflict Liberia", Journal of the American Medical Association, vol. 300, No. 6 (2008), pp. 676-690.
[40] Chris Dolan (2014), "Into the mainstream: Addressing Sexual Violence Against Men and Boys in Conflict", briefing paper prepared for the workshop held at the Overseas Development Institute, London.
[41] Mari Nagai and others (2008) "Violence Against Refugees, Non-refugees and Host Populations in Southern Sudan and Northern Uganda", Global Public Health, vol. 3, No. 3, pp. 249–270.
[42] Michele Leiby (2012) "The Promise and Peril of Primary Documents: Documenting Wartime Sexual Violence in El Salvador and Peru", Understanding and Proving International Sex Crimes, Morten Bergsmo, Alf Butenschøn Skre and Elisabeth J. Wood, eds. (Beijing, TOAEP).

PATTERNS EMERGING FROM LDHR REVIEWED CASES

From analysing LDHR's case studies and broader reviewed case collection, the following patterns emerge:

1. There is no particular age for male victims, with sexual violence reported against boys under 18 years old up to men in their 50s (average age 36.2).
2. All survivors' arrests were based on accusations relating to their or their relatives political views, by supporting the opposition in some way.
3. Male sexual violence is not occurring in a single detention centre or being committed by an specific security agency. It is spread across geography, units, ranks (guards and officers) and time.
4. The sexual violence starts immediately on arrival as part of humiliating, collective forced nudity under the guise of security searches.
5. Male sexual violence is occurring universally in public and collective settings. There is usually more than one detainee present, and more than one perpetrator present. The crimes have occurred in halls, courtyards, group cells, corridors, officer's rooms, and interrogation rooms.
6. The central purpose of sexual violence seems to be humiliation and pain, to break the victim.
7. The sexual violence is not always in an interrogation setting, and not always to force a confession. Few report being asked for information not already known or presented to them. Some report being required to sign blank pieces of paper. Others were required to make up stories which were not true.
8. In addition, comments while inflicting genital violence in different locations by different units may indicate a common cross-setting and unit purpose (or policy) to prevent births of Sunni children.
9. Unique and specific typology appearing across branches and locations suggest further co-ordination, instructions, manuals or policies, including for examples the unusual practice of tying penises. In two locations, both Airforce Intelligence, the penis was then tied to a door.
10. There are also clear patterns in impact, as set out below.

IMPACT OF SEXUAL VIOLENCE ON MALE DETAINEES

For many of the male survivors in this report, the impact of the sexual violence inflicted upon them in detention has been long-term and devastating, affecting their daily lives, their relations with their family, and their engagement and place within their communities.[43] While the range and type of sexual violence varies between the patients, there were many common strands of impact. The physical, psychological, social and economic impacts reported in the male survivors in the case studies presented in this report are set out in the Table below. Most prevalent in this group were sadness and depression (93%), flashbacks or intrusive memories/thoughts (93%), anger (87%), self- isolation (80%), fear and anxiety (73%), impact on close relationships (73%), insomnia (73%), nightmares (73%), and hyper-vigilance or heighten startle responses (73%). Of note, 60% reported impotency or infertility following the events in detention. Over half felt lasting shame, self-blame or humiliation (53%). Two thirds of this group had been displaced from their homes/towns following detention, either as IDPs or as refugees in surrounding countries.

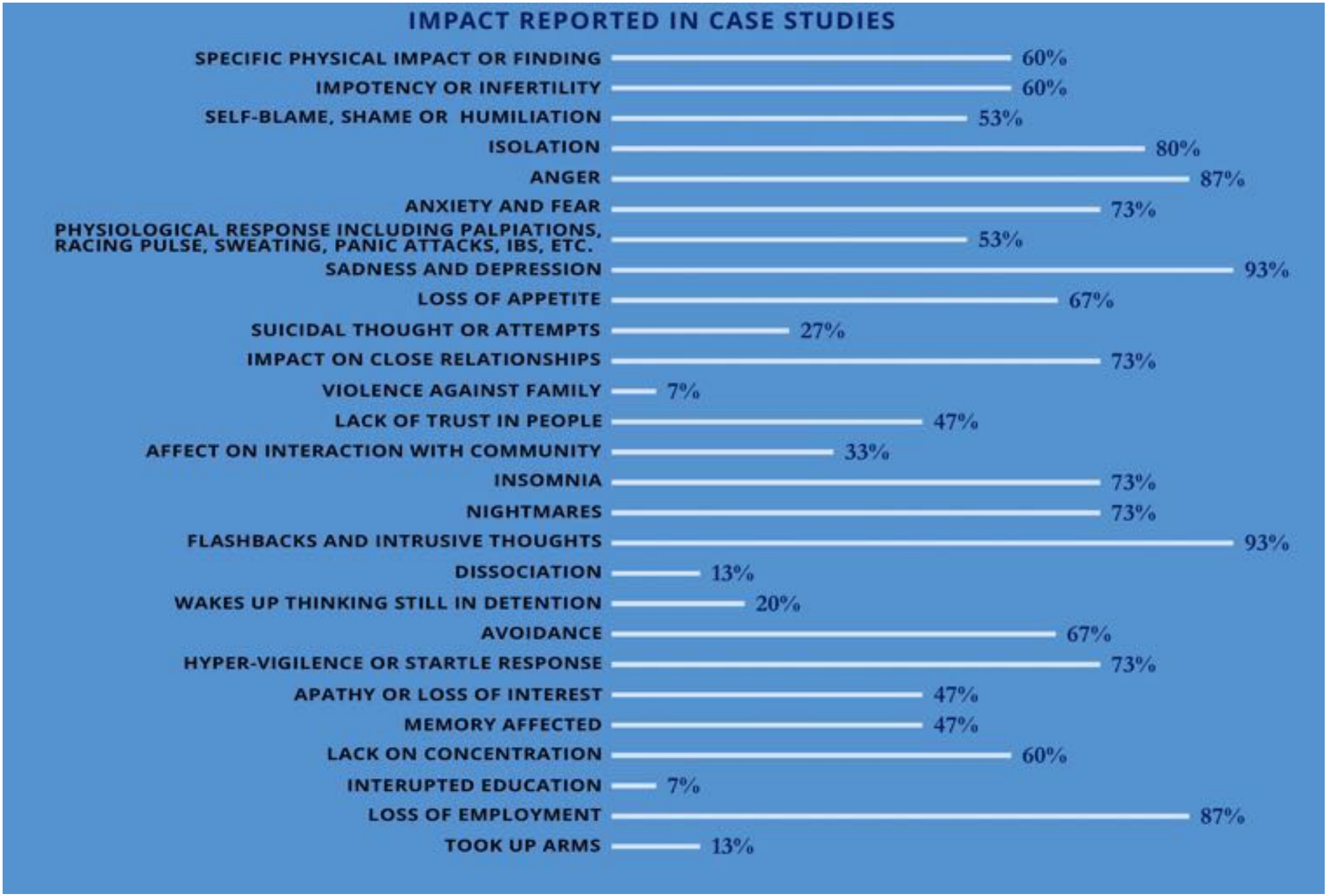
[43] *See* also Sarah Chenowyth, ibid, p.7, *"Devastating, multi-faceted impacts of sexual violence on male survivors and their families were documented. Sexual violence, particularly sustained sexual torture, had profoundly debilitating and destabilising psychological consequences. Physically, rectal trauma, often due to sexual torture with the use of objects, in the form of anal fistulae and fissures was reported, resulting in ongoing pain and faecal leakage. Socially, male survivors were shunned and shamed, and some were threatened with death. Economically, adult male survivors faced numerous impediments to employment—under already highly competitive, often exploitative conditions—due to poor mental health, community marginalisation, or compromised physical health. Some boy survivors left school, jeopardising their education. Entire families were impacted: community ostracization, the onset of domestic violence, and poverty due to loss of livelihood were reported as direct results from the sexual victimisation of a husband, father, or son."*

It is important to understand these impacts for many reasons, not least to ensure care, support and recovery for male survivors, their families and their communities. Studies of Syrian mental and psycho-social needs found Syrian men less likely to seek help and access care,[44] a figure which echoes Medicine Sans Frontiers' findings that only 5% of sexual violence survivors seeking help across 61 countries between 2004-2013 were male.[45]

The impact may also have relevance to criminal accountability through certain jurisdictional or elements of crime gravity threshold, to fully understand the nature of the crimes committed and to assist with appropriate sentencing.

[44] *See* Hassan, G, Kirmayer, LJ, MekkiBerrada A., Quosh, C., el Chammay, R., Deville-Stoetzel, J.B., Youssef, A., JefeeBahloul, H., Barkeel-Oteo, A., Coutts, A., Song, S. & Ventevogel, P. Culture, Context and the Mental Health and Psychosocial Wellbeing of Syrians: A Review for Mental Health and Psychosocial Support staff working with Syrians Affected by Armed Conflict. Geneva: UNHCR, 2015, pp.34-35.

[45] Françoise Duroch and Catrin Schulte-Hillen, "Care for victims of sexual violence, an organization pushed to its limits: the case of Médecins Sans Frontières", International Review of the Red Cross, vol. 96, No. 894 (2014), pp. 601-624.


IMPACT REPORTED IN CASE STUDIES
SPECIFIC PHYSICAL IMPACT OR FINDING 60%
IMPOTENCY OR INFERTILITY 60%
SELF-BLAME, SHAME OR HUMILIATION 53%
ISOLATION 80%
ANGER 87%
ANXIETY AND FEAR 73%
PHYSIOLOGICAL RESPONSE INCLUDING PALPIATIONS, RACING PULSE, SWEATING, PANIC ATTACKS, IBS, ETC. 53%
SADNESS AND DEPRESSION 93%
LOSS OF APPETITE 67%
SUICIDAL THOUGHT OR ATTEMPTS 27%
IMPACT ON CLOSE RELATIONSHIPS 73%
VIOLENCE AGAINST FAMILY 7%
LACK OF TRUST IN PEOPLE 47%
AFFECT ON INTERACTION WITH COMMUNITY 33%
INSOMNIA 73%
NIGHTMARES 73%
FLASHBACKS AND INTRUSIVE THOUGHTS 93%
DISSOCIATION 13%
WAKES UP THINKING STILL IN DETENTION 20%
AVOIDANCE 67%
HYPER-VIGILENCE OR STARTLE RESPONSE 73%
APATHY OR LOSS OF INTEREST 47%
MEMORY AFFECTED 47%
LACK ON CONCENTRATION 60%
INTERUPTED EDUCATION 7%
LOSS OF EMPLOYMENT 87%
TOOK UP ARMS 13%

Impact Experiences from the Case Studies

The following section illustrates the impact of these events on the male survivors whose experiences are at the heart of this report. Care has been taken not to provide impact information which could identify these survivors, as many of them have never shared their experience with anyone, including their loved ones.

"Mansour"'s case is described in the genital mutilation section above. Whilst in detention he was subjected to forced nudity, forced visual witnessing of male anal rape and fatal male genital burning, forced auditory witnessing of sexual violence against women, having his penis and scrotum tied and an electric drill bore holes into his pubic area. He has been left with deep physical scars on his skin, scars on his penis, damage to his peroneal nerve causing foot drop and loss of sensation. He reported one and a half years of impotency until treatment resolved it. He feels embarrassment and shame over this, and isolated himself from his family until he recovered. He feels stigmatised. Initially he endured constant nightmares, but this has faded somewhat over time. He can never forget the events, and describes his sleep patterns as *"constant insomnia"* because his thoughts of detention. He feels like he has a *"heart of stone"* now, unable to cry even when he has lost family members. He reports a significant negative impact on his ability to concentrate, and his ability to work. He started smoking cigarettes after being released from detention.

"Nidal" describes his *"world of sadness and depression"*. He isolates himself for four to five days straight alone in his room. He feels shame, embarrassment and blames himself for what happened. He is riddled with "great fear and doubt". His fiancé left him because of this. He is *"haunted"* by intrusive thoughts and memories of torture, which *"replay like a movie"* in his mind. *"It never leaves my mind."* He hears the voices of detainees and their cries. He often cries when he is sitting alone. He has no appetite. He deliberately avoids sleeping longer than two hours each night as when he does, horrific nightmares come. He reports great feelings of anger and frequent, easily provoked irritation. He believes his future is *"dark and without hope"*. He expressed passive thoughts of suicide.

"Rashid" is left with *"pervasive fear".* He secludes himself and tends to isolation, left with the memories of his humiliation. He reports that he cannot recall important people and events in his life, but he cannot forget any of the details of his detention. When memories or reminders come, it makes him shiver, and break out in sweat. He says he *"cries like child".* He also has a heightened startle response. At night, he trembles until he falls asleep. He cannot trust anyone anymore, not even close friends. He has stopped praying.

“Hadi” told LDHR’s medical expert, “I am like a bird afraid to approach anyone.” He isolates himself and hides away from people and things. He suffers from IBS, and gets tachycardia and sweats when he is triggered by reminders of detention.

“Abdullah” described the “constant fear” he now feels, and the “severe pain and sorrow”. He said, **“The soul has died, doctor.”**

CONCLUSIONS

Male sexual violence is a significant phenomenon in the Syrian government detention centres. While LDHR makes no claims that the prevalence percentages in its reviewed case collection can be extrapolated precisely to the wider Syrian male detainee population,[46] yet what is revealed is extensive, pervasive and brutal sexual violence against Syrian political prisoners across time, government security agencies and their detention centres. Significant typologies and patterns emerge which suggest widespread, systematic targeting of those opposing the Syrian regime to humiliate, debase and break. Unusual methodology, such as penis tying, in different detention centres may evidence some form of co-ordination or instructions. The case studies also support an objective of genital violence to prevent Sunni births, with clear intent statements made by perpetrators to this effect.

Based on the sexual violence evidenced in LDHR's medical expert reports for the case studies, Syrian regime officers and agents have committed the following international crimes specifically through their sexual violence against men and boys in Syrian government detention centres:

- Rape, enforced sterilisation and other sexual violence of comparable gravity (genital violence – electrocution, burning, mutilation, tying, sexual humiliation, forced nudity, threats of sexual violence, forced witnesses of sexual violence), as well as torture and persecution all as Crimes against Humanity.
- Rape, enforced sterilisation and other sexual violence also constituting a serious violation of Common Article III, outrages upon person dignity, in particular humiliating and degrading treatment, violence to life including mutilation, cruel treatment and torture, subjecting people under control to mutilations are neither justified by the medical, dental or hospital treatment of the person concerned nor carried out in his or her interest, and which cause death to or seriously endanger the health of such person or persons as serious violations of the laws and customs of war in an non-international armed conflict.

[46] There is no official figure for either the number detained the regime detention centre at some point since 2011. Lists of those enforced disappeared in the detention system are in the range of 100,000 or more. More arrests have been reported in southern Syria since the government regained territory there in 2018.

Given what LDHR's medical expert reports tells us broadly about scale and the long-term devastating impact on survivors, their families and their communities, there is much work to be done. Syrians must find ways to recognise, respond to and support male sexual violence survivors. Too many of our men and boys are affected. Too many wives and children are impacted consequentially. We need to start community conversations, to break down taboos and barriers to disclosure, particularly for access to mental health and psychological support. We have to tackle the destructive stigma, shame and blame which our communities inflict upon these survivors. We have to encourage our men and boys to emerge from isolation, to seek help and support them when they do. We have to ensure we have the right specialists to deal with physical and psychological consequences. If we do not, what has happened will damage future Syrian generations.

It is also imperative that all possible actions are taken by the international community to address the issue of detention in Syria, to take all necessary measures to secure the immediate release of political prisoners and to stop further waves of arrests as has been seen recently in Southern Syria. Detention monitors and medical professionals must be given safe and unrestricted access into all places of detention in Syria as soon as possible.