

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLUMBIA**

OBADA MZAIK,

*Plaintiff,*

v.

SYRIAN ARAB REPUBLIC,

*Defendant.*

Civil No. 1:22-cv-00042-ACR

Complaint For Torture,  
28 U.S.C. § 1605A

**EXPERT REPORT OF JOUMANA SEIF**

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## INTRODUCTION AND BACKGROUND

### A. Introduction

1. My name is Joumana Seif. I am an activist and legal advocate, focusing on women's rights and defending political prisoners. My qualifications, basis for expertise, and summary of opinions are set forth in greater detail below. I have been retained as an expert witness by Plaintiff Obada Mzaik in *Mzaik v. Syrian Arab Republic*, Case No. 1:22-cv-00042-ACR, to provide my expert opinion on the gendered experiences of detainees and their families in the Syrian Arab Republic ("Syria") since 2011.
2. My expert report aims to contextualize Syria's torture of Mzaik at the Air Force Intelligence ("AFI") detention center at the Mezzeh Military Airport and the harms Mzaik and his family suffered during his detention. Syria's detention center practices must be understood within the broader pattern of gendered and sexual violence to properly assess the magnitude of the harm at issue and the need for deterrence of such practices. To that end, my expert report addresses three questions: (1) what is the gendered impact of detention on detainees' family members; (2) how has the Syrian regime used sexual and gender-based violence ("SGBV") in detention facilities in Syria from 2011 until the present; and (3) what is the gendered impact of detention, particularly torture, on former detainees?
3. I offer the following expert report containing my statement of expected testimony, the reasons for this testimony, and any data and other information and materials considered in forming my expert opinion and testimony.

### B. Qualifications

4. My expertise on the issues addressed in this report is based on a long career in the field of international human rights law. My resumé is attached hereto as Exhibit A and includes a list of all my publications authored in the previous ten years. I recount my most relevant experiences below.
5. I am a Syrian law practitioner and feminist activist. I studied law at Beirut Arab University in Lebanon and Damascus University in Syria. I am fluent in English and Arabic, and intermediate in French. Since 2000, I have worked in the human rights field supporting democratic movements in Syria, with a particular focus on political prisoners.
6. My political work started in 2000 with the Damascus Spring, which was a period of intense political activism and tentative political liberation that followed the death of former Syrian President Hafez al-Assad. After my father and other leaders of the Damascus Spring were detained in 2001, I began to defend political detainees as a human rights activist. I advocated around the issue of arbitrary detention in Syria, despite the risks of such activity, which was prohibited under the dictatorship of President Bashar al-Assad (hereinafter "Syrian regime" or "Assad regime"). I was a member of the Damascus Declaration National Council from 2007 to 2012. The Damascus Declaration was a statement of unity by Syrian opposition figures issued in

October 2005. It criticized the Syrian government as authoritarian, totalitarian, and cliquish, and called for reform based on dialogue and recognition of the other.

7. When the Syrian revolution against the Assad regime began in 2011, I started documenting crimes perpetrated by the Syrian regime against civilians and advocating for accountability. I left Syria in 2012 and have been unable to return home because of threats from the regime.
8. I have co-founded several advocacy groups focused on peacebuilding and women's inclusion in politics. I co-founded the Syrian Women's Network in 2013, which aims to create cooperation between women activists and organizations. The network also pushes to integrate gender sensitive approaches in peacebuilding processes, transitional justice mechanisms, and committees of national reconciliation. In 2014, I co-founded the Syrian Feminist Lobby, an independent, non-partisan political lobby opposed to all forms of tyranny, with a firm belief in democracy, pluralism, equal citizenship, gender equality, human rights, social justice and peaceful activism as a means of change. I am also a founding member of the Syrian Women's Initiative for Peace and Democracy under the auspices of the United Nations: a group of women leaders calling for the promotion of a political solution to the Syrian crisis with women's full and meaningful participation and rights at the core of any emerging national dialogue or negotiation process. Most recently, in 2017, I co-founded the Syrian Women's Political Movement, a women-led political movement dedicated to protecting women's rights in a free and democratic Syria. I serve as the Chairwoman of The Day After: Supporting Democratic Transition in Syria, a Syrian non-profit organization working to counter authoritarianism and support democratic transition in Syria. From 2016 to 2017, I participated in the Civil Society Support Rooms, which were established to ensure an inclusive political process at the Geneva peace talks on Syria. I am a member of the Policy Coordination Group, a Syrian-led initiative on the missing and disappeared facilitated by the International Commission on Missing Persons.
9. I joined the International Crimes and Accountability Program at the European Center for Constitutional and Human Rights ("ECCHR") in May 2017 as research fellow. Since March 2022, I have been a legal advisor at ECCHR. There, I work on international litigation arising out of crimes committed in the detention centers in Syria, including torture, killing, and conflict-related SGBV. I investigated SGBV in the AFI detention centers for years, and interviewed many survivors. In 2020, I contributed to the drafting and submission of a criminal complaint to the German Federal Public Prosecutor on behalf of seven survivors of AFI detention centers, demanding that the German Public Prosecutor prosecute conflict-related SGBV in Syrian detention centers as a crime against humanity. I am a contact person for AFI survivors in the ongoing criminal case. In April 2020, I closely supported survivors before the Higher Regional Court of Koblenz, Germany during the al-Khatib trial, a trial of two former officials of President Bashar al-Assad's security apparatus and the first trial worldwide on Syrian state torture. In 2023, I received the Anne Klein Women's Award from the Heinrich Böll Foundation for my work as a human rights advocate.

10. I have produced three publications regarding the gendered impact of detention in Syria: I co-authored “Words Against Silence” with Wejdan Nassif in 2020;<sup>1</sup> I co-authored “Death is not the worst that can happen... It is also the waiting!” for the Syrian Feminist Lobby in 2022;<sup>2</sup> and I co-authored “Syria Supplement to the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict” on behalf of Synergy for Justice in 2023.<sup>3</sup>
11. I have no prior experience writing expert reports or testifying as an expert.

### **C. Compensation**

12. I am not being compensated for my expert testimony. I will be reimbursed for reasonable expenses incurred while fulfilling my role as an expert. My opinion is not conditioned upon any payment.

### **D. Evidentiary Basis for Opinion**

13. In preparing this report, I relied on my personal knowledge, expertise, and research on detention in Syria. I relied on investigations and interviews that our research team, my colleagues at ECCHR, and I conducted while preparing the German criminal complaint on SGBV and researching “Words Against Silence” and “Death is Not the Worst That Can Happen.” In researching “Words Against Silence,” my colleague and I interviewed twenty-three women and four men who experienced detention at different periods of time in Syria.<sup>4</sup> In researching “Death is not the worst that can happen,” my colleagues and I interviewed seventeen women and five men whose relatives were detained or disappeared.<sup>5</sup>
14. I relied on many accounts from detainees kept in the same facility as the Plaintiff, the Air Force Intelligence branch at the Mezzeh Military Airport (“AFI Mezzeh”). At least six of the witnesses that I personally interviewed were detained at AFI Mezzeh. I have also considered testimonies of detainees held in different locations by the AFI, or by different directorates. In part, this is necessary because many detainees were held by more than one directorate and may not be aware of where they were held.<sup>6</sup>
15. I also relied on reports from research institutions, non-governmental organizations, and United Nations bodies, including the Independent International Commission of Inquiry on the Syrian Arab Republic (“the Commission of Inquiry” or “COI”). Many of these

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<sup>1</sup> Joumana Seif & Wejdan Nassif, Syrian Center for Legal Studies and Research, *Words Against Silence* (2020), <https://www.ecchr.eu/en/publication/words-against-silence/> [hereinafter Seif & Nassif, *Words Against Silence*].

<sup>2</sup> Joumana Seif et al., Syrian Feminist Lobby, *Death is not the worst that can happen... It is also the waiting!* (2022), <https://syrianfeministlobby.org/?p=2388> [hereinafter Seif et. al., *Death is not the worst*].

<sup>3</sup> Ingrid Elliot, Stephanie Barbour & Joumana Seif, Synergy for Justice, *Syria Supplement to the Second Edition of the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict* (Nov. 2023), [https://synergy-for-justice.cdn.prismic.io/synergy-for-justice/29c5c08c-a20e-4f76-b09c-df1f6e41dba9\\_Syria+Supplement\\_Book\\_WEB.pdf](https://synergy-for-justice.cdn.prismic.io/synergy-for-justice/29c5c08c-a20e-4f76-b09c-df1f6e41dba9_Syria+Supplement_Book_WEB.pdf) [hereinafter Elliot, Barbour & Seif, *Syria Supplement*].

<sup>4</sup> Seif & Nassif, *Words Against Silence*, *supra* at 9.

<sup>5</sup> Seif et. al., *Death is not the worst*, *supra* at 5.

<sup>6</sup> Independent International Commission of Inquiry on the Syrian Arab Republic, “*No End in Sight*”: *Torture and ill-treatment in the Syrian Arab Republic 2020-2023*, A/HRC/53/CRP.5, paras. 15-18 (July 10, 2023).

reports were based on first-hand interviews with former detainees, their family members, or other witnesses.

16. I also relied on declarations from Mariam al-Hallak, Yasmien Almashan, and Yassin al-Haj Saleh, three prominent activists whose family members were detained and disappeared, and who speak publicly on behalf of the family members of the disappeared.
17. Finally, I examined documents in the above-captioned case, including the Complaint and declarations from former detainees and other witnesses.
18. These sources are the types of material I ordinarily use in my assessment of matters related to human rights issues.<sup>7</sup> A list of the materials that I reviewed and/or relied on to prepare this report is attached hereto as **Exhibit B**.
19. I will supplement this expert report, to the extent necessary, based on the production of additional relevant materials in this case.

## **SUMMARY OF CONCLUSIONS**

20. Since the Arab Spring and the Syrian Revolution in 2011, the detention of political opponents in Syria has increased exponentially. Estimates indicate that the Assad regime has arbitrarily detained over one million people, including political opponents, humanitarian workers, activists, and defectors.<sup>8</sup> The regime intentionally conceals the true figure, regularly detaining prisoners without explanation about why they are detained, where they are detained, how long they will be detained for, and if they are even alive.
21. Plaintiff described his family's desperate search to determine his whereabouts, and their emotional trauma knowing that he was detained, but not knowing if he was alive. This is, sadly, a typical experience. Families of detainees suffer immensely from the detention of their loved ones. Enforced disappearance<sup>9</sup> causes ambiguous loss, a particularly harmful psychological trauma where family members are unable to process the death of their loved ones. The Syrian regime exacerbates this harm, threatening and attacking detainees' relatives starting from the moment of detention. The government also uses law and policy to discriminate against detainees' families, causing economic and social harm.
22. Detention has a gendered impact on the family of the detainee. Because men are often the breadwinners in Syrian society, female relatives of detainees are placed in economic precarity and forced to seek employment in dangerous and irregular positions. Women also often bear the burden of searching for their detained relative, which can be physically dangerous and costly. Finally, Syrian law entrenches gender discrimination, creating particularized harm for female relatives of the disappeared who cannot inherit,

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<sup>7</sup> See generally, e.g., Elliot, Barbour & Seif, *Syria Supplement*, *supra*.

<sup>8</sup> Seif et. al., *Death is not the worst*, *supra* at 4.

<sup>9</sup> An enforced disappearance is "the arrest, detention, abduction, or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support, or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person." International Convention for the Protection of All Persons from Enforced Disappearance, December 20, 2006, 2716 U.N.T.S. 3.

take custody of their children, or receive benefits due to widows. These gendered impacts mean that detention disproportionately impacts female relatives.

23. Inside the prisons, violence targeting individuals or disproportionately affecting them because of their sex or gender (sexual and gender-based violence, or “SGBV”) is prevalent. My research demonstrates that the use of SGBV is widespread in detention centers in Syria across intelligence directorates and geographic locations, including at AFI Mezzeh, where Plaintiff was held and tortured. If anything, conditions at AFI Mezzeh were worse than at many other detention facilities. For instance, the Commission of Inquiry has reported that some of the highest rates of fatalities were at AFI Mezzeh.<sup>10</sup>
24. The regime’s use of SGBV is a war crime and a crime against humanity. SGBV against individuals in government custody also often constituted torture, as government forces use SGBV, from forced nudity, which was inflicted on Plaintiff, to electric shocks to the genitals, to rape, to cause severe mental and physical pain and suffering to punish, coerce confessions, and deter activism. The prevalence of SGBV in Syrian prisons was well-known to prisoners, and thus contributed to the “torture environment” detailed in Dr. Pau Perez Sales’ expert report.<sup>11</sup>
25. The use and impact of SGBV must be contextualized within Syrian society, where women’s chastity before marriage is considered paramount and survivors of SGBV face severe stigma. This stigma amplifies the impact of SGBV, causing extreme psychological and emotional suffering at even the threat of SGBV. The Assad regime instrumentalizes this impact, intentionally using SGBV against prisoners because it causes stigma.
26. The regime also discriminates against detainees based on other characteristics, such as sexual orientation, gender identity, disability, ethnicity, and class, leading to compounding intersectional harm and oppression for some detainees.
27. SGBV, inhumane prison conditions, and other forms of torture have a negative and long-lasting impact on former detainees. Former detainees are left with physical injuries from their detention – broken limbs, scars, communicable diseases, and irreparable harms to their reproductive and sexual health. Less visible are the psychological scars, including post-traumatic stress disorder, anxiety, and depression. Many former detainees experience suicidal ideation.
28. This impact is gendered, as it manifests in a society with extreme gender inequality and entrenched gender roles. For female detainees, these psychological impacts are compounded by the discrimination they face in society due to the perception that they were sexually assaulted. Community members and their own families ostracize them, physically harm them, and economically exclude them. Some survivors are even killed by their families. Likewise, male detainees’ experiences after detention are impacted by discriminatory attitudes towards survivors of SGBV. Fear of this discrimination

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<sup>10</sup> Human Rights Council, *Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic*, A/HRC/31/CRP.1, para 37 (2016).

<sup>11</sup> See Expert Report of Dr. Pau Perez Sales.

prevents many former detainees from reporting SGBV, and thus receiving adequate medical treatment.

29. SGBV is particularly effective as a means of deterring activism, as the Syrian culture of discriminating against and shaming SGBV survivors creates an enormous stigma against survivors. Understanding the broader societal harm caused by Syria's detention practices, including their gendered impact, is essential to assessing the magnitude of the harm at issue and the commensurate need for deterrence.

## FINDINGS

### A. What is the gendered impact of detention on the detainees' family members?

30. Plaintiff described his family's desperate search to determine his whereabouts, and their emotional trauma knowing that he was detained, but not knowing if he was alive. Plaintiff's family's experience is not isolated. Often, detainees disappear for long periods of time while the government refuses to release information about where they are detained, why they are detained, or when they are coming home. These conditions amount to enforced disappearances.<sup>12</sup> On June 29, 2023, the United Nations General Assembly adopted resolution A/77/L.79, establishing a new mechanism specifically to address enforced disappearance and detention in Syria.
31. When a loved one disappears and the government refuses to share any information about whether they are even alive, it causes immense suffering. Family members suffer emotional trauma from not knowing what happened to their relatives. Security forces have targeted detainees' relatives with physical violence, including sexual violence, during the arrest of their family members, and often long after the actual arrest. The government punishes relatives of detainees, preventing them from accessing social or legal services. Fear of being perceived as supporting families of detainees leads community members to isolate detainees' families and exclude them from economic opportunities.
32. All members of society, regardless of their gender, suffer psychologically, physically, socially, and economically when their loved ones are detained. However, the impacts of detention and enforced disappearance of relatives manifest in a context of patriarchal social norms and existing inequalities. These norms, at least in Syrian society, "tend to place higher risk of gendered harms on women than men."<sup>13</sup> The impacts of enforced disappearances continue "the cycle of deep-rooted violence mainly due to gender inequality and ongoing social injustice prevailing in Syrian society."<sup>14</sup>
33. Women, typically excluded from outside employment by gender norms, lose their economic support when their husbands and sons are detained. Amid their trauma, detention thrusts women into the role of economic provider for their children, often forcing them into precarious and dangerous work because gender roles prevented them

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<sup>12</sup> Independent International Commission of Inquiry on the Syrian Arab Republic, *Gendered Impact of the Conflict in the Syrian Arab Republic on Women and Girls* 1 (Feb. 7, 2023); United Nations General Assembly (UNGA), *Missing people in the Syrian Arab Republic*, A/76/890 para. 25 (Aug. 2, 2022).

<sup>13</sup> Dawlaty & Women Now for Development, *Shadows of the Disappeared* 20 (2018), <https://women-now.org/shadows-of-the-syrian-disappeared/>.

<sup>14</sup> Seif et. al., *Death is not the worst*, *supra* at 6.



from receiving an education or training necessary for many standard jobs. At the same time, many believe that women are safer from government retaliation than men, so women are forced to search for their detained relatives. This often subjects women to physical and sexual harassment and coercion, as well as financial extortion, and may put them at great personal risk. Finally, legalized gender discrimination under Syrian law creates legal difficulties for women when their husband or father is disappeared, but not legally deceased. Enforced disappearances prevent women from inheriting property and taking custody of their children. Laws punishing the family members of detainees particularly impact women who often do not hold property or other assets in their own name. All of this exacerbates the harm suffered by family members from losing their family members.

1. Family members suffer emotional trauma from not knowing what happened to their relatives.

34. A key feature of the Syrian regime’s detention practices is enforced disappearances. Plaintiff was not charged with a crime or allowed to communicate with others outside the AFID central branch in Mezzeh, including his friends, family, and legal representatives.<sup>15</sup> His family did not know where he was after he was detained. They feared for his health and safety, and were forced to pay bribes to middlemen to discover his whereabouts.<sup>16</sup> His cousin remains disappeared, and his family believes he is dead.<sup>17</sup>
35. Plaintiff’s experience is common – the authorities systematically refuse “to acknowledge the deprivation of liberty or to disclose any information about the relatives.”<sup>18</sup> Many family members do not know where their relatives are held, what they are accused of, when they will be released, or even whether they are dead or alive.<sup>19</sup>
36. When the government does provide information, it is often unreliable and delivered in a harmful manner. In 2018, the Syrian government released the death certificates of hundreds of detainees without warning, without informing their families, and without providing a cause of death or a body.<sup>20</sup> Some of those who were declared dead were actually alive. Mariam al-Hallak describes the agony of spending months seeking information about her son, Ayham, before a government employee intimated – incorrectly – that he was alive. She later learned that he was murdered only a few days after he was detained.<sup>21</sup>
37. Family members suffer emotional trauma from missing their loved ones while they are detained, even when they know where they are and how long they will be detained for. This emotional suffering is exacerbated in cases of enforced disappearance. Under

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<sup>15</sup> Mzaik Decl. para. 44.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* para. 34.

<sup>18</sup> Human Rights Council, *Without a trace: enforced disappearances in Syria*, paras. 39, 44 (Dec. 19, 2013).

<sup>19</sup> *See, e.g.*, Declarations of Mariam al-Hallak, Yassin al-haj Saleh, and Yasmien Almathan.

<sup>20</sup> Jeremy Sarkin, *Humans Not Numbers* 23 (May 2021), [https://www.impunitywatch.org/wp-content/uploads/2023/03/Syria\\_Humans\\_not\\_numbers\\_May\\_2021.pdf](https://www.impunitywatch.org/wp-content/uploads/2023/03/Syria_Humans_not_numbers_May_2021.pdf).

<sup>21</sup> Mariam Al-Hallak Decl., paras. 14-20.<sup>21</sup>

international human rights law, the cumulative emotional suffering of family members of victims of enforced disappearance is recognized as cruel and inhuman treatment.<sup>22</sup> The International Convention for the Protection of All Persons from Enforced Disappearance defines victims as “the disappeared person and any individual who has suffered harm as the direct result of an enforced disappearance.”<sup>23</sup> Plaintiffs’ family members are also victims of Plaintiff’s detention.

38. My research “highlighted the terrible psychological suffering of these families, especially women, as a result of the loss and pain of waiting for years without any information about the whereabouts and fate of their loved ones.”<sup>24</sup> All the people we interviewed “were deeply worried about the fate of the disappeared, and suffered from post-traumatic stress disorder including nightmares, flashbacks, panic attacks and feelings of guilt. They do not know if they have done all they can for their missing relatives, or if in some way they have caused them harm.”<sup>25</sup> Plaintiff describes feeling guilty that he came back, but his cousin did not.<sup>26</sup>
39. The “not knowing” was described by Yassin al-Haj Saleh, whose wife has been detained for over a decade, as the as the “harshest” part of enforced disappearance: “we do not know if our loved ones are alive or have been killed. If the latter is true, then when, how, and where? Where are their bodies?”<sup>27</sup> Oula al-Ghafaer from the Caesar Families Association stated, “[t]here are not enough words in the world to explain that pain and the loss we had to face.”<sup>28</sup>
40. There is a technical term for the emotional trauma family members of the disappeared suffer: ambiguous loss. “Ambiguous loss is the most stressful type of loss because there is no proof of finality.”<sup>29</sup> Death brings “legal and social clarity: a death certificate, rituals for mourning with others, and the opportunity to honour the lost person and dispose of their remains in one’s own way.”<sup>30</sup> With enforced disappearance, there is no such clarity or certainty, and “the family’s grief is often disenfranchised – that is, in the eyes of the law, religious institutions and the larger community, the family’s loss is often not considered ‘real’ as it would be with a verifiable death.”<sup>31</sup> Ambiguity blocks coping, adaptation, and grieving “which are essential for human resilience;” it “prevents the search for meaning that is so essential for resolution of loss.”<sup>32</sup> Ambiguity causes “great psychological stress, which may lead to suicide attempts and may cause diseases or health problems of psychological origin that are difficult for doctors to

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<sup>22</sup> Report of the working group on enforced or involuntary disappearances, A/HRC/16/48 ¶ 4 (2011); Human Rights Council, *Without a trace*, *supra* para. 44.

<sup>23</sup> International Convention for the Protection of All Persons from Enforced Disappearance, art. 24(1).

<sup>24</sup> Seif et. al., *Death is not the worst*, *supra* at 6-7; Human Rights Council, *Without a trace*, *supra* para. 44.

<sup>25</sup> Seif et. al., *Death is not the worst*, *supra* at 14.

<sup>26</sup> Expert Report of Dr. Perez-Sales, Exhibit B, para. 8.

<sup>27</sup> Yassin al-Haj Saleh Decl. para. 27.

<sup>28</sup> Casear Families Association, 01 Jul My Brother Told me, <https://www.caesarfamilies.org/01-jul-my-brother-told-me/>.

<sup>29</sup> Pauline Boss, *Families of the missing: Psychosocial effects and therapeutic approaches*, 99(2) INTERNATIONAL REVIEW OF THE RED CROSS 521 (2017).

<sup>30</sup> *Id.* at 522.

<sup>31</sup> *Id.* at 522.

<sup>32</sup> *Id.* at 524.

diagnose and solve.”<sup>33</sup> “This state of not knowing leaves families in a condition of suspended life, while waiting for the person or people who were disappeared.”<sup>34</sup> Families describe living “in a limbo.”<sup>35</sup> Unfortunately, psycho-social support to address this trauma is difficult for family members to access.<sup>36</sup> Many family members experience long-lasting trauma that affects every aspect of their lives.

41. I have personal experience with the horrific effects of absence and enforced disappearance by the Syrian regime. At the age of ten, I witnessed the disappearance of my uncle in 1980, then my cousin in 1981. In 1996, my younger brother, Iyad, disappeared under mysterious circumstances. I realized the meaning of fear and how the lives of families turn into mere pain especially for mothers, wives and children. To this day, my mother is still waiting for my brother, in the absence of any information about his fate. This bitter personal experience, which I share today with hundreds of thousands of Syrian families, is one of the main incentives that motivates me to contribute to the issue of the missing.

42. As activist Wafa Mustafa said in a briefing to the UN Security Council:

To have a loved one who’s detained or disappeared and not know their fate is like waking up one day and realizing you have lost a limb. I can tell you it is a growing pain, a pain unlike any other. Even though there is barely anything to hold on to, what keeps me going is to live by what my father has taught me and the hope that one day he will be free and reunited with us.<sup>37</sup>

2. Government agents, particularly security forces, attack, harass, and punish detainees’ family members.

43. The harm that relatives of the detainees suffer begins from the moment of arrest. Many relatives reported that security forces harassed, assaulted, abused, and threatened them while arresting their family members<sup>38</sup> and for weeks and months after the arrest.<sup>39</sup> Family members may also be detained simply because their relative was detained. Women reported being subjected to verbal and physical sexual assaults during and after the arrest of their family members.<sup>40</sup>

44. Government forces also create formal legal systems to discriminate against family members of the accused. For instance, the authorities freeze the assets of the detained.<sup>41</sup> The government now requires security clearance from Syrian intelligence agencies or

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<sup>33</sup> Seif et. al., *Death is not the worst*, *supra* at 11.

<sup>34</sup> Yassin al-Haj Saleh Decl. para. 31.

<sup>35</sup> Mariam al-Hallak Decl. para. 27.

<sup>36</sup> Seif et. al., *Death is not the worst*, *supra* at 6-7.

<sup>37</sup> Briefing to the UN Security Council by Wafa Mustafa (July 23, 2020),

<https://diary.thesyriacampaign.org/briefing-un-security-council-wafa-mustafa/>.

<sup>38</sup> Dawalaty & Women Now for Development, *Shadows of the Disappeared*, *supra* at 29; Lina Biscaia, *Weaponising Gender* 152, in *THE SYRIAN WAR* (Hilly Moodrick-Even Khen, Nir T. Boms & Sareta Ashraph, eds.) (2019)

<sup>39</sup> Seif et. al., *Death is not the worst*, *supra* at 10; COI, *Gendered Impact of the Conflict*, *supra* at 4.

<sup>40</sup> Dawalaty & Women Now for Development, *Shadows of the Disappeared*, *supra* at 29; Biscaia, *Weaponising Gender*, *supra* at 152.

<sup>41</sup> COI, *Gendered Impact of the Conflict*, *supra* at 5.

police prior to even renting homes, which prevents relatives of the detained from accessing basic housing rights.<sup>42</sup>

45. Fear of government reprisals leads to community isolation and economic disadvantage. Employers may be reluctant to hire the family members of detainees because of the constant threat from security services.<sup>43</sup> Community members shun family members of the detained out of fear of the regime. Family members are “[s]ubjected to social isolation due to community fear of communicating with or visiting them. This affects their psychological stability, makes them feel alienated and bitter, and pushes them to decide to emigrate.”<sup>44</sup>

3. Family members bear the burden of supporting those left behind.

46. Detention has a devastating financial impact and is “especially difficult if the detainee is responsible for the family’s livelihood.”<sup>45</sup> Family members of the detained endure financial hardship, missed educational opportunities, and enormous stress as they struggle to survive.
47. In Syria, men are usually the breadwinners, while women are “typically a housewife who takes care of the children.”<sup>46</sup> Because of these gendered social roles, arresting a father or husband often leaves the family without its primary provider.<sup>47</sup> This puts economic pressure on women to provide financially for their families, where they may previously not have worked outside of the home.<sup>48</sup> Because structural social discrimination prevents women from receiving an education or gaining work experience, they are often forced to work low-paying, precarious jobs.<sup>49</sup> The situation is even worse for displaced women, because discriminatory laws often limit work opportunities for refugees.<sup>50</sup> Women may become the sole financial and emotional caregiver to their children while living through fear, anxiety, stigma, and depression. Thrust into these roles, many women “struggle economically, and are hardly able to afford the bare necessities (rent and bills, food, medical treatment, transportation, and children’s education).”<sup>51</sup>

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<sup>42</sup> *Id.*

<sup>43</sup> Euro-Mediterranean Human Rights Network (EMHRN), *Detention of Women in Syria: A weapon of war and terror* 23 (2015), [https://euromedrights.org/wp-content/uploads/2015/06/EMHRN\\_Womenindetention\\_EN.pdf](https://euromedrights.org/wp-content/uploads/2015/06/EMHRN_Womenindetention_EN.pdf)

<sup>44</sup> Seif et. al., *Death is not the worst*, *supra* at 11; Dawalaty & Women Now for Development, *Shadows of the Disappeared*, *supra* at 39.

<sup>45</sup> Mariam al-Hallak Decl. para. 29.

<sup>46</sup> Biscaia, *Weaponising Gender*, *supra* at 141

<sup>47</sup> COI, *Gendered Impact of the Conflict*, *supra* at 4; Dawalaty & Women Now for Development, *Shadows of the Disappeared*, *supra* at 32.

<sup>48</sup> Seif et. al., *Death is not the worst*, *supra* at 7 & 15; COI, *Gendered Impact of the Conflict*, *supra* at 4; UNGA, *Missing People*, *supra* para. 42.

<sup>49</sup> Dawalaty & Women Now for Development, *Shadows of the Disappeared*, *supra* at 32-34; UNGA, *Missing People*, *supra* para. 42.

<sup>50</sup> Dawalaty & Women Now for Development, *Shadows of the Disappeared*, *supra* at 32.

<sup>51</sup> Dawalaty & Women Now for Development, *Shadows of the Disappeared*, *supra* at 32.

48. Many children have to leave school to help to support their families.<sup>52</sup> One member of the Caesar Families Association explained, “My mother and my two younger siblings went through very difficult circumstances after my father was detained. I had to completely give up on the idea of going back to school. I started to sell homemade bread to make money for the family.”<sup>53</sup>

4. Family members face physical, emotional, sexual, and financial extortion when searching for their loved ones.

49. Family members regularly face extreme risks, including abuse, detention, and harassment when inquiring about their loved ones or advocating for their release. After he was arrested, Plaintiff’s family had to seek information about his whereabouts from intermediaries, and paid bribes to high-ranking officials through middlemen connected to the government.<sup>54</sup>

50. Family members bear the costs of travel to search for their loved ones.<sup>55</sup> They “have travelled across cities, endured ill-treatment at checkpoints and spent long-hours waiting in the crowded information offices of the relevant entities.”<sup>56</sup>

51. The Syrian government persecutes family members of detainees. Even inquiring about their relatives could lead to death or detention.<sup>57</sup> Mariam al-Hallak described facing threats when she and other parents tried to search for their children. These threats prevent many families from searching for their loved ones or telling their loved ones’ stories.<sup>58</sup>

52. Because the government rarely provides information about detainees, families must meet with dangerous intermediaries who extort them financially and emotionally in exchange for information or promises of release.<sup>59</sup> They payment of bribes or other expenses is a significant burden on many families.<sup>60</sup>

53. Women are regularly responsible for searching for their family members.<sup>61</sup> This is in part because “women are reportedly less likely to be detained, [so] they are sometimes considered the ‘safer’ person to undertake the search.”<sup>62</sup> But the search is not safe; it exposes women to various risks, including “arbitrary detention, additional enforced

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<sup>52</sup> UNGA, *Missing People*, *supra* para. 42; Dawalty & Women Now for Development, *Shadows of the Disappeared*, *supra* at 34.

<sup>53</sup> Caesar Families Association, 30 Jun Remind Them and Remember Them Is A Way To Do Justice To Them, <https://www.caesarfamilies.org/30-jun-remind-them-and-remember-them-is-a-way-to-do-justice-to-them/>

<sup>54</sup> Mzaik Decl. para. 45-47.

<sup>55</sup> Dawalty & Women Now for Development, *Shadows of the Disappeared*, *supra* at 30.

<sup>56</sup> Dawalty & Women Now for Development, *Shadows of the Disappeared*, *supra* at 28.

<sup>57</sup> Seif et. al., *Death is not the worst*, *supra* at 8.

<sup>58</sup> Mariam al-Hallak Decl. paras. 21-24.

<sup>59</sup> Seif et. al., *Death is not the worst*, *supra* at 6, 10, 15; *see also* Dawalty & Women Now for Development, *Shadows of the Disappeared*, *supra* at 30; Human Rights Council, *Without a trace*, *supra* para. 47.

<sup>60</sup> Seif et. al., *Death is not the worst*, *supra* at 6-7; Association of Detainees and the Missing in Sednaya Prison, *Forcibly Disappeared in Syrian Detention Centers* (Dec. 2020), <https://www.admsp.org/en/they-were-there-and-they-did-not-return-a-look-into-the-details-of-the-enforced-disappearance-and-the-fate-of-the-victims-in-syria/>.

<sup>61</sup> Seif et. al., *Death is not the worst*, *supra* at 4.

<sup>62</sup> UNGA, *Missing People*, *supra* para. 42.

disappearances, sexual abuse, physical and sexual extortion and other forms of violence.”<sup>63</sup>

54. The search also puts an enormous financial burden on women, who typically have fewer resources due to systematic discrimination in employment, inheritance, and other financial areas.
55. This search is particularly dangerous in a society that sees a woman’s place as in the home. Women risk stigma and SGBV by interacting with men outside of their family. Many women face sexual abuse, sexual extortion, and other forms of SGBV while searching for their family members. Women reported “sexual extortion and attempted rape . . . by individuals promising to provide them with information about their disappeared relatives.”<sup>64</sup>

5. Gendered discrimination in Syrian law creates legal difficulties for women when their husband or father is disappeared, but not legally deceased.

56. Family members are often reluctant to declare a disappeared family member legally deceased and may face harassment or persecution if they do.<sup>65</sup> Without a death certificate, families cannot “proceed with personal status and heritage affairs.”<sup>66</sup> If they seek a death certificate, it is often near impossible to access, as the government prevents families of the disappeared from registering their deaths.<sup>67</sup> For instance, family members need a security clearance to obtain a death certificate for a non-natural death.<sup>68</sup> This provides “further opportunities for corruption and financial extortion.”<sup>69</sup>
57. During these proceedings, women face many legal barriers, in part due to Syria’s discriminatory and exclusionary laws:<sup>70</sup> “Their husbands are neither alive nor dead, they are neither single mothers nor widows, which makes them economically disempowered and vulnerable to exploitation.”<sup>71</sup>
58. Fathers are the main guardian of children according to Syrian Personal Status Law, and guardianship of children is automatically transferred to paternal uncles and relatives upon death.<sup>72</sup> Without a registered death, their children are left in legal limbo. Women do not have legal custody over their children and cannot travel with their children or

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<sup>63</sup> Death isn’t the worst, 4; UNGA, *Missing People*, *supra* para. 42.

<sup>64</sup> Seif et. al., *Death is not the worst*, *supra* at 10; Dawalty & Women Now for Development, *Shadows of the Disappeared*, *supra* at 29.

<sup>65</sup> COI, *Gendered Impact of the Conflict*, *supra* at 4.

<sup>66</sup> COI, *Gendered Impact of the Conflict*, *supra* at 5.

<sup>67</sup> Caesar Families Association, 23 Jan Maryam Alhlaq: I Want A Grave For My Son, The Grave Digger Documentary, <https://www.caesarfamilies.org/23-jan-maryam-alhlaq-i-want-a-grave-for-my-son-the-grave-digger-documentary/>

<sup>68</sup> COI, *Gendered Impact of the Conflict*, *supra* at 5.

<sup>69</sup> COI, *Gendered Impact of the Conflict*, *supra* at 5.

<sup>70</sup> Dawalty & Women Now for Development, *Shadows of the Disappeared*, *supra* at 20.

<sup>71</sup> Seif et. al., *Death is not the worst*, *supra* at 7.

<sup>72</sup> Seif et. al., *Death is not the worst*, *supra* at 7.

do administrative tasks for their children without the consent of their disappeared husband.<sup>73</sup>

59. Women with disappeared husbands experience significant financial disadvantages. They cannot receive the benefits or support schemes due to widows, including special refugee resettlement and support schemes for widows or single mothers.<sup>74</sup>
60. Discriminatory laws governing the distribution of inheritance and ownership of assets prevent women from inheriting their father or husband's property, receiving their husband's pension, or accessing family assets and bank accounts held in their husbands' names.<sup>75</sup> Ongoing gender discrimination means that most property is held by men; when a male relative is detained and their assets are frozen or seized, women often have no home or assets in their own name to rely on. This is a particular problem because women "are rarely the legal owners of the house they reside in."<sup>76</sup>
61. Discrimination against women under the law causes cumulative harm, on top of discrimination against families of the detained and the economic, psychological, and emotional harm from enforced disappearance. Before their husbands are considered legally dead, the children, homes, and assets hang in limbo, and once they are considered legally dead, women lose control of their children, homes, and assets to other male relatives.

**B. How did the regime use sexual and gender-based violence ("SGBV") in detention facilities in Syria from 2011 until the present?**

62. Plaintiff experienced SGBV while in detention, including threats of rape and forced nudity. SGBV – violence directed against or disproportionately affecting a person because of their gender or sex – is widespread in Syrian government-run detention centers, including at AFI Mezzeh where Plaintiff was held and tortured.
63. The most obvious example of SGBV is sexual violence, which is "any act of a sexual nature which is committed on a person under circumstances which are coercive."<sup>77</sup> Acts of a sexual nature include more than penetration or physical contact. The concept of sexual violence is therefore broader than the crime of rape. Likewise, coercion "is not limited to the use of physical force, but also includes threats, intimidation, extortion and all other forms of coercion that exploit the feelings of fear and despair."<sup>78</sup> Sexual violence "is not about sex per se but about body parts and socially constructed norms of what is 'sexual', including norms that link the virginity of unmarried girls and

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<sup>73</sup> Anne Fleischer, *Gender impact of enforced disappearances in Syria* (2020), <https://www.icip.cat/perlapau/en/article/gender-impact-of-enforced-disappearances-in-syria/>; Dawalty & Women Now for Development, *Shadows of the Disappeared*, *supra* at 36.

<sup>74</sup> Dawalty & Women Now for Development, *Shadows of the Disappeared*, *supra* at 36; Fleischer, *Gender impact of enforced disappearances*, *supra*.

<sup>75</sup> Fleischer, *Gender impact of enforced disappearances*, *supra*; Dawalty & Women Now for Development, *Shadows of the Disappeared*, *supra* at 17.

<sup>76</sup> COI, *Gendered Impact of the Conflict in the Syrian Arab Republic on Women and Girls* 4 (Feb. 7, 2023).

<sup>77</sup> ICTR, Akayesu Trial Judgment 2 September 1998, para. 688; ICTR, Rukundo Trial Judgment 27 February 2009, para. 379.

<sup>78</sup> Seif & Nassif, *Words Against Silence*, *supra* at 27.

women with families' honour and norms that define males as protectors and representatives of the virility, strength, and power of the family.”<sup>79</sup>

64. Much like sexual violence includes more than rape, SGBV includes more than sexual violence. Even violence that is not of a sexual nature may be gendered. First, violence that is facially neutral, including imprisonment itself, also has gendered impacts. These gendered impacts are discussed in more detail later in Section C. Second, government forces mete out violence, including imprisonment itself, based on gender. For instance, men were often arrested due to social norms “that men and boys represent potential fighters” who may join the resistance forces.<sup>80</sup>
65. SGBV in Syrian detention facilities is not random, accidental, or the result of a few bad officers. These are “not crimes of opportunity or crimes of sexual gratification.”<sup>81</sup>
66. Syrian government forces intentionally use SGBV to torture detainees like Plaintiff. SGBV constitutes torture when it is used against individuals in detention centers to cause “severe pain or suffering, whether physical or mental,” and is “intentionally inflicted in order to obtain information or a confession, or to punish, intimidate or coerce the victim or a third person, or to discriminate on any ground, against the victim or a third person.”<sup>82</sup> SGBV often causes severe pain or suffering. Acts of SGBV like rape or electrocution of the genitals cause severe physical pain and suffering. The threat of sexual violence and specific acts of SGBV like forced nudity, which Plaintiff experienced in detention, cause severe mental suffering. This suffering is particularly acute given the extreme stigma attached to sexual assault in Syrian society. Government forces regularly use SGBV and threats of SGBV, and leverage the mental suffering associated with this extreme stigma, to punish, humiliate, harass, and intimidate detainees, to “extract information,” and to “force confessions.”<sup>83</sup>
67. While this report focuses on torture because of the nature of the Plaintiff’s claims, it is crucial to acknowledge that United Nations bodies have also determined that SGBV by government forces in Syrian detention centers “formed part of a widespread and systematic attack against the civilian population and amounted to crimes against humanity.”<sup>84</sup> Many acts of SGBV committed within Syrian prisons also “amount to the war crimes of rape and other forms of sexual violence, including outrages upon personal dignity.”<sup>85</sup> For instance, in Germany, a former high-ranking Syrian official was found guilty of crimes against humanity for his role in sexual violence in his

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<sup>79</sup> Biscaia, *Weaponising Gender*, *supra* at 141.

<sup>80</sup> Legal Action Worldwide, *It’s a Forever Stigma*, para. 63 (2024).

<sup>81</sup> *Id.* para. 130.

<sup>82</sup> See ICTY, *Prosecutor v. Kunarac*, Case No. IT-96-23&23/1, Trial Judgement, para. 1332 (defining torture).

<sup>83</sup> Biscaia, *Weaponising Gender*, *supra* at 154; COI, *Gendered Impact of the Conflict*, *supra* at 5; COI, “*I lost my dignity*”: *Sexual and gender-based violence in the Syrian Arab Republic*, A/HRC/37/72/CRP.3 ¶ 34 (2018).

<sup>84</sup> COI, *Gendered Impact of the Conflict*, *supra* at 5.

<sup>85</sup> *Id.*



previous position as Head of the Investigation Department of Branch 251 of the Syrian intelligence services.<sup>86</sup>

1. The Syrian regime has intentionally leveraged Syrian social norms to cause severe mental suffering and social devastation through SGBV.

68. While not universal, “Syria is, for the most part, a conservative patriarchal society with structural gender inequality manifested in law, policies and practice.”<sup>87</sup> In Syrian society, “a woman’s chastity – and virginity until marriage – is equal to her and her family’s honour.”<sup>88</sup> Women are responsible for protecting their virtue, but entire families and social networks are organized around protecting the virtue of the women in the family.<sup>89</sup> Masculinity “is associated with dominance and power. Men are expected to be strong and to protect their family.”<sup>90</sup>
69. SGBV against detainees does not only cause physical harm. It “directly targets women’s dignity and honour in a culture where this honour . . . plays a pivotal role in maintaining the fabric of society.”<sup>91</sup> In this social construct, “rape or even the assumption of rape, is associated with deep stigma,” which causes severe suffering for female SGBV survivors and their families.<sup>92</sup> Even threats of SGBV can cause severe mental suffering, as women fear social repercussions, including honor killings. As discussed in more detail below, detention and SGBV thus have severe psychological and social impacts on former detainees, particularly women.<sup>93</sup>
70. The regime knows about these impacts, and they are precisely the regime’s goal. Systematic SGBV as torture in prisons has particularly “emerged as a deliberate tactic of collective punishment” using gendered social norms as “part of a state policy to attack, suppress, and break its opponents,” to prevent activism, “destroy families, and destabilise communities.”<sup>94</sup> Government forces use SGBV “deliberately to bring ‘shame’ to [female detainees’] family and cause damage based on perceptions of ‘honour.’”<sup>95</sup> SGBV as a means of deterring activism is particularly effective against female detainees, where the Syrian culture of discriminating against and shaming

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<sup>86</sup> European Center for Constitutional and Human Rights, First criminal trial worldwide on torture in Syria before a German court, <https://www.ecchr.eu/en/case/first-criminal-trial-worldwide-on-torture-in-syria-before-a-german-court/>

<sup>87</sup> Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 19.

<sup>88</sup> EMHRN, *Detention of Women in Syria*, *supra* at 21; Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 21; Biscaia, *Weaponising Gender*, *supra* at 143.

<sup>89</sup> Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 22.

<sup>90</sup> Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 20.

<sup>91</sup> EMHRN, *Detention of Women in Syria*, *supra* at 21-22.

<sup>92</sup> EMHRN, *Detention of Women in Syria*, *supra* at 21; Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 21.

<sup>93</sup> *See infra* Sections C.1 and C.3.

<sup>94</sup> Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 23; *see also* *Weaponising Gender*, *supra* at 140-154; Synergy for Justice & LDHR, *The Whole World Has Let Me Down*, *supra* at 67; EMHRN, *Detention of Women in Syria*, *supra* at 11, 21.

<sup>95</sup> Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 20.

SGBV survivors creates an enormous stigma. Fear of discrimination against SGBV survivors leads women to refrain from engaging in political action.<sup>96</sup>

71. When women are detained, there is an assumption that they are victims of SGBV and that the men in their family failed to protect them. The regime leverages this assumption by detaining women to “put[] pressure on their male relatives and loved ones, whether to obtain information about the men, to use the women as a negotiating tool,” or to torture and punish their male relatives.<sup>97</sup> Often, female detainees were “explicitly told they were being held to force their relatives to surrender.”<sup>98</sup> For instance, one ten-year-old girl was detained when security forces came to her home to arrest her father.<sup>99</sup> Detainees were explicitly threatened with detention of their female family members and subsequent sexual violence against them.<sup>100</sup> The regime also arrested women at checkpoints “due to their residence or to the family names that appeared on their identity cards, and as a way to avenge against the rebellious regions and cities or from the families whose majority of their members revolted against the regime.”<sup>101</sup>
72. These arrests targeted women because to harm female members of a community is to threaten the ability of the men of the community to protect them--a gendered role tied to the honor of the community as a whole. Detention itself is thus a form of gendered violence.
73. Some family members avoided participating in social movements to protect their female relatives from detention and the accompanying threat of sexual violence.<sup>102</sup> Many relatives surrendered, knowing they faced torture and death, in an attempt to protect their family members from detention and the accompanying threat of SGBV.<sup>103</sup> Others joined resistance or extremist groups, partially in response to the systematic use of detention and sexual assault by the Assad regime.<sup>104</sup>
74. SGBV against male detainees “is rooted in the same harmful gender norms and conflict dynamics as violence against women and girls.”<sup>105</sup> Detention takes place “against the backdrop of the insurgency and armed conflict. It is an adversarial context in which perpetrators prioritise the achievement of hypermasculine objectives such as

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<sup>96</sup> *Id.* at 21; Seif & Nassif, *Words Against Silence*, *supra* at 30; Biscaia, *Weaponising Gender*, *supra* at 157.

<sup>97</sup> TIMEP, *Women Imprisoned*; see generally Seif & Nassif, *Words Against Silence*, *supra* at 16; EMHRN, *Detention of Women in Syria*, *supra* at 11; COI, “I lost my dignity,” *supra* ¶ 27; Synergy for Justice & LDHR, *The Whole World Has Let Me Down* 26 (2021), [https://synergy-for-justice.cdn.prismic.io/synergy-for-justice/c8452ba8-4d89-4fff-8ddd-cd24140d6bb3\\_Understanding+what+Syrian+Women+Face+During+and+After+Detention\\_LDHR\\_SFJ\\_v05\\_Web.pdf](https://synergy-for-justice.cdn.prismic.io/synergy-for-justice/c8452ba8-4d89-4fff-8ddd-cd24140d6bb3_Understanding+what+Syrian+Women+Face+During+and+After+Detention_LDHR_SFJ_v05_Web.pdf); Biscaia, *Weaponising Gender*, *supra* at 151; LAW, *It’s a Forever Stigma*, *supra* para. 97.

<sup>98</sup> Synergy for Justice & LDHR, *The Whole World Has Let Me Down*, *supra* at 67.

<sup>99</sup> LAW, *It’s a Forever Stigma*, *supra* para. 97.

<sup>100</sup> *Id.* para. 75.

<sup>101</sup> *Id.* para. 75.

<sup>102</sup> Seif & Nassif, *Words Against Silence*, *supra* at 16.

<sup>103</sup> *Id.* at 20-21.

<sup>104</sup> Synergy for Justice & LDHR, *The Whole World Has Let Me Down*, *supra* at 67.

<sup>105</sup> Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 21.

<sup>106</sup> LDHR, “*The Soul Has Died*,” *supra* at 4; Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 233 (“To understand how Syrian society views and conceptualises male sexual violence, it is important to understand Syrian culture and its gender norms and narratives. Views of male sexual violence are also influenced by society’s attitudes towards sexual orientation, since sexual violence is often confused with sexuality and sexual desire.”)

humiliation, subordination, and submission.”<sup>106</sup> In this context, SGBV, including nudity, public shaming, gendered insults, and sexual violence, uses humiliation to cause extreme mental suffering, reduce the status and power of male detainees, dominate them, disempower them, and emasculate them.<sup>107</sup>

75. Whether SGBV targets male or female detainees, “[i]t 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 wielding power.”<sup>108</sup> Humiliation, fear, and shame are weaponized intentionally through gendered torture to “devalue and dehumanize” detainees, causing severe mental suffering.<sup>109</sup>

2. Government-run detention facilities subjected women and girls to a wide range of SGBV that caused severe physical and mental pain and suffering.

76. Although the regime uses SGBV against men and women, and uses “nearly identical” methods of torture on women as men,<sup>110</sup> as the United Nations Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment noted, integrating a “gender perspective” into an “analysis of torture and ill-treatment is critical to ensuring that violations rooted in discriminatory social norms around gender and sexuality are fully recognized, addressed and remedied.”<sup>111</sup> Accordingly, this report separately assesses patterns of SGBV against female and male detainees.

77. My research team and I interviewed many female detainees who experienced SGBV in AFI Mezzeh.<sup>112</sup> In addition to conducting interviews, I reviewed many other credible reports of SGBV in AFI Mezzeh from as recently as 2019. Many of these instances of SGBV constitute torture, war crimes, and crimes against humanity.

78. These testimonies are characteristic of the experiences of female detainees from detention facilities controlled by the AFI and other government forces. The majority of female detainees in government-run detention facilities reported being subjected to multiple types of SGBV, including forced nudity, invasive searches, beating on the genitalia, electrocution of sexual organs, rape, sexual torture, sexual abuse, and collective humiliation.<sup>113</sup> The Commission of Inquiry, Human Rights Watch, Amnesty International, and numerous other independent organizations have documented widespread and systematic gender-based torture of female detainees by government

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<sup>106</sup> LAW, *It’s a Forever Stigma*, *supra* para. 91-92.

<sup>107</sup> *Id.*; Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 20.

<sup>108</sup> LDHR, “*The Soul Has Died*,” *supra* at 4; Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 233.

<sup>109</sup> LAW, *It’s a Forever Stigma*, *supra* para. 130

<sup>110</sup> Tahrir Institute for Middle East Policy (TIMEP), *Women Imprisoned By All Sides* (2017), <https://timep.org/2017/09/01/women-imprisoned-by-all-sides/>

<sup>111</sup> *UN Special Rapporteur Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (2016) Report: III. Gender Perspectives on Torture*, A/HRC/31/57.

<sup>112</sup> See, e.g., Seif & Nassif, *Words Against Silence*, *supra* at 14, 19.

<sup>113</sup> COI, “*I lost my dignity*,” *supra* ¶ 29 (emphasis added); LAW, *It’s a Forever Stigma*, *supra* para. 107; see also Synergy for Justice & LDHR, *The Whole World Has Let Me Down*, *supra* at 27.

forces across government detention facilities.<sup>114</sup> In one study by Synergy for Justice, 86% of female detainees reported sexual violence or harassment.<sup>115</sup> These numbers are skewed – they only reflect women who survived and escaped from detention and were willing to report the violence they suffered.

79. Government forces regularly use strip searches and intrusive cavity searches, including at AFI Mezzeh.<sup>116</sup> On arrest and admission to detention facilities, including AFI Mezzeh, “male guards routinely subjected women and girls to intimate searches,”<sup>117</sup> forcing them to strip naked in front of male guards,<sup>118</sup> and subjecting them to groping, harassing, and inserting fingers into their genitals.<sup>119</sup> One woman I interviewed said the searcher “strips you completely of your clothes... he extends his hand and fingers everywhere... everywhere... everywhere... of course... he touched my breasts and every part of me...”<sup>120</sup> Another woman reported a guard using a knife to tear off her clothing, including her underwear.<sup>121</sup> These searches were “sexualized and humiliating,” “the most invasive of which amount to rape.”<sup>122</sup> The Inter-American Court of Human Rights has held such searches constitute torture.<sup>123</sup> Many Syrians “come from highly conservative Islamic traditions” and “wear clothing to preserve their modesty in line with that tradition, including burqas and hijabs.”<sup>124</sup> Forced nudity deliberately weaponized these cultural norms to intimidate, punish, threaten, humiliate and harass detainees.

80. Government forces also used nudity during torture to humiliate and cause mental suffering.<sup>125</sup> One woman I interviewed reported:

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<sup>114</sup> See COI, “*I lost my dignity*,” *supra* ¶ 33. For examples of torture in AFI detention facilities, see Seif & Nassif, *Words Against Silence*, *supra* at 26; COI, “*No End in Sight*,” *supra* ¶ 26 (“One woman from Aleppo was arrested in 2020, detained and tortured at the Air Force Intelligence branch at Kuweires airport.”); *Id.* ¶ 39 (“He started punching and tried to assault me, and I lost consciousness and found that I was bleeding. I don’t know if they assaulted me sexually or if this was bleeding out of fear.”). For examples of torture at other detention facilities, see Lawyers and Doctors for Human Rights (LDHR), *Voices from the Dark: Torture and Sexual Violence Against Women in Assad’s Detention Centres* 12-13 (2017), <https://ldhrights.org/en/wp-content/uploads/2017/07/Voices-from-the-Dark.pdf>.

<sup>115</sup> Synergy for Justice & LDHR, *The Whole World Has Let Me Down*, *supra* at 12.

<sup>116</sup> *Id.*; see also SCM.021, Decl. of Raghda Awad, para. 6 (“Brigadier General Ahmad Alia was the head of the branch, and he personally searched the detained women and girls in a humiliating, humiliating, and indecent manner.”); SCM.022, Decl. of Taymaa Muhiddin, para. 9; SCM.020, Anonymous Decl., para. 20.

<sup>117</sup> COI, “*I lost my dignity*,” *supra* ¶ 31; see also LDHR, *Voices from the Dark*, *supra* at 15.

<sup>118</sup> Biscaia, *Weaponising Gender*, *supra* at 148-49; LAW, *It’s a Forever Stigma*, *supra* para. 107.

<sup>119</sup> Seif & Nassif, *Words Against Silence*, *supra* at 30; Biscaia, *Weaponising Gender*, *supra* at 148-49; COI, “*I lost my dignity*,” *supra* ¶ 30.

<sup>120</sup> Seif & Nassif, *Words Against Silence*, *supra* at 30.

<sup>121</sup> SCM.001, Decl. of Hanadi Zahlout, para. 7.

<sup>122</sup> COI, “*I lost my dignity*,” *supra* ¶ 31; see also LDHR, *Voices from the Dark*, *supra* at 15; LAW, *It’s a Forever Stigma*, *supra* para 109.

<sup>123</sup> Case of the Miguel Castro-Castro Prison v. Peru, Inter-American Court of Human Rights, Judgement, para. 312 (2006).

<sup>124</sup> LAW, *It’s a Forever Stigma*, *supra* para. 111.

<sup>125</sup> Biscaia, *Weaponising Gender*, *supra* at 148-49; SCM.016, Decl. of Ahmad Abu Al-Kas, para. 31 (detainee heard woman being ordered to take their clothes off before torture); SJAC.006, Anonymous Decl., para. 14 (witnessed a naked woman being tortured by suspension from her hair).

I met a woman in her 50s wearing the hijab and a long cloak ‘abaya’ with pants underneath. When they made her sit on ‘Bisat Al Reeh’ (“flying carpet” torture cross) they ordered her to take off her hijab and all of her clothes . . . I can still remember her cries, begging the officer to cover her up instead of begging him to stop torturing her!<sup>126</sup>

81. Forced nudity also came with implicit or explicit threats of sexual assault:

[S]he met a beautiful detainee in Section 227, coming from a conservative family. She told her that whenever they called her for investigation, they warned her to remove her pants and only wear the ‘abaya’.... [T]hey threatened her that if she didn’t, they will throw her in the dormitories of the punished soldiers so that they would rape her .... Scared from their threats, every time she did exactly what they asked her, although she knew that it would be an opportunity for them to harass her... [W]hen she went up for investigation without taking her pants off they executed their threat... [T]hey placed her in the dormitory of the punished soldiers and gave them the orders to harass her.<sup>127</sup>

82. Threats of sexual assault are a common tool of psychological torture at many detention facilities.<sup>128</sup> During interrogations, security forces asked women “about their sex lives, including whether they were virgins,” and “threatened [them] with rape.”<sup>129</sup> One former detainee that I interviewed testified that “[t]hey used awful and horrific words to threaten us: ‘take her to the men’s dormitory’... ‘they will have a good time with you.’”<sup>130</sup> Another former detainee reported hearing an interrogator threatening a female prisoner with rape by officers in the prison.<sup>131</sup> Security forces threaten to spread sexual rumors about detainees or publish nude or unveiled photos of detainees. At AFI Mezzeh, one detainee reported that a male officer filmed himself sexually assaulting her, then threatened to share it publicly.<sup>132</sup> These reports were widespread across many different detention facilities.<sup>133</sup>

83. Threats of sexual violence weaponize social expectations around chastity, threatening to doubly harm detainees with sexual assault *and* social stigma and discrimination if they ever are released. One detainee described the meaning of threats from guards: “he meant to intimidate me with my father’s punishment after they told him that ‘I have lost my virginity’... people are going to despise you, they will point fingers at you, then you will wish to have stayed in prison...”<sup>134</sup> While threats may be overshadowed

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<sup>126</sup> Seif & Nassif, *Words Against Silence*, *supra* at 33; COI, “*I lost my dignity*,” *supra* ¶¶ 31-33; LDHR, *Voices from the Dark*, *supra* at 15.

<sup>127</sup> Seif & Nassif, *Words Against Silence*, *supra* at 30.

<sup>128</sup> *Id.* at 13; COI, “*I lost my dignity*,” *supra* ¶ 33; LDHR, *Voices from the Dark*, *supra* at 15; COI, *Report of the independent international commission of inquiry on the Syrian Arab Republic*, *supra*; Synergy for Justice & LDHR, *The Whole World Has Let Me Down*, *supra* at 51.

<sup>129</sup> Biscaia, *Weaponising Gender*, *supra* at 148-49.

<sup>130</sup> Seif & Nassif, *Words Against Silence*, *supra* at 33.

<sup>131</sup> SCM.011, Anonymous Decl., para. 57; *see also* SCM.016, Decl. of Ahmad Abu Al-Kas, para. 16 (threatening women with marriage jihad).

<sup>132</sup> LDHR, *Voices from the Dark*, *supra* at 15.

<sup>133</sup> COI, “*I lost my dignity*,” *supra* ¶ 39; HRW, *We are still here*, *supra* at 7.

<sup>134</sup> Seif & Nassif, *Words Against Silence*, *supra* at 32.

by physical violence, these threats of SGBV are a severe form of psychological torture which has a profound impact on detainees, causing severe mental suffering.<sup>135</sup> The regime systematically uses sexual threats as a tool to torture female detainees.

84. Female detainees experienced widespread and systematic rape, including at AFI Mezzeh. For instance, Human Rights Watch recounted the story of a 30-year-old woman who was raped twice at Mezzeh in 2012.<sup>136</sup> After she reported the rape, her attacker remained in his post and raped her again. She was later forced to perform oral sex on a different guard.<sup>137</sup> A man testified that he witnessed the rape of a girl from Damascus at AFI Mezzeh.<sup>138</sup> Another man witnessed multiple instances of women being raped by guards at AFI Mezzeh, and becoming pregnant as a result.<sup>139</sup> A woman at AFI Mezzeh “was molested during strip search, tied to a bed, vaginally and orally gang-raped by five men,” and “raped and sexually assaulted on at least three other occasions. During one brutal interrogation, she was stripped naked and penetrated ‘in every body cavity,’ including her anus.”<sup>140</sup> I have reviewed many similar reports from detention facilities across the country.<sup>141</sup> One defector from the Homs AFI “described it as common practice for senior officers to order or otherwise permit lower ranks to sexually assault women and girls.”<sup>142</sup> The Commission of Inquiry documented rapes at 20 political and military intelligence branches, including the rape of “adult women aged between 18 and 45[,] . . . several girls, the youngest a nine-year-old,” “sexual abuse and humiliation of elderly women,” the rape of pregnant women.<sup>143</sup> Security forces raped women vaginally, anally, and orally; many women “described very brutal, violent penetration,” were raped more than once, raped by multiple perpetrators simultaneously or consecutively, raped as part of a group of victims, and/or raped daily or repeatedly.<sup>144</sup> The Commission of Inquiry documented gang rapes where victims “lost consciousness during the rapes due to the violence of the acts inflicted.”<sup>145</sup> Women were raped “as punishment for not cooperating during interrogation;”<sup>146</sup> one

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<sup>135</sup> Seif & Nassif, *Words Against Silence*, *supra* at 30-33.

<sup>136</sup> Human Rights Watch, *Syria: Detention and Abuse of Female Activists* (2013), <https://www.hrw.org/news/2013/06/24/syria-detention-and-abuse-female-activists>.

<sup>137</sup> *Id.*

<sup>138</sup> SCM.013, Decl. of Osama Sawan, para. 26 (man detained at Mezzeh for over 3 years beginning in April 2012) (witnessed rape of girl from Damascus by assistant or guard).

<sup>139</sup> SCM.011, Anonymous Decl., para. 73.

<sup>140</sup> LDHR, *Voices from the Dark*, *supra* at 15.

<sup>141</sup> Seif & Nassif, *Words Against Silence*, *supra* at 28; COI, *Report of the independent international commission of inquiry on the Syrian Arab Republic*, *supra* at Annex IX, 20; Synergy for Justice & LDHR, *The Whole World Has Let Me Down*, *supra* at 52-56; LAW, *It's a Forever Stigma*, *supra* paras. 110, 125-128.

<sup>142</sup> COI, “I lost my dignity,” *supra* ¶ 40.

<sup>143</sup> COI, “I lost my dignity,” *supra* ¶¶ 29, 34; *see also* COI, *Report of the independent international commission of inquiry on the Syrian Arab Republic*, *supra* ¶¶ 78-79; Biscaia, *Weaponising Gender*, *supra* at 148-49.

<sup>144</sup> Synergy for Justice & LDHR, *The Whole World Has Let Me Down*, *supra* at 53-54; Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 28.

<sup>145</sup> COI, “I lost my dignity,” *supra* ¶¶ 29, 34.

<sup>146</sup> *Id.* ¶ 37.

interrogator ordered a gang rape “after the woman refused to say where her brother was.”<sup>147</sup>

85. Many women reported “sexualized and brutal” forms of torture,” including electrocution and beating of their breasts and genitals, and burning their genitals with cigarettes.<sup>148</sup>
86. Syrian forces often detained pregnant women and women with their infants or older children.<sup>149</sup> Other women became pregnant as a result of rape inside the prisons.<sup>150</sup> These pregnant women faced torture that intentionally targeted their pregnancy, including abuse to their fetuses, or had a disproportionate effect on them because they were pregnant.<sup>151</sup> I have interviewed pregnant women who miscarried due to torture in prison. For example, one 17-year-old woman was two months pregnant when she was detained at AFI Mezzeh:

She was strip searched twice with forced total nudity, the second time with the door open and jailers watching. She lost consciousness twice through fear. She heard a gunshot in the adjacent room, and then saw blood seeping under the door. She was lined up against the wall, and was convinced she was going to be shot too. She was placed in a dark solitary cell, which felt like ‘being thrown in a grave.’ She was interrogated seven times for three hours each time. She thought her blindfold had been soaked in blood to scare her. . . . She was held in solitary confinement for around seven days. Once in a group cell, she had to sleep on the floor with a wet blanket. She was already itching with lice. After three days there, she started to bleed and miscarried. She had only plastic bags and pieces of cloth to manage the bleeding and loss. She felt she was drowning in blood.<sup>152</sup>

Another pregnant woman in AFI Mezzeh was punched and kicked in the stomach.<sup>153</sup> The Commission of Inquiry also reported that “pregnant women miscarried as a result of torture and beatings inflicted on them.”<sup>154</sup> One pregnant woman was kicked, electrocuted, and eventually gave birth to a stillborn child.<sup>155</sup>

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<sup>147</sup> *Id.* ¶ 37.

<sup>148</sup> Synergy for Justice & LDHR, *The Whole World Has Let Me Down*, *supra* at 60-61, 12; Biscaia, *Weaponising Gender*, *supra* at 148-49; LAW, *It’s a Forever Stigma*, *supra* paras. 123-124.

<sup>149</sup> Seif & Nassif, *Words Against Silence*, *supra* at 15; Lawyers and Doctors for Human Rights (LDHR), *Voices from the Dark: Torture and Sexual Violence Against Women in Assad’s Detention Centres* 11 (2017), <https://ldhrights.org/en/wp-content/uploads/2017/07/Voices-from-the-Dark.pdf>; EMHRN, *Detention of Women in Syria*, *supra* at 18; LAW, *It’s a Forever Stigma*, *supra* para. 102.

<sup>150</sup> SCM.011, Anonymous Decl. para. 73.

<sup>151</sup> Synergy for Justice & LDHR, *The Whole World Has Let Me Down*, *supra* at 11.

<sup>152</sup> Synergy for Justice & LDHR, *The Whole World Has Let Me Down*, *supra* at 46.

<sup>153</sup> *Id.* at 46.

<sup>154</sup> COI, “*I lost my dignity*,” *supra* ¶ 41.

<sup>155</sup> EMHRN, *Detention of Women in Syria*, *supra* at 21.

3. Government-run detention facilities subjected men and boys to a wide range of SGBV that caused severe physical and mental pain and suffering.

87. The Syrian regime also uses SGBV against male detainees to emotionally, physically, and psychologically harm them as “part of the pattern of severe physical and psychological torture and violence being inflicted in life-threatening environments of terror, humiliation, squalor and degradation.”<sup>156</sup> Gender-based torture against men took place during admission to a facility, “during interrogation to force confessions, and occasionally even after detainees confessed to further humiliate or punish them.”<sup>157</sup> LDHR found almost 90% of a group of 140 former male detainees has been subjected to some form of sexual violence.<sup>158</sup> Forms of SGBV against male detainees in prisons include forced nudity, invasive searches, electrocuting and beating the genitals, castration, genital mutilation, forced sterilization, rape (especially with objects), and collective humiliation.<sup>159</sup>
88. Government forces used forced nudity and intimate searches to humiliate male detainees, causing severe mental harm.<sup>160</sup> The Plaintiff reported that he was forced to strip naked upon arrival at AFI Mezzeh, and twice a day when he was permitted to use the toilet.<sup>161</sup> Interrogators also stripped the Plaintiff naked when he was tortured, and the Plaintiff witnessed other detainees being tortured while naked, including a boy who the guards stripped and poured freezing water over, before they then whipped him as he called out for his mother.<sup>162</sup> Forced nudity is common in AFI Mezzeh, including on arrival, during torture, and when detainees used the toilet.<sup>163</sup> One former detainee at AFI Mezzeh said most detainees in his hall were kept naked continuously.<sup>164</sup> Across the Syrian detention apparatus, forced nudity upon arrival “appears almost universal.”<sup>165</sup> For male detainees, many of whom were “culturally and religiously conservative,” “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.”<sup>166</sup> Where culturally, “it is forbidden for men to expose

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<sup>156</sup> Elliot, Barbour & Seif, *Syria Supplement*, supra at 236; COI, “*I lost my dignity*,” supra ¶ 43.

<sup>157</sup> COI, “*I lost my dignity*,” supra ¶ 43.

<sup>158</sup> LDHR, “*The Soul Has Died*,” *Typology, Patterns, Prevalence and the Devastating Impact of Sexual Violence Against Men and Boys in Syrian Detention* 7 (2019), <https://ldhrights.org/en/wp-content/uploads/2019/03/The-Soul-Has-Died-Male-Sexual-Violence-Report-English-for-release-copy.pdf>.

<sup>159</sup> Elliot, Barbour & Seif, *Syria Supplement*, supra at 234, 239.

<sup>160</sup> LDHR, “*The Soul Has Died*,” supra at 41; Biscaia, *Weaponising Gender*, supra at 148-49; LAW, *It’s a Forever Stigma*, supra para. 87.

<sup>161</sup> Mzaik Decl. para. 21.

<sup>162</sup> *Id.* paras. 21, 40.

<sup>163</sup> SCM.003, Decl. of Mohammad Ali Ibrahim Al-Najjar, para. 9; SCM.006, Decl. of Abdullah Hamid Al-Abdullah, para. 5; SCM.007, Decl. of Safouh Muhammad Halema, para. 7; SCM.008, Saber Suleiman Hamada, para. 7; SCM.013, Decl. of Osama Sawan, para. 10; SCM.014, Decl. of Ahmad Quraitem, para. 13; SCM.015, Decl. of Ahmad Mohammad Salim Buqai, para. 6; SCM.016, Decl. of Ahmad Abu Al-Kas, para. 5; SCM.019, Decl. of Kamal Fares, para. 6; SCM-023, Anonymous Decl., para. 20; Anonymous Decl. SJAC.005, para. 4; Anonymous Decl. SJAC.006, para. 7; SJAC.W008, Decl. of Osama Natouf bin Ibrahim, paras. 11, 22; SJAC.W009, Anonymous Decl., paras. 10, 28.

<sup>164</sup> LDHR, “*The Soul Has Died*,” supra at 30.

<sup>165</sup> *Id.* at 19, 42; COI, “*I lost my dignity*,” ¶ 43; LAW, *It’s a Forever Stigma*, supra para. 76.

<sup>166</sup> Elliot, Barbour & Seif, *Syria Supplement*, supra at 449.



their intimate parts,” forced nudity “place[s] male detainees in a state of profound indignity.”<sup>167</sup>

89. Detainees were subjected “to unnecessarily intimate searches during which guards touch their genitals,”<sup>168</sup> including at AFI Mezzeh.<sup>169</sup> The most invasive of these searches amounts to anal rape.<sup>170</sup>
90. Government forces electrocuted, beat, and mutilated male detainees’ genitals.<sup>171</sup> I read numerous statements from AFI Mezzeh detainees reporting electrocution and beating of genitals.<sup>172</sup> One male detainee reported: “They beat me with a karbage (cable) while I stripped. Two were beating me. They made me do squats. . . . They were focusing on hitting me on the back and genitals while I was naked. They would hit me in the same place over and over.”<sup>173</sup>
91. The Commission of Inquiry received “consistent” reports from many detention facilities of electrocution of genitals as a form of torture during interrogation.<sup>174</sup> Guards also burned detainees’ genitals and anuses using cigarettes<sup>175</sup> and castrated detainees.<sup>176</sup>
92. Guards used machines and instruments to target detainees’ genitals during torture. In some cases, guards repeatedly targeted genitals for torture, “accompanied by repeated declarations about the victim’s ability to have children,” demonstrating an intent to sterilize the detainees.<sup>177</sup> One victim described the Kebbe machine: “[i]t 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,” causing “agonising pain.”<sup>178</sup> His torturers threatened to use the machine on his son.<sup>179</sup>

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<sup>167</sup> LAW, *It’s a Forever Stigma*, *supra* para. 78.

<sup>168</sup> COI, “*I lost my dignity*,” *supra* ¶ 43; LDHR, “*The Soul Has Died*,” *supra* at 21-22.

<sup>169</sup> SCM.007, Decl. of Safouh Muhammad Halema, para. 7; SCM.008, Decl. of Saber Suleiman Hamada, para. 7.

<sup>170</sup> LDHR, “*The Soul Has Died*,” *supra* at 21-22.

<sup>171</sup> *Id.* at 23, 26-28, 31; Biscaia, *Weaponising Gender*, *supra* at 148-49; U.N. High Commissioner for Refugees (UNHCR), *We Keep It in Our Heart – Sexual Violence Against Men and Boys in the Syria Crisis* 23-26 (Oct. 2017), <https://www.refworld.org/docid/5a128e814.html>; LAW, *supra* para. 75, 87-88.

<sup>172</sup> SCM.011, Anonymous Decl., para. 61 (man electrocuted on penis until his penis bled and strapped onto a metal chair with a hole under the seat and a candle under the chair, so that the skin between his thighs and on his buttocks burned); SCM-013, Decl. of Osama Sawan, para. 15; SCM-014, Decl. of Ahmad Quraitem, para. 8 (hit on private parts); SCM.016, Decl. of Ahmad Abu Al-Kas, para. 5 (man beat on penis); SCM.023, Anonymous Decl., para 9-15 (guards squeezed his testicles and electrocuted his genitals); SJAC.007, Decl. of Walid Al-Aashban bin Abdullah, para. 14 (officers electrocuted his genitals); SJAC.W009, Anonymous Decl., para. 40 (hit on penis and testicles).

<sup>173</sup> LAW, *It’s a Forever Stigma*, *supra* para. 75.

<sup>174</sup> COI, “*I lost my dignity*,” *supra* ¶ 49; LDHR, “*The Soul Has Died*,” *supra* at 18; COI, *Report of the independent international commission of inquiry on the Syrian Arab Republic*, *supra* Annex IX 20.

<sup>175</sup> Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 237; UNHCR, *We Keep It in Our Heart*, *supra* at 25.

<sup>176</sup> Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 234, 239.

<sup>177</sup> *Id.* at 239.

<sup>178</sup> LDHR, “*The Soul Has Died*,” *supra* at 28.

<sup>179</sup> *Id.*

93. Another consistent method of genital violence – including at AFI Mezzeh – is tying the penis.<sup>180</sup> The officer will tie the penis with the thread, then beat and pull it, causing excruciating pain. For instance, one AFI Mezzeh detainee testified:

[An officer] tied [the detainee’s] penis with thread and then tied the other end to the door handle of office. The door was open[ed] 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.<sup>181</sup>

94. Government forces raped male detainees and threatened them with rape.<sup>182</sup> The Commission of Inquiry documented incidents of rape at AFI Mezzeh and in at least fourteen other intelligence detention centers.<sup>183</sup> Most commonly, attackers used objects such as batons, wooden sticks, pipes, water hoses, electric sticks, and bottles.<sup>184</sup> The Commission of Inquiry also recorded instances of penile rape, both orally and anally.<sup>185</sup> One man at AFI Mezzeh saw a man being raped as he was on the verge of death from severe torture.<sup>186</sup>

95. Government forces raped boys, and at AFI Mezzeh, “young boys were being taken to ‘satisfy the sexual needs’ of the guards.”<sup>187</sup> One man at AFI Mezzeh witnessed two boys who were under 15, who were raped with an iron rod until they bled.<sup>188</sup>

4. Government forces used collective sexual violence to intentionally cause severe mental pain and suffering.

96. Government forces used collective sexual violence, where they publicly subjected single or mixed gender groups to sexual violence, to shame, punish, and humiliate prisoners, causing severe mental suffering in addition to physical harm.<sup>189</sup> In fact, SGBV was “commonly reported to be conducted deliberately in public settings, in full view of other detainees (in order to terrorise).”<sup>190</sup>

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<sup>180</sup> *Id.*; UNHCR, *We Keep It in Our Heart*, *supra* at 25.

<sup>181</sup> LDHR, “*The Soul Has Died*,” *supra* at 29; Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 238; *see also* LAW, *It’s a Forever Stigma*, *supra* paras. 56, 87 (describing penis tying with a zip tie).

<sup>182</sup> LAW, *It’s a Forever Stigma*, *supra* paras. 56, 90.

<sup>183</sup> *Id.* ¶ 44; Biscaia, *Weaponising Gender*, *supra* at 148-49.

<sup>184</sup> LDHR, “*The Soul Has Died*,” *supra* at 17-18; Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 32; COI, “*I lost my dignity*,” *supra* ¶ 44; *see also* SJAC.004, Anonymous Decl., paras. 14, 34 (witnessed threat of rape, heard rape of boys); SCM.016, Decl. of Ahmad Abu Al-Kas, para. 32 (guard attempted to ‘molest’ witness as well as 13 y/o boy; soldier would take young men to cell 49 to sexually assault them).

<sup>185</sup> COI, “*I lost my dignity*,” *supra* ¶ 45.

<sup>186</sup> SCM.013, Decl. of Osama Sawan, para. 30.

<sup>187</sup> LDHR, ‘Dying a Thousand Times a Day’: Sexual Slavery in Syrian Detention 32 (2022), <https://legal-sy.org/wp-content/uploads/2022/07/DYING-A-THOUSAND-TIMES-A-DAY-Eng.pdf>; SCM.016, Decl. of Ahmad Abu Al-Kas, para. 17 (a soldier called Abu Ali molested an Iraqi child).

<sup>188</sup> SJAC.004, Anonymous Decl., para. 14.

<sup>189</sup> Synergy for Justice & LDHR, *The Whole World Has Let Me Down*, *supra* at 62; LDHR, “*The Soul Has Died*,” *supra* at 34-35.

<sup>190</sup> Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 236.

97. Male and female detainees were sexually harassed or raped in front of other detainees, including their relatives.<sup>191</sup> Government forces forced detainees to have intercourse with other detainees, including family members,<sup>192</sup> “with devastating psychological consequences for the victims.”<sup>193</sup> The Commission of Inquiry reported that guards “forced a cell of male detainees to look at a naked female detainee brought into the cell and, after attempts to persuade the male detainees to assault the girl failed, the guards proceeded to rape the girl orally and vaginally whilst the male detainees were present.”<sup>194</sup> One woman reported that ten men raped her in front of her 16-year-old son.<sup>195</sup> The Commission of Inquiry documented that “[i]n the summer of 2013, a detainee at [Mezzeh] airport was raped in a cell while the other detainees faced the wall following the orders of the perpetrator.”<sup>196</sup>
98. Detainees were also “forced to perform sexual acts on each other.”<sup>197</sup> For instance, “detainees were ordered to strip completely naked, lay face down on top of each other and pretend to have sex with each other.”<sup>198</sup>
99. These assaults tortured the direct victims and “acted as a way of pressuring those forced to watch as they were made to believe the same would happen to them if they did not cooperate.”<sup>199</sup>

5. The regime discriminates against detainees based on characteristics other than gender, leading to compounding intersectional harm and oppression for some detainees.

100. In addition to violence based on gender, security forces may discriminate against detainees based on a whole host of other, intersecting identities. These include class, sexual orientation, and gender identity, mental health, religion, location, nationality, disability, and ethnicity.<sup>200</sup>
101. As the Assad regime seeks to suppress political opposition, “discrimination due to political affiliation or belief is the primary motivation for arrest and detention.”<sup>201</sup>

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<sup>191</sup> COI, “*I lost my dignity*,” *supra* ¶¶ 44, 46; LDHR, “*The Soul Has Died*,” *supra* at 17; Seif & Nassif, *Words Against Silence*, *supra* at 17; COI, *Report of the independent international commission of inquiry on the Syrian Arab Republic*, *supra* ¶¶ 78-79; Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 28, 33; Biscaia, *Weaponising Gender*, *supra* at 148-49; LAW, *It’s a Forever Stigma*, *supra* para. 125; SCM.011, Anonymous Decl., para. 74; SCM.016, Decl. of Ahmad Abu Al-Kas, para. 33; SCM.020, Anonymous Decl., para. 22.

<sup>192</sup> COI, “*I lost my dignity*,” *supra* ¶ 47; COI, *Report of the independent international commission of inquiry on the Syrian Arab Republic*, *supra* Annex IX at 20; Biscaia, *Weaponising Gender*, *supra* at 148-49.

<sup>193</sup> COI, “*I lost my dignity*,” *supra* ¶ 48.

<sup>194</sup> *Id.* ¶ 39.

<sup>195</sup> EMHRN, *Detention of Women in Syria*, *supra* at 20.

<sup>196</sup> COI, “*I lost my dignity*,” *supra* ¶ 46.

<sup>197</sup> LDHR, “*The Soul Has Died*,” *supra* at 33-34; Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 30, 32, 239; Synergy for Justice & LDHR, *The Whole World Has Let Me Down*, *supra* at 63.

<sup>198</sup> LDHR, “*The Soul Has Died*,” *supra* at 34.

<sup>199</sup> COI, “*I lost my dignity*,” *supra* ¶ 46.

<sup>200</sup> Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 22; LAW, *It’s a Forever Stigma*, *supra* para. 59-60.

<sup>201</sup> LAW, *It’s a Forever Stigma*, *supra* para. 59.

102. Because “the end of the Assad government is equated with the overthrow of Alawite minority rule by the Sunni majority,” “political affiliations are often assumed based on religious identity.”<sup>202</sup> Many of the detainees that I interviewed testified to discrimination based on actual or perceived ethnicity or religion. While some detainees received preferential treatment, in other cases detainees “suffered double punishment because of their ethnic background.”<sup>203</sup> One woman I interviewed said: “[d]uring my detention years, I met a young girl who belonged to the Alawite religious community... this girl had been tortured the most among us ... every now and then a jailer would insult her with the rudest words, because he claimed ‘she had disbanded them.’”<sup>204</sup>
103. Many detainees reported that ethnic and religious discrimination accompanied gendered torture, as “perpetrators made derogatory comments about their faith during the commission of acts of sexual violence.”<sup>205</sup> One detainee in Mezzeh testified to my research team about suffering gender and race-based violence:
- I got my period out of terror... I told them: excuse me I got my period and I need some stuff to keep myself clean... he looked at me and said: Oops you got your period, oh yes it’s true that you have a menstrual cycle... ok now I will show you how can I stop it for you to destroy your filthy breed, then he got the [green plastic rod] and he used it while beating me violently at the bottom of my abdomen until I fell on the ground, then he started kicking me and repeating: this is for your filthy breed.<sup>206</sup>
104. Detainees with disabilities were subject to discrimination based on their disabilities.<sup>207</sup> People with disabilities already face discrimination and structural barriers in Syrian society. These difficulties “are magnified in prisons, given the nature of the closed and restricted environment and violence resulting from overcrowding, lack of proper prisoner differentiation and supervision.”<sup>208</sup> Torture, inadequate medical facilities, and overcrowding “accelerate[] the disabling process, [along] with the neglect, psychological stress and lack of adequate medical care, characteristic of overcrowded prisons.”<sup>209</sup> Where torture is rampant, “the brutality and cruelty of their captors was directed specifically at their disability.”<sup>210</sup> For instance, one detainee with a congenital disability was unable to climb stairs; “her jailors pushed her down them. She fell right to the bottom of the staircase.”<sup>211</sup> In addition to discriminatory treatment by guards, prison facilities do not adequately accommodate disability. One detainee

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<sup>202</sup> *Id.*

<sup>203</sup> Seif & Nassif, *Words Against Silence*, *supra* at 21.

<sup>204</sup> *Id.*

<sup>205</sup> LAW, *It’s a Forever Stigma*, *supra* para. 60.

<sup>206</sup> Seif & Nassif, *Words Against Silence*, *supra* at 19.

<sup>207</sup> Persons with disabilities are “those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.” Convention on the Rights of Persons with Disabilities, art. 1.

<sup>208</sup> Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 255.

<sup>209</sup> Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 255.

<sup>210</sup> Synergy for Justice & LDHR, *The Whole World Has Let Me Down*, *supra* at 46.

<sup>211</sup> Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 255; Synergy for Justice & LDHR, *The Whole World Has Let Me Down*, *supra* at 47.

who wore a leg brace was detained in a cell too small to accommodate her brace and was unable to use the toilet because of her disability.<sup>212</sup>

105. Detainees also reported discrimination based on socioeconomic status. Rich detainees were able to bribe their way out of prison or treated better based on their social connections, while poor detainees had no resources or connections to rely on.<sup>213</sup>
106. In Syrian society, discrimination, persecution, and structural violence against individuals whose sexual orientation and gender identity “do not align with patriarchal conservative hetero-normative binaries and beliefs” is pervasive<sup>214</sup> They may face criminal prosecution, “honor” violence, and rejection by their families and communities.<sup>215</sup> One study of Syrian refugees in Lebanon found that 96% of LGBTQ refugees had been threatened in Syria due to their sexual orientation or gender identity and 54% were sexually abused.<sup>216</sup>
107. Accordingly, “LGBTQ+ identity [] amplifies the risk for those who are detained or arrested by state security forces for any reason.”<sup>217</sup> In detention, “their real or perceived transgressions against sexual and gender norms (particularly for males) places them at heightened risk for sexual and gender-based abuses as punishment for, or correction of, their alleged immorality.”<sup>218</sup> They suffer torture, humiliation, and abuse including sexual harassment, genital mutilation (beating, electric shock, and burning), rape, gang rape, forced nudity, and threats of rape against individuals or their family members.<sup>219</sup>
108. For instance, Human Rights Watch reported a case of sexual slavery against a transgender Syrian woman: “[T]hey let in someone every single day, one or two people. Guards, prisoners, high ranking officials working at the police station. At the end I lost the power to resist. I just surrendered. I was covered in blood the whole time.”<sup>220</sup> Human Rights Watch has also reported the sexual slavery of a 13-year-old gay man, who uses female pronouns, who was raped every night by guards and detainees.<sup>221</sup> One gay man told Human Rights Watch:

They rape you just to see you suffering, shouting. To see you are humiliated. This is what they like to see. They had a stick inside my anus,

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<sup>212</sup> Elliot, Barbour & Seif, *Syria Supplement*, supra at 255; Synergy for Justice & LDHR, *The Whole World Has Let Me Down*, supra at 47.

<sup>213</sup> Seif & Nassif, *Words Against Silence*, supra at 21.

<sup>214</sup> Elliot, Barbour & Seif, *Syria Supplement*, supra at 77. “Sexual orientation refers to each person’s capacity for profound emotional and sexual attraction to individuals of a different gender, the same gender or more than one gender, and to the capacity to have sexual relations with them. Gender identity refers to each person’s deeply felt individual experience of gender, which may or may not correspond with the sex assigned at birth.” *Id.* at 265.

<sup>215</sup> *Id.*

<sup>216</sup> *Id.* at 268.

<sup>217</sup> *Id.* at 269.

<sup>218</sup> *Id.* at 266.

<sup>219</sup> *Id.* at 33, 266-68; HRW, ‘*They Treated Us in Monstrous Ways*,’ *Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict* 1-3 (2020), [https://www.hrw.org/sites/default/files/media\\_2020/08/syria0720\\_web.pdf](https://www.hrw.org/sites/default/files/media_2020/08/syria0720_web.pdf); UNHCR, *We Keep It in Our Heart*, supra at 27-30.

<sup>220</sup> HRW, ‘*They Treated Us in Monstrous Ways*,’ supra at 37.

<sup>221</sup> *Id.* at 35.

and they started saying, ‘This is what you like, don’t you like it?’ It went up until my stomach . . . [They said] ‘We are going to bring here your dad to see that you are gay and they will disown you and you are disgusting.’<sup>222</sup>

109. Persons of diverse sexual orientation and gender identity also suffer ongoing discrimination, stigma, and persecution after they are released, which often prevents them from accessing the psychosocial support they need.<sup>223</sup>
110. These are just some examples of the discrimination detainees face based on a wide variety of identities, which combines with gender-based violence to cause compounded negative impacts.

### **C. What is the gendered impact of detention and torture, particularly SGBV, on former detainees?**

111. Former detainees suffer a wide range of impacts from their detention and torture, including psychological, physical, social, and economic harms. They bear scars and broken body parts from torture, communicable diseases from unhygienic and overcrowded detention facilities, and suffer long-term impacts to their sexual and reproductive health from SGBV. For many, “the impacts of these traumatic experiences are multifaceted and deeply interwoven. For example, physical pain affects psychological well-being, the ability to work, and the way survivors interact with those around them. Losing a job or a home affects psychological well-being, family life, and even physical well-being.”<sup>224</sup>
112. All of the people I interviewed, and all of the materials I reviewed, including Plaintiff’s account of his experience in detention at AFI Mezzeh and his psychological assessment, demonstrated that former detainees are particularly and uniquely affected by their experiences of torture, including and particularly SGBV, which has “devastating physical, psychological, social and economic[] effects on the victims themselves, as well on their families and relatives and even on the entire social fabric.”<sup>225</sup>
113. Detainees of any gender can experience SGBV, but historic patterns of oppression against women mean that SGBV often interacts with existing forms of marginalization to cause greater harm. In Syrian society, SGBV has particularly “long-lasting destructive effects due to the aggravating effects of stigma, which is why it has been deployed so effectively as a weapon of war by different sides involved in the conflict.”<sup>226</sup> The fact that SGBV is viewed with stigma in Syria prevents many victims from seeking help and leads to discrimination from community members and families, even against women who deny experiencing SGBV. Many women are abandoned by their parents or husbands, left without economic or social support to recover from these traumatic experiences on their own.

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<sup>222</sup> *Id.* at 34

<sup>223</sup> Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 271.

<sup>224</sup> Synergy for Justice & LDHR, *The Whole World Has Let Me Down*, *supra* at 69.

<sup>225</sup> Seif & Nassif, *Words Against Silence*, *supra* at 27.

<sup>226</sup> Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 21.

1. Detention and torture negatively impact former detainees’ physical and mental health.

114. Torture “resulted in serious injuries and, in some cases, death.”<sup>227</sup> The Syrian Network for Human Rights documented the deaths of tens of thousands of people due to torture at the hands of Syrian regime forces between March 2011 and October 2023.<sup>228</sup> The actual number is much higher, but the Syrian government systematically and intentionally withholds information on deaths in detention from family members and the international community.
115. The prison environment also led to serious long term physical impacts. For instance, when the Plaintiff left the detention facility, he was diagnosed with hepatitis.<sup>229</sup>
116. Torture often has gendered physical impacts. Many detainees reported physical injuries and long-term impact on their reproductive and sexual health from sexual violence, such as urinary and fecal incontinence, sexually transmitted infections, irregular menstrual cycles, difficulty conceiving, unwanted pregnancies or miscarriages, genital injuries and scarring, fistulas, urinary and vaginal bleeding, urinary tract infections, and blood in the urine; some of these injuries required reparative surgery.<sup>230</sup> One detainee from AFI Mezzeh required four months of surgeries and treatment to repair the damage from sexual assault, as well as curettage “to clean her uterus . . . which suggests she may have been pregnant.”<sup>231</sup> Many women receive ineffective or nonexistent medical treatment for reproductive health issues arising out of SGBV, in part due to stigma.<sup>232</sup>
117. Plaintiff’s psychological analysis showed that he experienced severe impacts on his mental health from torture, including post-traumatic stress disorder (PTSD), anguish, avoidance, insomnia, depressive disorder, sadness, irritability, and anxiety.<sup>233</sup>
118. These mental health impacts are sadly, universal. Nearly all former detainees suffer “profound and lasting” mental health impacts from the trauma of detention, being tortured, and witnessing torture, and particularly from the SGBV they experienced.<sup>234</sup> One detainee told me that “even though they didn’t hurt me much relatively to others, I was physically and psychologically mutilated when I was released from detention.”<sup>235</sup>

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<sup>227</sup> COI, “*I lost my dignity*,” *supra* ¶ 33.

<sup>228</sup> Syrian Network for Human Rights, *The Syrian Regime is Accused of Killing 15,051 Individuals, Including 190 Children and 94 Women, Under Torture in Its Detention Centers Since March 2011, While Nearly 136,000 Remain Forcibly Disappeared* 2 (2023), <https://snhr.org/wp-content/uploads/2023/10/R231007E.pdf>.

<sup>229</sup> Mzaik Decl. para. 48.

<sup>230</sup> LDHR, *Voices from the Dark*, *supra* at 20; COI, “*I lost my dignity*,” *supra* ¶ 37; COI, “*No End in Sight*,” *supra* ¶ 39; Synergy for Justice & LDHR, *The Whole World Has Let Me Down*, *supra* at 73; Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 37-39.

<sup>231</sup> LDHR, *Voices from the Dark*, *supra* at 15.

<sup>232</sup> Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 113.

<sup>233</sup> Dr. Pau Perez-Sales, Assessment of torture methods according to the Torturing Environments model, clinical impacts and consistency of findings.

<sup>234</sup> Human Rights Watch, *We are still here* (2014), <https://www.hrw.org/report/2014/07/02/we-are-still-here/women-front-lines-syrias-conflict>; Synergy for Justice & LDHR, *The Whole World Has Let Me Down*, *supra* at 71-80; LDHR, *Voices from the Dark*, *supra* at 4.

<sup>235</sup> Seif & Nassif, *Words Against Silence*, *supra* at 26

119. After release, many former detainees have nightmares, intrusive thoughts, and flashbacks, and are “haunted by the terror of detention.”<sup>236</sup> One detainee told me:

For me and for all the detainees, it’s a pain that we won’t be able to forget and a wound that won’t heal... often I sit alone and cry, not only for myself but for them too, I start thinking that at this moment there is a new detainee arriving at the branch, then I start to remember all the process she will pass through, from entering into Gargamel’s chamber of inspection, to the torture, humiliation, threat.<sup>237</sup>

120. Former detainees have been diagnosed with insomnia, psychosis, panic attacks, anxiety, depression, sleep disorders, and post-traumatic stress disorder.<sup>238</sup> They feel fear, anger, humiliation, self-blame, loss of meaning of life and a sense of futility.<sup>239</sup> These mental health impacts lead to physical consequences, like stomach ulcers, loss of hair, nervous breakdowns, and IBS.<sup>240</sup>

121. Many former detainees withdraw from society due to these mental health impacts, to the detriment of their familial and social relationships.<sup>241</sup> Some experience suicidal ideations and attempts, and other forms of self-harm.<sup>242</sup>

122. There are very few professional psychological support mechanisms available to former detainees inside Syria, and in many of the places former detainees flee to as refugees.<sup>243</sup> Without treatment and support, the physical and psychological impact of detention and torture worsens and impacts all aspects of former detainees’ lives, preventing former detainees from working, caring for their children, and otherwise participating fully in society.

2. Detention particularly impacts parents, whether they were detained with their children or separated from their children.

123. The regime regularly detains children with their parents, exposing the children to the same torture environment as their parents, and often committing unspeakable acts of torture directly against children. These children suffer many similar forms of physical and psychological trauma as adult detainees, coupled with their unique vulnerability as children.

124. One detainee at AFI Mezzeh said that “she was constantly worried about her young daughter, who was born during her detention and stayed with her only 40 days in the

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<sup>236</sup> LDHR, *Voices from the Dark*, *supra* at 21-22, 41; Synergy for Justice & LDHR, *The Whole World Has Let Me Down*, *supra* at 78-80; Seif & Nassif, *Words Against Silence*, *supra* at 29, 40.

<sup>237</sup> Seif & Nassif, *Words Against Silence*, *supra* at 40.

<sup>238</sup> EMHRN, *Detention of Women in Syria*, *supra* at 21-22; Synergy for Justice & LDHR, *The Whole World Has Let Me Down*, *supra* at 75-78; Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 37-39, 113.

<sup>239</sup> LDHR, *Voices from the Dark*, *supra* at 4; Synergy for Justice & LDHR, *The Whole World Has Let Me Down*, *supra* at 75-78; Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 37-39.

<sup>240</sup> LDHR, *Voices from the Dark*, *supra* at 21-22; Seif & Nassif, *Words Against Silence*, *supra* at 29, 40; Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 37-39.

<sup>241</sup> LDHR, *Voices from the Dark*, *supra* at 4; EMHRN, *Detention of Women in Syria*, *supra* at 21-22

<sup>242</sup> EMHRN, *Detention of Women in Syria*, *supra* at 21-22; Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 37-39, 113.

<sup>243</sup> EMHRN, *Detention of Women in Syria*, *supra* at 21-22; Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 113.



horrendous conditions . . . [S]he was sick, and her colour was scary.”<sup>244</sup> Another detainee was beaten while holding her child, and her child suffered a long-term physical disability because of the abuse.<sup>245</sup>

125. Where parents were detained without their children, they could not see their children for years. Often, the children would be left alone in the home when their parent was arrested by the regime, including infants.<sup>246</sup> For many parents, “the thought of not knowing where their children are or how they are being treated may cause intense mental anguish.”<sup>247</sup> They may miss long periods of their children’s lives, losing the opportunity to form bonds and make memories with their children.<sup>248</sup> Detention or separation negatively impacts the mental health of the parent and the child and leads to feelings of guilt and stress for their parents.<sup>249</sup>

126. In a society where “the role assigned to women as mothers and caregivers to young children is deeply entrenched,”<sup>250</sup> this has a unique and disproportionate impact on women. After a mother has been detained, “[f]eelings of guilt and blame respectively often dominate the relationship between a mother and her children. Children can also start to reject their mother because they have experienced her sudden disappearance without them knowing why and where she was.”<sup>251</sup> In many cases, “[w]omen reported abandoning political activities because they did not want their children to suffer.”<sup>252</sup>

### 3. Former detainees suffer from stigma and discrimination after their release.

127. Female and male detainees are treated differently upon their release. When men leave prison, they are treated as heroes.<sup>253</sup> Conversely, female detainees “are often presumed to be victims of rape.”<sup>254</sup>

128. As discussed above, “rape or even the assumption of rape, is associated with deep stigma.”<sup>255</sup> Many Syrians “express the view that it is better for women to be killed than raped.”<sup>256</sup>

129. There is a common perception that women are to blame for their treatment in prison, including SGBV, because they should know better than to be activists. Women are expected to protect their virtue and to avoid shame by “refrain[ing] from participating in social movements.”<sup>257</sup> Much of Syrian society “has no mercy on the women who

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<sup>244</sup> Seif et. al., *Death is not the worst*, *supra* at 13.

<sup>245</sup> LAW, *It’s a Forever Stigma*, *supra* para. 102.

<sup>246</sup> TIMEP, *Women Imprisoned By All Sides*, *supra*; LDHR, *Voices from the Dark*, *supra* at 10.

<sup>247</sup> LAW, *It’s a Forever Stigma*, *supra* para. 103.

<sup>248</sup> Declaration of Yassin Al-Haj Saleh.

<sup>249</sup> Dawlaty & Women Now for Development, *Shadows of the Disappeared*, *supra* at 38.

<sup>250</sup> LAW, *It’s a Forever Stigma*, *supra* para. 103.

<sup>251</sup> EMHRN, *Detention of Women in Syria*, *supra* at 22.

<sup>252</sup> Seif & Nassif, *Words Against Silence*, *supra* at 14-15.

<sup>253</sup> Seif et. al., *Death is not the worst*, *supra* at 18; Seif & Nassif, *Words Against Silence*, *supra* at 36.

<sup>254</sup> COI, *Gendered Impact of the Conflict*, *supra* at 7; see also EMHRN, *Detention of Women in Syria*, *supra* at 8 & 21; COI, “No End in Sight,” *supra* ¶ 40.

<sup>255</sup> EMHRN, *Detention of Women in Syria*, *supra* at 21; Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 21.

<sup>256</sup> LAW, *It’s a Forever Stigma*, *supra* para. 131.

<sup>257</sup> EMHRN, *Detention of Women in Syria*, *supra* at 8.

participate in political affairs; while they know the horrible price they would pay if they got detained, they consider such participation as a sin that must be punished.”<sup>258</sup> Rather than “arousing compassion” or pride for their activism, female detainees are stigmatized and blamed as sources of shame, disgrace, and threats to their families.<sup>259</sup>

130. Stigma negatively affects survivors.<sup>260</sup> Community members and even the former detainees’ own families discriminate against and isolate former detainees due to this stigma.<sup>261</sup> Family members may limit former detainees’ movements and isolate them at home “in an attempt to protect [them] from further harm and the family from shame.”<sup>262</sup> One former detainee said “her family confiscated her ID and prevented her from leaving the house.”<sup>263</sup> Other former detainees were forced into marriages, where they face domestic violence and unwanted pregnancy.<sup>264</sup>
131. In other cases, families disown or abandon former detainees. Former detainees’ husbands may divorce or abandon them and they may be considered unfit for future marriage.<sup>265</sup> Many female detainees struggle to survive after their husbands, families, and communities abandon them, denying them social and economic support, job opportunities, and education.<sup>266</sup>
132. Stigma “deeply impacts all members of the family, including associational stigma against extended family members.”<sup>267</sup> Community members blame the families of the victims “for failing to protect them,”<sup>268</sup> or for allowing their wives and daughters to deviate from the social norms. Because stigma infects the family unit, the entire family may experience discrimination and ostracization, including children, siblings, and parents.<sup>269</sup>
133. Because of this deep stigma, the Commission reported that female detainees were murdered by their family members to “preserve the honour of the family.”<sup>270</sup>

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<sup>258</sup> Seif & Nassif, *Words Against Silence*, *supra* at 36.

<sup>259</sup> EMHRN, *Detention of Women in Syria*, *supra* at 8; TIMEP, *Women Imprisoned By All Sides*, *supra*; Seif et. al., *Death is not the worst*, *supra* at 18. “Social stigma is a ‘stain’ or ‘taint’ which society projects on to an individual or group which devalues ‘others’ and marginalises them because of a characteristic, experience, behaviour or other factors.” Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 20.

<sup>260</sup> EMHRN, *Detention of Women in Syria*, *supra* at 21; Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 21.

<sup>261</sup> EMHRN, *Detention of Women in Syria*, *supra* at 21; Seif & Nassif, *Words Against Silence*, *supra* at 38; Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 113.

<sup>262</sup> EMHRN, *Detention of Women in Syria*, *supra* at 23; Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 21.

<sup>263</sup> COI, *Gendered Impact of the Conflict*, *supra* at 7.

<sup>264</sup> Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 113; Seif & Nassif, *Words Against Silence*, *supra* at 36; Biscaia, *Weaponising Gender*, *supra* at 157.

<sup>265</sup> Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 113.

<sup>266</sup> COI, *Report of the Independent International Commission Of Inquiry on the Syrian Arab Republic*, *supra* at Annex IX; Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 113.

<sup>267</sup> Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 22.

<sup>268</sup> *Id.* at 113.

<sup>269</sup> *Id.* at 119, 22.

<sup>270</sup> COI, *Report of the Independent International Commission Of Inquiry on the Syrian Arab Republic*, *supra* at Annex IX; *see also* Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 37-39; *see generally* Synergy for Justice & LDHR, *The Whole World Has Let Me Down*, *supra*.

134. There are also stereotypes that men cannot be sexually assaulted, could fight off an attacker if they wanted to, or could only be sexually assaulted if they were homosexual. Male survivors thus also experience stigma, which prevents them from often prevent men from reporting or seeking treatment for SGBV, or even identifying the torture they experience as SGBV.<sup>271</sup>
135. Discrimination against victims of sexual violence can exacerbate the psychological harms from detention and SGBV. Many former detainees deny what happened to them and refuse to discuss their detention with their families or friends, avoiding treatment and counselling for fear of stigma.<sup>272</sup> This repression “drives so many of the other long-term impacts and negative outcomes for survivors.”<sup>273</sup> One former detainee “spoke of her urge to self-harm when faced with social stigma and assumptions about her decency. It led her to attempt suicide multiple times. Even with the enduring support and love of her father, she still feels driven to self-harm when she is confronted with stigma.”<sup>274</sup> Many former detainees have died of suicide, driven in part by the discrimination they experience in their communities and families.<sup>275</sup>

## CONCLUSION

136. The Syrian regime has caused immense harm and suffering to detainees and their families. Because of pre-existing gender discrimination and norms in Syrian society, and the Syrian government’s intentional exploitation of those norms, these harms often have gendered impact.
137. The gendered experiences of detention on detainees starts from the moment of detention – with many women suffering in detention simply because the regime desires to hurt their relatives, and many men experiencing detention and torture due to gendered perception of who is a potential fighter.
138. SGBV against female and male detainees, including forced nudity, groping, electrocution of the genitals, rape, and collective humiliation, is widespread and systematic. Government forces systematically use SGBV to torture detainees, using SGBV to cause severe mental and physical suffering to extract information, punish detainees, and to cause fear in the populace and deter dissent.
139. Violence and discrimination based on gender intersects with discrimination based on race, gender identity, sexuality, class, disability, and other facets of identity to create cumulative harm.
140. Detention and SGBV has gendered impacts on detainees. They suffer long-term physical and psychological impacts, including communicable diseases, recurring pain, PTSD, and depression. SGBV causes immense psychological impacts, which are exacerbated by the social stigma against survivors. Many former detainees suffer discrimination and ostracization from their communities, in part because they are

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<sup>271</sup> Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 234-35.

<sup>272</sup> Biscaia, *Weaponising Gender*, *supra* at 157; EMHRN, *Detention of Women in Syria*, *supra* at 21-22.

<sup>273</sup> Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 23.

<sup>274</sup> Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 119.

<sup>275</sup> COI, *Report of the Independent International Commission Of Inquiry on the Syrian Arab Republic*, *supra* at Annex IX; *see also* Elliot, Barbour & Seif, *Syria Supplement*, *supra* at 37-39.

presumed to have suffered from SGBV. This discrimination leads to psychological, economic, and social harms.

141. Detention also has gendered impacts on the family members of detainees. Much like the impact on the detainee, the gendered impact on the family member starts from the moment of arrest, where female family members are targeted for SGBV and harassment. The Syrian government also discriminates against family members of the detainees, preventing them from accessing government services and threatening them with physical and economic harm. Family members of detainees suffer intense emotional and psychological harm from losing their loved ones, particularly in the context of enforced disappearances. While struggling through this emotional harm, female family members often search for their missing relatives, exposing them to a wide variety of danger. Female family members are also often thrust into new breadwinning roles, where gender norms often force them into precarious employment situations. Discriminatory Syrian laws also particularly affect female relatives of the disappeared, as they cannot inherit, maintain custody over their children, or access family assets. Together, these gendered impacts means that while the Syrian government detains far more men than women, detention has an enormous impact on women.

142. The Syrian government knows about the gendered experiences and impacts of detention – after all, it intentionally detains women to harm their family members, denies pregnant women adequate health care, uses systematic SGBV to torture detainees, withholds information and government resources from detainees’ family members, and persecutes family members of the detained. The regime systematically and brutally uses detention as a tool of repression against people of all genders in Syrian society, and leverages gender as a way to discriminate against and target detainees. Any judgment against the regime for torture must take the widespread and systematic use of SGBV as a torture tool into account.

I declare under penalty of perjury that the foregoing is a true statement of my independent professional opinion.

Executed on 7 December 2024 in Germany.

Joumana Seif



## **Exhibit A: Curriculum Vita: Joumana Riad Seif**

### **Education:**

06/2007 Law Degree, Beirut Arab University, Beirut, Lebanon.  
Recognized as a bachelor law degree at Damascus University

### **Work Experience:**

8/2023 – Present Non-resident Senior Fellow  
The Atlantic Council, Strategic Litigation Program.

3/2022 – Present Legal Advisor  
5/2017 – 2/2022 Research Fellow, Conflict-related Sexual Violence  
European Center for Constitutional and Human Rights

1/2020 – 4/2023 Chair, Board of Directors  
The Day After

10/2017 – Present Founding Member and Monitoring Committee  
Syrian Women Political Movement.

3/2016 – 2/2017 Member  
Civil Society Support Rooms on the Margin of the Geneva Talks

2/2015 – 2/2017 Member, Follow-up Committee  
Syrian Women’s Initiative for Peace and Democracy under the  
auspices of the United Nations (Women’s Bureau)

5/2015 – 12/2019 Head, Legal Committee  
5/2013 – 5/2015 Founding Member, Follow-up and Coordination Committee  
Syrian Women’s Network

8/2014 – Present Founding Member, Public Relations Committee  
Syrian Feminist Lobby

2007 – 2012 Member  
Damascus Declaration for Democratic Change

2001-2012 Human rights activist for political prisoners and their families, and  
a representative of the families of the detainees of the National  
Council of the Damascus Declaration

1996 – 2001 Head of Social care and Development  
1993 – 1996 Human Resources  
Adidas

### **Qualifications / Awards:**

3/2023 – 3/2024	Anne Klein Women’s Award 2023
15 – 19/9/2019	Intensive Practical Skills on Relevant International Law and Victim Centric Investigation Institute for International Criminal Investigations
19–20/6/2019	Strategic SGBV Litigation- Lessons Learned Workshop OHCHR
9 – 12/9/2018	Accountability Mechanisms for Crimes Committed in Syria- International Bar Association’s Human Rights Institute
2 – 6/7/2018	Training of Trainers on U.N. Human Rights Mechanisms International Bar Association’s Human Rights Institute
18–19/6/2018	Conflict-related Sexual and Gender-Based Violence Trial International
14 – 18/12/2015	Negotiation and Mediation Skills Clingendael Institute, Netherlands
18 – 20/5/2015	Project and Program Management- PwC, Oxfam and Hivos Women on the Frontline Program
7 – 13/11/2013	Intensive Course on Transitional Justice International Center for Transitional Justice
25 – 31/3/2013	6 <sup>th</sup> Regional Training on Using the International Mechanisms to Protect Human Rights Cairo Center for Human Rights Studies
7/5 – 8/6/2012	Internship Woodrow Wilson International Center
25/3 – 4/5/2012	Leaders for Democracy Program Maxwell School, Syracuse University

### **Reports:**

Joumana Seif, Wejdan Nassif, *Words Against Silence*, Syrian Center for Legal Studies and Research (2020), [\*ECCHR: Words against silence\*](#)

Joumana Seif, Sima Nassar, Rima Flihan, *Death is not the worst that can happen... It is also the waiting*, The Syrian Feminist Lobby, 2022, [Death is not the worst that can happen... It is also the waiting! – Syrian Feminist Lobby](#)

Rima Flihan, Joumana Seif, Wejdan Nassif, and Julia Jamal, *Without Saying Goodbye*, The Syrian Feminist Lobby, 2024, [Without Saying Goodbye](#).

Syria Supplement to [International Protocol on The Documentation and Investigation of Sexual Violence in Conflict 2<sup>nd</sup> Edition](#).

## Exhibit B: Index Of Materials Cited in Expert Report Of Joumana Seif

### a. Personal Writings

No.	Description
1.	Joumana Seif & Wejdan Nassif, <i>Words Against Silence</i> , Syrian Center for Legal Studies and Research (2020), <a href="#">ECCHR: Words against silence</a>
2.	Joumana Seif, Sima Nassar, Rima Flihan, <i>Death is not the worst that can happen... It is also the waiting</i> , The Syrian Feminist Lobby, 2022, <a href="#">Death is not the worst that can happen... It is also the waiting! – Syrian Feminist Lobby</a>
3.	Syria Supplement to <a href="#">International Protocol on The Documentation and Investigation of Sexual Violence in Conflict 2<sup>nd</sup> Edition</a> .

### b. Expert reports from the United Nations

No.	Description
1.	Human Rights Council, <i>Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic</i> , A/HRC/31/CRP.1 (2016)
2.	Human Rights Council, <i>Without a trace: enforced disappearances in Syria</i> (Dec. 19, 2013).
3.	Independent International Commission of Inquiry on the Syrian Arab Republic, <i>Gendered Impact of the Conflict in the Syrian Arab Republic on Women and Girls</i> (Feb. 7, 2023).
4.	Independent International Commission of Inquiry on the Syrian Arab Republic, <i>“I lost my dignity”: Sexual and gender-based violence in the Syrian Arab Republic</i> , A/HRC/37/72/CRP.3 (2018)
5.	Independent International Commission of Inquiry on the Syrian Arab Republic, <i>“No End in Sight”: Torture and ill-treatment in the Syrian Arab Republic 2020-2023</i> , A/HRC/53/CRP.5 (July 10, 2023)
6.	Independent International Commission of Inquiry on the Syrian Arab Republic, <i>Report of the independent international commission of inquiry on the Syrian Arab Republic</i> , A/HRC/21/50 (Aug. 16, 2012)
7.	Report of the working group on enforced or involuntary disappearances, A/HRC/16/48 (2011)
8.	U.N. High Commissioner for Refugees (UNHCR), <i>We Keep It in Our Heart – Sexual Violence Against Men and Boys in the Syria Crisis</i> (Oct. 2017), <a href="https://www.refworld.org/docid/5a128e814.html">https://www.refworld.org/docid/5a128e814.html</a>



9.	<i>UN Special Rapporteur Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (2016) Report: III. Gender Perspectives on Torture</i> , A/HRC/31/57.
10.	United Nations General Assembly, Report of the Secretary General, <i>Missing people in the Syrian Arab Republic</i> , A/76/890 (Aug. 2, 2022).

**c. Expert reports from the Non-governmental Organizations**

No.	Description
1.	Anne Fleischer, <i>Gender impact of enforced disappearances in Syria</i> (2020), <a href="https://www.icip.cat/perlapau/en/article/gender-impact-of-enforced-disappearances-in-syria/">https://www.icip.cat/perlapau/en/article/gender-impact-of-enforced-disappearances-in-syria/</a> .
2.	Association of Detainees and the Missing in Sednaya Prison, <i>Forcibly Disappeared in Syrian Detention Centers</i> (Dec. 2020), <a href="https://www.admsp.org/en/they-were-there-and-they-did-not-return-a-look-into-the-details-of-the-enforced-disappearance-and-the-fate-of-the-victims-in-syria/">https://www.admsp.org/en/they-were-there-and-they-did-not-return-a-look-into-the-details-of-the-enforced-disappearance-and-the-fate-of-the-victims-in-syria/</a>
3.	Briefing to the UN Security Council by Wafa Mustafa (July 23, 2020), <a href="https://diary.thesyriacampaign.org/briefing-un-security-council-wafa-mustafa/">https://diary.thesyriacampaign.org/briefing-un-security-council-wafa-mustafa/</a>
4.	Caesar Families Association, <i>01 Jul My Brother Told me</i> , <a href="https://www.caesarfamilies.org/01-jul-my-brother-told-me/">https://www.caesarfamilies.org/01-jul-my-brother-told-me/</a> .
5.	Caesar Families Association, <i>23 Jan Maryam Alhlaq: I Want a Grave for My Son, The Grave Digger Documentary</i> , <a href="https://www.caesarfamilies.org/23-jan-maryam-alhlaq-i-want-a-grave-for-my-son-the-grave-digger-documentary/">https://www.caesarfamilies.org/23-jan-maryam-alhlaq-i-want-a-grave-for-my-son-the-grave-digger-documentary/</a>
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9.	Euro-Mediterranean Human Rights Network, <i>Detention of Women in Syria: A weapon of war and terror</i> (2015), <a href="https://euromedrights.org/wp-content/uploads/2015/06/EMHRN_Womenindetention_EN.pdf">https://euromedrights.org/wp-content/uploads/2015/06/EMHRN_Womenindetention_EN.pdf</a> .

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12.	Human Rights Watch, <i>We are still here</i> (2014), <a href="https://www.hrw.org/report/2014/07/02/we-are-still-here/women-front-lines-syrias-conflict">https://www.hrw.org/report/2014/07/02/we-are-still-here/women-front-lines-syrias-conflict</a> .
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17.	Legal Action Worldwide, <i>It's a Forever Stigma</i> (2024).
18.	Lina Biscaia, <i>Weaponising Gender, in The Syrian War</i> (Hilly Moodrick-Even Khen, Nir T. Boms & Sareta Ashraph, eds.) (2019)
19.	Pauline Boss, <i>Families of the missing: Psychosocial effects and therapeutic approaches</i> , 99(2) <i>International Review of the Red Cross</i> 519 (2017).
20.	Synergy for Justice & Lawyers and Doctors for Human Rights, <i>The Whole World Has Let Me Down</i> (2021), <a href="https://synergy-for-justice.cdn.prismic.io/synergy-for-justice/c8452ba8-4d89-4fff-8ddd-cd24140d6bb3_Understanding+what+Syrian+Women+Face+During+and+After+Detention_LDHR_SFJ_v05_Web.pdf">https://synergy-for-justice.cdn.prismic.io/synergy-for-justice/c8452ba8-4d89-4fff-8ddd-cd24140d6bb3_Understanding+what+Syrian+Women+Face+During+and+After+Detention_LDHR_SFJ_v05_Web.pdf</a>
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22.	Tahrir Institute for Middle East Policy, <i>Women Imprisoned By All Sides</i> (2017), <a href="https://timep.org/2017/09/01/women-imprisoned-by-all-sides/">https://timep.org/2017/09/01/women-imprisoned-by-all-sides/</a>

**d. Declarations of former prisoners and affected family members**

No.	Description
1.	SCM.001, Decl. of Hanadi Zahlout
2.	SCM.003, Decl. of Mohammad Ali Ibrahim Al-Najjar
3.	SCM.006, Decl. of Abdullah Hamid Al-Abdullah
4.	SCM.007, Decl. of Safouh Muhammad Halema
5.	SCM.008, Decl. of Saber Suleiman Hamada
6.	Anonymous Decl. SCM.011
7.	SCM.013, Decl. of Osama Sawan
8.	SCM.014, Decl. of Ahmad Quraitem
9.	SCM.015, Decl. of Ahmad Mohammad Salim Buqai
10.	SCM.016, Decl. of Ahmad Abu Al-Kas
11.	SCM.019, Decl. of Kamal Fares
12.	Anonymous Decl. SCM.020
13.	SCM.021, Decl. of Raghda Awad
14.	SCM.022, Decl. of Taymaa Muhiddin
15.	Anonymous Decl. SCM.023
16.	Anonymous Decl. SJAC.004
17.	Anonymous Decl. SJAC.005
18.	Anonymous Decl. SJAC.006
19.	SJAC.007, Decl. of Walid Al-Aashban bin Abdullah
20.	SJAC.008, Decl. of Osama Natouf bin Ibrahim
21.	Anonymous Decl. SJAC.009

22.	Declaration of Mariam al-Hallak
23.	Declaration of Yassin al-haj Saleh
24.	Declaration of Yasmien Almashan

**e. International Conventions and Decisions of International Courts**

No.	Description
1.	Convention on the Rights of Persons with Disabilities, art. 1
2.	Inter-American Court of Human Rights, <i>Case of the Miguel Castro-Castro Prison v. Peru</i> , Judgment (2006).
3.	International Convention for the Protection of All Persons from Enforced Disappearance, December 20, 2006, 2716 U.N.T.S. 3.
4.	International Criminal Tribunal for Rwanda, <i>Prosecutor v. Akayesu</i> , Trial Judgment, 2 September 1998
5.	International Criminal Tribunal for Rwanda, <i>Prosecutor v. Rukundo</i> , Trial Judgment, 27 February 2009
6.	International Criminal Tribunal for Yugoslavia, <i>Prosecutor v. Kunarac</i> , Case No. IT-96-23&23/1, Trial Judgment.

**Exhibit C: Declarations of Yassin al-Haj Saleh, Maryam Al-Hallak, and Yasmin Al-Mashan**

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLUMBIA**

OBADA MZAIK,

*Plaintiff,*

v.

SYRIAN ARAB REPUBLIC,

*Defendant.*

Civil No. 1:22-cv-00042-ACR

Complaint For Torture,  
28 U.S.C. § 1605A

**DECLARATION OF YASSIN AL-HAJ SALEH**

I, Yassin al-Haj Saleh, declare as follows:

**Introduction and Personal Background**

1. My name is Yassin al-Haj Saleh.
2. I was born in Syria. I now reside in Berlin, Germany.
3. I am a political dissident and an author on the Syrian Revolution and the broader Arab world.
4. I have published several books on Syria, including *The Impossible Revolution: Making Sense of the Syrian Tragedy* (2017) and *Salvation O Boys: 16 Years in Syrian Prisons* (2012). These books offer detailed accounts of the Syrian conflict, my imprisonment, and my understanding of Syria's ongoing struggle for freedom and justice. In addition to these works, I am a contributing writer for various respected organizations such as Democracy for the Arab World Now and New Lines Magazine. My articles cover a wide range of topics, from the human impact of the Syrian war to the broader socio-political dynamics of the Arab world.
5. In 2012, I and a small group of journalists, writers and academics, co-launched Al-Jumhuriya, an online platform that publishes robust reporting and analysis on Syrian politics, history, identity, and culture, with a focus on holding all those who hold power to account. The same year, I won the Prince Claus Award for my contributions to literature on Syrian society and affairs. In 2014, I co-founded Hamisch Syrian Culture House in Istanbul, which became a cultural hub for Syrian artists and writers to challenge the "ghettoization" of Syrians in Turkey.
6. I was honored with the Tucholsky prize from the Swedish Pen Club in 2017 and have been a fellow at the Wissenschaftskolleg zu Berlin from 2017 to 2018 and at the Europe in the Middle East for Gerda Henkel Stiftung in 2019.
7. My declaration aims to capture the broader impact of torture and enforced disappearance on Syrian families, drawing from my own experiences to highlight the enduring effects that extend beyond individual suffering.

## **My Imprisonment**

8. In 1980, I was in my third year of medical school at Aleppo University in Syria. I was only 19 years old.
9. I was arrested for my political activism opposing the Hafez Assad regime. After more than 11 years of “preventive” arrest at Aleppo’s al-Muslimiya Prison, I was referred to the Supreme State Security court in Damascus where I was sentenced to 15 years of imprisonment and other 15 years of civil rights deprivation. .
10. After serving my original sentence, I was transferred to the infamous Tadmor Prison, the most horrible place on Earth. In Tadmor, inmates were subject to unimaginable cruelty. For the 11 months and 16 days that I was there, daily life was consumed by arbitrary torture, violence, death and degradation. I witnessed random and frequent beatings, whippings, and unspeakable, experimental forms of torture. Many prisoners did not even survive past their first day when they were attacked before stepping off the bus. Tadmor attempted to humiliate and “expose” prisoners, destroying any form of privacy. We were not allowed to make eye contact, and in my year at Tadmor, I had could not look at the faces of any guard. This would have been a grave “sin”.
11. In total, I was imprisoned for 16 years and 14 days.

## **Imprisonment and Abduction of my Wife and Brothers**

12. Five years after I was detained, my brother Mustafa was imprisoned. My brother Khalid was arrested just six months after Mustafa.
13. My younger brother Firas disappeared in July 2013.<sup>1</sup> Though we know that ISIS abducted him, we do not know where he is being detained.<sup>2</sup>
14. In December 2013, my beloved wife, Samira al-Khalil, was forcibly abducted from her workplace in Douma, Eastern Ghouta, along with three of her colleagues, our dear friends, Razan Zaitouneh, Wael Hammadeh, and Nazem Hammadi. Known as the Douma Four, they are each well-respected human rights defenders who work tirelessly to raise the voices of struggling Syrians. At the time of her abduction, she and her colleagues were inspecting evidence of war crimes committed by the Syrian regime.<sup>3</sup>
15. There is evidence that the Salafist faction, Jaysh al-Islam, that was the de facto power in Douma at the time is responsible for their enforced disappearances. Jaysh al-Islam has denied their involvement and ignored any attempts at arbitration.
16. In 2018, after the forced displacement of many people from Douma and Eastern Ghouta to the Northern parts of Syria, I went back to Turkey to investigate about my missing wife. I asked the government of Turkey for help, but they ignored my pleas.
17. I attempted several times to cross over into Syria from Turkey to glean any details about her whereabouts. My multiple attempts were fruitless. I was denied access at the border.
18. In almost the decade since her disappearance, I have not heard from her to know how she is doing, nor do we know where she is located. Has she spent all these years in one

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<sup>1</sup> <https://www.passblue.com/2023/06/29/at-long-last-the-un-votes-to-create-a-system-to-find-the-fate-of-missing-syrians-in-the-war/>

<sup>2</sup> <https://www.thedial.world/enforced-disappearances/syrian-civil-war>

<sup>3</sup> <https://www.middleeasteye.net/opinion/syria-war-love-my-life-disappeared-six-years-ago-still-i-cling-hope> 42

place, or several? Are all four in prison together, or were they split up amongst the many prisons run by Jaysh al-Islam?

### **Impact of Enforced Disappearance on Syrian Families**

19. Systematic enforced disappearances and torture have profoundly impacted Syrian families, rooted in three critical pillars of this experience: incarceration, unknown fate, and silence or denial.
20. Incarceration: When people are forcibly disappeared, they are incarcerated at unknown places.
21. These confinements cause families of the disappeared immense emotional and economic hardship. The physical and psychological toll of my wife's detention, my brothers' detention, and my own old detention had a profound impact on me and my family.
22. Imprisonment took almost two decades of my youth away from me. I missed seeing my younger siblings grow up. My brother is missing his child's youth.
23. Imprisonment cost my family the mental security of seeing me and knowing my well-being during those years.
24. With three of her children imprisoned, our mother suffered greatly. The successive imprisonments of my siblings caused strain on our family, compounding the grief and uncertainty that we already faced. Our mother kept visiting us, even at the times when visitations were forbidden. She would come and bribe the jailors to let her hear our voices from afar.
25. While imprisoned, I missed the death of my beloved mother. In the years of Samira's disappearance, her mother, father, and sister passed away (Samira and her sister Fatimeh were arrested and imprisoned in the 80s for several years).<sup>4</sup>
26. Imprisonment keeps detainees' stories away from the world, while their freedom would give them the power to share their own stories in full detail. They should not have to rely on others – not even us, their heartbroken loved ones – to speak for them. We stand in for them during their absence; but if they were here, they would represent themselves and speak in their own voices. Their accounts would then form part of the broader narrative of the Syrian people's arduous and multifaceted struggle against the Assad regime. This very act – victims voicing the truth about the crime – is exactly what the perpetrators sought to prevent.
27. Unknown fate: The second and harshest pillar of enforced disappearance is the fact that their fate is unknown. Unknown fate is the essence of enforced disappearance, the core that may never be discovered. There are tens of thousands of people held by the regime whose fate is unknown. Ultimately, they can be considered kidnappings rather than arrests or detentions — an operation to hunt down humans and make them disappear, which remains true even when the families are certain that their disappeared relative is being held by regime forces. We do not know if our loved ones are alive or have been killed. If the latter is true, then when, how and where? Where are their bodies?
28. If my wife is dead, my primary wish is to retrieve her body and ensure her a respectful final resting place. This would enable us to bid farewell properly, helping us in our

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<sup>4</sup> <https://www.syriawise.com/samira-al-khalil-a-gentle-rebel-against-tyranny-and-injustice/>



mourning and letting us gradually move forward in some way. Otherwise, all we're left with is the tale of four bodies that were denied a peaceful end, their lives cruelly taken, their story merging with our own harrowing, collective narrative. The thought alone is profoundly painful, yet we can't avoid facing this harsh possibility.

29. The families of the rest of the Douma Four suffer the same silence that I do. Each day that passes without word about their whereabouts adds to the pain of their absence. My in-laws died not knowing whether their child or sibling would ever reemerge safely. While I have written numerous letters to Samira, I am unsure whether she knows that many of her family members have passed away.
30. Disappearance leaves a special mark on the lives of those of us who do not know. The unknown fate of the disappeared adds to the trauma, as families are left in a state of perpetual grief and uncertainty, wondering whether their loved one is even alive, and if not, how they died and where their body is.
31. This state of not knowing leaves families in a condition of suspended life. Life is suspended or deferred while waiting for the person or people who were disappeared.
32. In virtually all cases, most of the disappeared person's loved ones live as refugees scattered in many countries all over the world, exacerbating this condition of suspended life. Our loved ones are disappeared in what is itself a sort of disappeared country. As the conflict in Syria worsened, my family, like many others, left the country to seek asylum. Some left for Lebanon, Turkey, Jordan, or even as far as Europe, like me. My family was forced to leave behind Firas and my Samira, without saying goodbye or gaining any sense of closure.
33. Silence and Denial: It is only the loved ones and comrades who do not know the fate of the disappeared. Dictators and those who abet these disappearances are well aware of the fate of the disappeared. For years, families' efforts to uncover the fate of their disappeared relatives have been met with silence or denial, reflecting the powerful efforts to keep this knowledge unknowable. There is what can be called total disappearance in which the perpetrators deny responsibility for the crime of enforced disappearance. This is the basis of an information trade that has earned the regime and its brokers millions of dollars.
34. With these three pillars — prolonged confinement, unknown fate, and silence or denial — disappearance possesses an exterminationist effect in that it cuts off all trace, completely extinguishing the disappeared person, as if they never existed at all.
35. The Syrian revolution marked the political appearance of millions of Syrians. However, the enforced disappearances are an extreme retaliation to divide Syrians away from their shared interests. Silence and denial throw people back into invisibility and obscurity. These disappearances have greatly affected the democratic and inclusive promises of the revolution and derailed the country into a multifrontal civil and regional war.

### **Impact of Torture on Syrian Society**

36. The Assad regime depends on torture for its very survival. It is its basic governance method.
37. Torture is the nucleus of the policy of divide and rule, separating a person from his potential group, before separating him from himself, separating his exposed body from

his secret, or taking his body hostage in exchange for surrendering his secret and betraying his highest convictions. There may be very many people being tortured as a group, but they are separated and individualized before the torture process itself in order to weaken them. On the other hand, the executioners were multiplied and united in confronting him to achieve their goal of defeating him, occupying him, and gaining control over him.

38. Torture and enforced disappearances extend beyond individuals and their families to entire communities, creating an environment of fear and division. Siege and bombing are methods of societal torture, aiming to reduce opponents through fear and deprivation. Community torture, including sieges and bombings, is used to isolate and fragment local communities, as seen in Hama, Homs, and Eastern Aleppo. The torture of society appears most clearly in the siege and starvation for which the regime developed the slogan “Hunger or Kneel.” This copies the nihilistic structure of “bargaining” that takes place with prisoners: “cooperate,” meaning you become an informant, otherwise you remain in prison.
39. Torture is a political tool that goes beyond physical pain, inflicting humiliation and deprivation on detainees’ families and entire communities. The regime’s discrimination against those it suspects has evolved into broader isolation, starvation, and mass violence. This extensive approach to torture fractures family structures and weakens communal bonds, leaving deep and lasting scars on Syrian society.
40. When this illegal violence is practiced by the state, and it is practiced on a widespread and entrenched basis, illegal violence will be practiced by society in the form of terrorism, crime, or general illegality. The black market of violence in which one form of illegality is promoted is promoted by every other form, and state illegality opens the doors to all illegalities.

### **Our Demands for Justice**

41. What is justice for our family members? Initially, the answer seems clear: their release or, if deceased, confirmation of their fate and access to their remains. Those responsible must be brought to an unbiased and credible court to face the consequences of their actions.
42. Justice means much more than mere retribution against the perpetrators of enforced disappearances and torture. It encompasses revealing the full truth about these heinous crimes. Full transparency is needed regarding what transpired during their years of absence. We, as their representatives, aim to tell the story they were silenced from telling, in all its complexity.
43. This dimension of justice – the narration of what transpired, who it encompassed, when, where, how, why, and the underlying motives and processes – is often overlooked in discussions about justice. Nevertheless, it is crucial for exposing and holding accountable the perpetrators, both individuals and groups, acknowledging the suffering of the victims and their families, and deriving broader lessons from the tragedy.
44. True justice involves providing peace to the families of the victims, recognizing their immense pain, and ensuring that those who committed those atrocities are removed from positions of power. Justice is intertwined with our broader struggle for the restoration of dignity for all Syrians.

45. There is no adequate compensation for suffering and pain. Maybe the concept of ultimate justice, or divine justice, emerged from this reality, in recognition that even the most comprehensive form of retributive justice has its limitations. Such justice involves acknowledging the anguish and tears, and offering solace to those who have endured them.
46. For forgiveness to be a possibility, justice needs to be realized, and the offenders must undergo transformation, express remorse for their actions, and ask for forgiveness. This is not an arbitrary requirement detached from the broader context of justice and forgiveness. Significant, atrocious crimes prompt both these considerations. In a world where crime persists without justice, without apology, and without seeking forgiveness, the concept of forgiveness loses its meaning. It cannot be rightfully given or assumed. Forgiveness is not the opposite of justice – what is opposite to both is revenge. Justice, in fact, prevents the pursuit of revenge and lays the groundwork for forgiveness.

Yassin al-Haj Saleh

**UNITED STATES DISTRICT COURT FOR THE  
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OBADA MZAIK,

*Plaintiff,*

v.

SYRIAN ARAB REPUBLIC,

*Defendant.*

Civil No. 1:22-cv-00042-ACR

Complaint For Torture,  
28 U.S.C. § 1605A

**DECLARATION OF MARYAM AL-HALLAK**

I, Maryam Al-Hallak, declare as follows:

1. My name is Maryam Al-Hallak.
2. Before the revolution, I worked as a manager and educator for nearly 35 years in different Syrian schools.
3. I am a founding member of the Caesar Families Association (CFA). In 2014, a former military photographer, who went by the code name Caesar, fled Syria. He leaked photographs he smuggled out of Syria. The photos uncovered the horrific atrocities committed by the Syrian regime against political prisoners. Families who recognized their loved ones in Caesar's photos have come together and are trying to find out where they are buried. CFA is made up of victims' families who identified their family members in the Caesar Photos.
4. My declaration aims to capture the broader impact of enforced disappearance on Syrian families, drawing from my own experiences and the experiences of members of CFA.

**My Family's Story**

5. My son Ayham Ghazoul was one of tens of thousands of Syrians who were detained and tortured for daring to peacefully oppose Bashar al-Assad's regime.
6. He was my youngest son, and the closest to me. His two older brothers got married and moved out and my husband passed away in late 2011, so it was just he and I at home.
7. During his teenage years before the revolution, he used to bring me stories written by former prisoners on computer disks. Those stories were banned in Syria but Ayham wanted me to know what it was like being a political detainee in al-Assad's prisons.
8. At the start of the revolution, he was studying for his master's degree in dentistry.
9. He joined the movement to defend freedom of expression and was so proud to be participating in the demonstrations, chanting and calling for freedom.
10. He and some of his colleagues were arrested by the Air Force Intelligence Directorate, taken to the Air Force Intelligence Branch at Mezzeh Military Airport, and later

moved to the notorious Fourth Division Branch. There, he was frequently tortured. His friends inside were amazed he was still alive after the torture sessions. His wounds were very serious but he always tried to smile until he was too tired to do so. They released him after three months with severe bleeding in his kidneys.

11. Once he recovered, he returned to his studies and started to attend activism workshops related to freedom of speech in Beirut.
12. The night before he was meant to travel home, he called me to tell me about the best night of his life on the beach in Beirut. "I'll tell you about it when I get back, Mama," he said.
13. On November 5, 2012, the day after he came back from Beirut, he went to work at the university. He was arrested at the university.
14. We waited for three months. I was always looking for him.
15. One day, a young prisoner was released. He documented everything that had happened. He told me that Ayham died.
16. I learned that they took him to a room inside the university, filled with torture tools. They beat him severely all over his body. They pierced him with needles and extracted his toenails. When they beat him on his head, Ayham lost consciousness. Then they poured hot water on him to wake him up. He was then transferred to Military Security (the secret Branch 215) and in detention, another detainee, a doctor, saw that his body was starting to turn blue so he shouted to the guards to say he was having internal bleeding and was dying. The guard looked in and said, when he is dead, call me again. He died a few days later. They stuck a white piece of paper to Ayham's forehead with a number on it.
17. After I learned of my son's death, we started to grieve and to accept condolences from friends.
18. Later, different news reached us. A relative who worked for the government came to me at Ayham's memorial. He told me that Ayham was actually alive and that they spoke to him. The details he shared were enough for me to let myself believe and have hope.
19. My journey of searching for answers about his whereabouts lasted for 17 months, going everywhere, asking everyone I could. I would go to the intelligence branches with other mothers and we would ask them to tell us about our children. They all denied having any information at all. I kept looking for him every day. My concern was to find the truth, however possible. I tried with the highest authorities but to no avail.
20. One day one officer finally nodded his head at me. My son had died, he confirmed.
21. They refused to give me his body. When I asked where he was buried, they shouted at me and told me to leave. They said if I weren't an old woman I would be arrested as well and would never be freed.
22. We were subjected to extortion. People take advantage of your desire to know the truth. This was very difficult because they would come to tell you that they knew something in exchange for money.
23. After six months, I received a piece of paper from the military judiciary confirming he had died in one of the security branches and that his body number was three hundred and twenty. The paper stated the cause of death was a heart attack. I never

received anything else, no actual evidence, no body. I took the certificate but there was no certainty.

24. Security officers followed us and kicked us out of the house, so we fled to Lebanon.
25. When the Caesar photos were first released, I tried to search for Ayham in the photos but looking through such horrific pictures was difficult. A friend of the family managed to identify him. Strangely, my reaction was partly relief: I could see from the pictures that he hadn't been tortured as badly as some of the others I saw.

### **Impact**

26. There is no single family in Syria that doesn't have a detainee. Sometimes there's more than one person arrested from the same family. From all sides, there are detainees and forcibly disappeared persons that no one knows anything about.
27. Life for Syrian families who have detainees stops completely when one of their members is arrested. The child waits for his father to come back and the mother waits for her son or father, or the wife waits for her husband to come back. All things remain suspended until the detainee is released. The whole family is entangled with these feelings, life, and everything else is in a limbo: waiting.
28. Life goes on but with difficulty because everything is postponed until the detainee comes back, until they release him, until he returns. I can say from my own personal experience life itself continues, but it is extremely difficult to stand still and wait.
29. It is especially difficult if the detainee is responsible for the family's livelihood. Or if there is property or land or house that the family wants to sell in order to afford living. All of these matters are never resolved unless the detainee is released.
30. We no longer know anything about the detainee.
31. While searching for the truth, every day I met about fifty or sixty mothers, wives and fathers, and we were looking for our children together. I once tried to convince them to make a statement, to take a stand together, write something, and say that we want our children, but the fear that was planted in mothers' eyes was terrifying, saying: "No, we can't do anything". If a son has gone, let the second son live. If the husband has been taken, let the children stay. If the children were arrested, let the family survive. There was this fear because in Syria they can arrest the whole family without a reason or any apparent conviction. There's a saying in Syria that walls have ears, so we are always silent. There is fear. Fear to tell your story. Even as we live in Europe there are many families who are afraid to tell their stories because so far some of their members are in Syria, and we know that the regime can arrest anyone arbitrarily without any justification. This fear was terrifying.

### **Our Demands for Justice**

32. When I arrived in Beirut, I immediately contacted Amnesty International, Human Rights Watch and the Red Cross. I felt I was carrying the message of these mothers whose voices were muffled. They couldn't talk but I was able to talk, to tell the story of Ayham. Ayham is a precious young man like any other Syrian youth. No child is more precious than another, I mean, my son is dear to me, in the same way that other young men are dear to their mothers. By telling the story of Ayham I managed to make the suffering of families known and their voices heard, and tell the stories of torture and death happening in Syria's prisons.

33. I sought asylum in Germany. I met a number of families who also found photos of their children, brothers, or other family members among the Caesar photographs. At the Syrian Media Center for Freedom of Expression, Mazen Darwish, suggested that we join forces, so we were among the founders, with five families. We formed the Caesar Families Association, which consists now of fifty families.
34. Our most important goal is to hold accountable those who killed our children or relatives. We lost the hope that our children will return but we just hope that perpetrators will be held accountable. To do this, I filed a lawsuit in Berlin against the heads of the security branches.
35. In addition to accountability, I need to know where my son is so I can bury him and sit next to his grave. This is why I wait by the phone every day hoping for some sort of information about where his body might be. Nothing can bring back my son, but burying him would ease my pain and provide me with a place where I can grieve and tell him what I have wanted to tell him for years.
36. I am demanding the truth, justice and restitution for the victims of torture and forced disappearance in Syria. I demand justice on behalf of all of those still searching for their family members, who cannot speak out because of fear. We need to erase this fear from the hearts of people, especially those outside Syria. Everyone must tell their stories to the whole world.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my recollection.

Executed on 3 December 2024 in Berlin

[signed]

Maryam Al-Hallak

## Translator Declaration

Manchester, United Kingdom

Date: December 5, 2024

I, Muhammad Shihadeh, hereby declare and say:

1. I am a translator and interpreter. I hold a B.A. in English Language and Literature from Damascus University (Syria) and a Master's degree in Interpretation from Damascus University. I have worked in the translation field for about 12 years.
2. I am competent in Arabic, as it is my native language. I am also competent in English by way of more than 10 years of language study and experience working as an English-Arabic translator.
3. In November 2024, I translated into English an Arabic document, which translates to English as: DECLARATION OF MARYAM AL-HALLAK, dated December 3, 2024.
4. The attached translation is a true and accurate English version of the original Arabic draft.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 5th day of December 2024, in Manchester, United Kingdom.

A handwritten signature in black ink, consisting of a stylized 'M' followed by a horizontal line and a small flourish.

Signature of Muhammad Shihadeh



المحكمة الجزئية الأمريكية  
لمقاطعة كولومبيا

الرقم المدني 22-cv-00042	عبادة مزيك، المدعي
شكوى بشأن التعذيب 28 U.S.C. § 1605A	ضد الجمهورية العربية السورية، المدعى عليه

تصريح مريم الحلاق

أنا، مريم الحلاق، أصرح بما يلي:

- (1) اسمي مريم الحلاق.
- (2) قبل الثورة، عملت مديرة ومعلمة لما يقرب من 35 عاما في مدارس سورية مختلفة.
- (3) أنا عضو مؤسس في رابطة عائلات قيصر. في عام 2014، فر مصور عسكري سابق، أصبح يُعرف باسم قيصر، من سوريا، وسرب صورا هربها من سوريا. وكشفت الصور عن فظائع مروعة ارتكبتها النظام السوري بحق السجناء السياسيين. اجتمعت العائلات التي تعرفت على صور أبنائها في صور قيصر، وهي تحاول معرفة مكان دفنهم. تتكون رابطة عائلات قيصر من عائلات ضحايا تعرفت على أفراد أسرهم في صور قيصر.
- (4) أحاول في هذا التصريح توضيح التأثير الأوسع للاختفاء القسري على العائلات السورية، اعتمادا على تجريبي الخاصة وتجارب أعضاء الرابطة.

قصة عائلي

- (5) كان ابني أيهم غزول واحدا من عشرات الآلاف من السوريين الذين اعتقلوا وعذبوا لتجرؤهم على معارضة نظام بشار الأسد سلميا.
- (6) كان أيهم ابني الأصغر، والأقرب إلى قلبي. تزوج شقيقاه الأكبر سنا وانتقلا من بيتي، وتوفي زوجي في أواخر عام 2011، لذلك كنت أنا وهو فقط في المنزل.
- (7) خلال سنوات مراهقته قبل الثورة، كان يجلب لي أقراصا ليزرية CD تحتوي قصصا كتبها سجناء سابقون. كانت هذه القصص محظورة في سوريا، لكن أيهم أراد مني أن أعرف كيف كان يعيش المعتقلون السياسيون في سجون الأسد.
- (8) في بداية الثورة، كان أيهم يدرس الماجستير في طب الأسنان.
- (9) انضم إلى الحراك المدافع عن حرية التعبير وكان فخورا جدا بالمشاركة في المظاهرات والتهاتف للحرية.

- (10) اعتُقل هو وبعض زملائه من قبل إدارة المخابرات الجوية، واقتيدوا إلى فرع المخابرات الجوية في مطار المزة العسكري، ثم نقلوا لاحقاً إلى فرع الفرقة الرابعة سيئ السمعة. وهناك، تعرض كثيراً للتعذيب. وكان أصدقائه في السجن يعجبون من أنه يبقى حياً بعد جلسات التعذيب. كانت جروحه خطيرة للغاية لكنه حاول دائماً أن يبتسم إلى أن يمنعه التعب الشديد من ذلك. أطلق سراحه بعد ثلاثة أشهر وهو يعاني من نزيف حاد في كليتيه.
- (11) وبمجرد تعافيه، عاد إلى دراسته وبدأ في حضور دورات للناشطين في بيروت حول حرية التعبير.
- (12) في الليلة التي سبقت عودته من بيروت، اتصل بي ليخبرني أنه قضى أفضل ليلة في حياته على الشاطئ في بيروت. قال: "سأحدثك عن ذلك عندما أعود يا ماما".
- (13) في 5 نوفمبر/تشرين الثاني 2012، بعد يوم من عودته من بيروت، ذهب للعمل في الجامعة. واعتقل في الجامعة.
- (14) انتظرنا لمدة ثلاثة أشهر. كنت خلالها أبحث عنه دائماً.
- (15) في أحد الأيام، أطلق سراح سجين شاب. وثق كل ما حدث. أخبرني أن أيهم قد مات.
- (16) علمت أنهم أخذوه إلى غرفة داخل الجامعة، مليئة بأدوات التعذيب. ضربه ضرباً مبرحاً على جميع أنحاء جسده. ثقبوا جسده بالإبر وخلعوا أظافر قدميه. عندما ضربه على رأسه، فقد أيهم وعيه. وعندها سكبوا عليه الماء الساخن لإيقاظه. ورأى محتجز آخر، وهو طبيب، أن جسده بدأ يتحول إلى اللون الأزرق، فصاح على الحراس يقول لهم إنه أصيب بنزيف داخلي وأنه كان يحتضر. نظر الحراس إلى الداخل وقال: نادني مرة أخرى عندما يموت. توفي أيهم بعد بضعة أيام. وضعوا قطعة بيضاء من الورق على جبين أيهم عليها رقم.
- (17) بعد أن علمت بوفاة ابني، بدأنا بالحداد وتقبل التعازي من الأصدقاء.
- (18) في وقت لاحق، وصلت إلينا أخبار مختلفة. جاءني أحد الأقارب الذين كان موظفاً حكومياً خلال عزاء أيهم. أخبرني أن أيهم كان ما يزال على قيد الحياة وأنهم تحدثوا إليه. كانت التفاصيل التي ذكرها كافية لتجعلني أصدق وأستعيد الأمل.
- (19) استمرت رحلتي في محاولة معرفة مكان وجوده مدة 17 شهراً؛ ذهبت إلى كل مكان، وسألت كل من أستطيع. كنت أذهب مع أمهات أخريات إلى فروع المخابرات ونطلب منهم إخبارنا عن أولادنا. لكنهم جميعاً نفّوا وجود أي معلومات لديهم. بقيت أبحث عنه كل يوم. كان اهتمامي هو العثور على الحقيقة، قدر الإمكان. حاولت مع أعلى السلطات، ولكن دون جدوى. كنا جميعاً ننتظر شهادات تخرج أولادنا من هذه الحياة، والذين تخرجوا على أيدي مجرمين عتاة أذاقوهم شتى أنواع العذاب.
- (20) في أحد الأيام أوماً لي أحد الضباط برأسه. وأكد أن ابني قد مات. الآن تأكد موته، لقد ذهبت كل الآمال بإنقاذه من براثنهم. لقد مات.
- (21) رفضوا إعطائي جثمانه. وعندما سألت عن مكان دفنه، صرخوا في وجهي وطلبوا مني المغادرة. قالوا إنه لو لم أكن امرأة كبيرة في العمر لكنت اعتُقلت أيضاً دون أن يطلق سراحي أبداً.
- (22) لقد تعرضنا للابتزاز. يستغل الناس رغبتك في معرفة الحقيقة. كان هذا صعباً للغاية لأنهم يأتون إليك ويقولون أنهم يعرفون شيئاً ويريدون المال مقابل ذلك.

(23) بعد ستة أشهر، تلقيت ورقة من القضاء العسكري تؤكد وفاته في أحد الفروع الأمنية وأن رقم جثته هو ثلاثمائة وعشرون. وذكرت الورقة أن سبب الوفاة كان نوبة قلبية. تناولت شهادة وفاة ابني بيد مرتجفة ودموع صامتة. لم أتلّق أي شيء آخر، لا دليل فعلياً، ولا جثة. أخذت الشهادة، ولكن لم يكن هناك يقين.

(24) تبعنا ضباط الأمن، فهربنا إلى لبنان.

(25) عندما نُشرت صور قيصر أول مرة، حاولت البحث عن أيهم في الصور ولكن البحث في مثل هذه الصور المروعة كان صعباً. تمكن صديق للعائلة من التعرف عليه. والغريب أن رد فعلي كان فيه شيء من الارتياح: استطعت أن أرى من الصور أنه لم يتعرض للتعذيب الشديد مثل بعض الآخرين الذين رأيتهم.

### المعاناة

(26) لا توجد عائلة واحدة في سوريا ليس لديها معتقل. في بعض الأحيان يتم اعتقال أكثر من شخص واحد من نفس العائلة. ومن جميع الأطراف، هناك معتقلون ومختفون قسرياً لا يعرف أحد عنهم شيئاً.

(27) تتوقف حياة العائلات السورية التي لديها معتقلون تماماً عندما يتم اعتقال أحد أفرادها. ينتظر الطفل عودة والده وتنتظر الأم ابنها أو والدها، أو تنتظر الزوجة عودة زوجها. كل الأشياء تبقى معلقة حتى يتم إطلاق سراح المعتقل. جميع أفراد الأسرة يتعاملون مع هذه المشاعر، والحياة وكل شيء آخر في حالة معلقة: الانتظار.

(28) تستمر الحياة ولكن بصعوبة لأن كل شيء يؤجل حتى يعود المعتقل، حتى يطلقوا سراحه، حتى يعود. أستطيع أن أقول من تجربتي الشخصية أن الحياة نفسها تستمر، لكن عدم قفل شيء والانتظار صعب للغاية.

(29) يزداد الأمر صعوبة إذا كان المعتقل مسؤولاً عن إعالة الأسرة. أو إذا كان هناك عقار أو أرض أو منزل تريد الأسرة بيعه من أجل تحمل تكاليف المعيشة. كل هذه الأمور لا تحل أبداً ما لم يتم إطلاق سراح المعتقل.

(30) لا نعرف أي شيء عن المعتقل.

(31) أثناء البحث عن الحقيقة، كنت ألتقي كل يوم بحوالي خمسين أو ستين أما وزوجة وأباً، وكنا نبحث عن أبنائنا معاً. كنا جميعاً مهجرات من بيوتنا والكثيرات يسكنن في بيوت ضيقة مع عائلات أخرى ويعانين فقدان المال والبنين وتقول إحداهن: الحمد لله اليوم لا يوجد ازدحام على غير العادة، ثلاثة وأربعين شاباً قتلوا إما تحت التعذيب أو في أحد السجون. عدرا. صيدنايا. وهذا العدد قليل. حاولت مرة إقناعهم بأن نصدر بياناً، ونتخذ موقفاً معاً، ونكتب شيئاً ما، ونقول إننا نريد أبناءنا، لكن الخوف في عيون الأمهات كان مرعباً، ولسان حالهم يقول: "لا، لا يمكننا فعل شيء". إذا مات ابني، فليبق الابن الثاني على قيد الحياة. إذا أخذ الزوج، فليبق الأطفال. إذا اعتُقل الأطفال، فلتنج الأسرة. كان هذا الخوف موجوداً لأنه في سوريا يمكنهم اعتقال جميع أفراد الأسرة دون سبب أو دون إدانة واضحة. هناك قول مأثور في سوريا مفاده أن الجدران لها آذان، لذلك نحن دائماً صامتون. هناك خوف. الخوف من سرد قصبتك. حتى ونحن نعيش في أوروبا، هناك العديد من العائلات التي تخشى سرد قصصها لأن بعض أفرادها موجودون حتى الآن في سوريا، ونحن نعلم أن النظام يمكنه اعتقال أي شخص بشكل تعسفي دون أي مبرر. كان هذا الخوف مرعباً.

## مطالبنا المتعلقة بالعدالة

- (32) عندما وصلت إلى بيروت، اتصلت على الفور بمنظمة العفو الدولية وهيومن رايتس ووتش والصليب الأحمر. شعرت أنني أحمل رسالة هؤلاء الأمهات اللواتي كانت أصواتهن مكتومة. لم يتمكنوا من التحدث لكنني استطعت أن أتحدث وأن أروي قصة أيهم. أيهم شاب عزيز مثل أي شاب سوري آخر. لا يوجد طفل أغلى من طفل آخر، أعني أن ابني عزيز علي، كما أن الشباب الآخرين عزيزون على أمهاتهم. من خلال نشر قصة أيهم تمكنت من التعريف بمعاناة العائلات وإيصال أصواتها، وتمكنت من سرد قصص التعذيب والموت التي تحدث في السجون السورية.
- (33) طلبت اللجوء في ألمانيا. التقيت بعدد من العائلات التي وجدت أيضا صورا لأبناء أو إخوة أو أفراد آخرين ضمن صور قيصر. في المركز السوري للإعلام وحرية التعبير، اقترح مازن درويش أن نوحدهم، لذلك كنا من بين المؤسسين، مع خمس عائلات. أسسنا رابطة عائلات قيصر، التي تضم الآن خمسين أسرة.
- (34) هدفنا الأهم هو محاسبة من قتل أبناءنا أو أقاربنا. لقد فقدنا الأمل في عودة أبنائنا ولكننا نأمل أن يحاسب الجناة. وسعينا إلى ذلك، رفعت دعوى قضائية في برلين ضد رؤساء الفروع الأمنية.
- (35) بالإضافة إلى المساءلة، أحتاج إلى معرفة مكان ابني حتى أتمكن من دفنه والجلوس بجانب قبره. إنني أنتظر بجانب الهاتف كل يوم على أمل الحصول على معلومات ما عن مكان جثته. لا شيء يمكن أن يعيد ابني، لكن دفنه سيخفف من ألمي وسيمنحني مكانا يمكنني أن أحزن فيه وأقول له ما أردت قوله له منذ سنوات.
- (36) إنني أطالب بالحقيقة والعدالة والتعويض لضحايا التعذيب والاختفاء القسري في سوريا. أطالب بالعدالة نيابة عن جميع أولئك الذين ما زالوا يبحثون عن أفراد أسرهم، والذين لا يستطيعون التحدث علنا بسبب الخوف. يجب أن نطرد هذا الخوف من قلوب الناس، وخاصة أولئك الذين يعيشون خارج سوريا. يجب على الجميع أن يرووا قصصهم للعالم بأسره.

أقر تحت طائلة عقوبة الحنث باليمين بموجب قوانين الولايات المتحدة الأمريكية بأن ما سبق حقيقي وصحيح.

حرر بتاريخ ٣ ديسمبر ٢٠٢٤ في برلين

مريم الحلاق

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLUMBIA**

g

OBADA MZAIK,

*Plaintiff,*

v.

SYRIAN ARAB REPUBLIC,

*Defendant.*

Civil No. 1:22-cv-00042-ACR

Complaint For Torture,  
28 U.S.C. § 1605A

**DECLARATION OF YASMIN AL-MASHAN**

I, Yasmin Al-Mashan, declare as follows:

1. My name is Yasmin Al-Mashan.
2. I am a founding member of the Caesar Families Association (CFA). In 2014, a former Syrian military photographer, who went by the code name Caesar, fled Syria. With him, he smuggled out thousands of photos he took of prisoners who were tortured to death in Assad's prisons. The images capture the scale and depravity of the torture and mistreatment men, women and children had suffered at the hands of the Syrian regime. More than 6,000 emaciated, bruised, and burnt corpses are shown in Caesar's photos. These are the only bodies he had access to at the prisons where he worked. Publication of these photos drew widespread condemnation from the international community, as well as calls for those responsible to be held accountable. But the perpetrators, the regime that imposed this system of mass incarceration, torture, and executions, remain in power and undeterred. Yet Caesar's photos provide compelling evidence of its complicity in war crimes and crimes against humanity.
3. Families and friends began to recognize and identify the victims. CFA is made up of victims' families who identified their family members in the Caesar Photos.
4. My declaration aims to capture the broader impact of enforced disappearance on Syrian families, drawing from my own experiences and the experiences of members of CFA.

**My Family's Story**

5. I am from Deir ez-Zor in Syria.
6. I had six brothers: Tishreen, Qutaiba, Obeidah, Zuhair, Okba, and Bashar. My siblings and I were raised by parents who taught us to be brave and bold in our beliefs in human rights and freedom of expression.
7. The tactic of forced disappearance did not begin with the 2011 revolution. Rather, it traces back to the beginnings of the regime in Syria. It was used as a tool to eliminate and get rid of the regime's opponents as early as the 1980s.

8. My father was arrested in 1981, when I was just one year old. During the six months he was detained, he was forcibly disappeared.
9. My uncle was arrested in the 1990s and detained for four and a half years, because of his affiliation with the communist party.
10. In 2000, when Bashar al-Assad came to power, he promised to radically change the situation we were living in and give us more freedom. Encouraged by this shift in rhetoric, my brothers began to express their political views at public events.
11. My family soon discovered very little had changed.
12. My brother Tishreen was arrested that same year. He was detained for criticizing an imam's Friday sermon that deified the president. For that, they kept him imprisoned for one year and three months.
13. When he left the detention center, Tishreen was fired from his job. Nor did state security agents stop at that: They followed him in every subsequent job he began and asked the employer to fire him or ignore his application. This pattern of harassment and intimidation is a deliberate policy pursued by the regime to silence dissent.
14. Tishreen was arrested again. His next detention lasted three and a half years. We lived waiting for his release.
15. After the 2011 revolution started, all my family members were involved in the movement. Our hearts longed for change. We carried the values that our parents passed on to us.
16. The day after a mass anti-government demonstration in Deir ez-Zor on April 23, 2011, security forces raided my brother Qutaiba's home and took him to the local branch of the Political Security Directorate. He stayed there for 10 days. He was tortured while detained.
17. On the same day, my brother Obeidah was also detained by the regime. He was held for one month because of the demonstrations he participated in with all his brothers. I was close to Obeidah and he used to tell me his secrets. He told me about a girl he fell in love with, but he asked her to forget him and go out of town with her family. Although she initially refused, my brother's insistence disheartened her and made her decide to leave.
18. The day after Qutaiba's release, Tishreen was detained for three days. He was subjected to severe torture and excessive cruelty. He was let out after we carried out a two-day sit-in to demand the release of the detainees. He came out swollen, from his head to his feet. It was horrible to see the footprints on his back and his tortured, wounded body. I began to realize, more than ever, that we were right; we desperately needed a revolution.
19. My 17-year-old brother Zuhair was a third-year high school student at the time. He was furious after seeing the bruises and torture marks on his brother's body and planned to carry out a small protest with his friends. One day after Tishreen was released, as he passed by a security patrol, he shouted, "Freedom." For this, he was detained for 10 days and subjected to the cruelty and criminal brutality of the regime.
20. Zuhair's initial arrest did not dampen his desire for freedom; it increased it. On January 10, 2012, he left his exam hall and joined fellow students and teachers to call on a visiting Arab League delegation to support demands for freedom. Instead of the Arab League delegation, regime forces emerged out of the cars that were supposedly transporting the visitors. They were shooting to kill. On that day, 19 young people, mostly university and institute students, died. At the moment the bullet went through

my brother's body, I was in the hospital working. Somehow, I knew, and at the same moment I felt something break in my heart, and I started calling his name. Zuhair and I had always been close. I was 15 years older than him and would look after him when he was little, and our relationship remained strong as adults.

21. As part of their efforts to cover up their crimes, the intelligence forces asked us to sign a false statement declaring that armed terrorists killed Zuhair. After we refused, the Air Force Intelligence Directorate arrested and forcibly disappeared my brother Okba while he was on his way to work at the end of March 2012.
22. I tried to save him. We visited authorities, we wrote letters, we spoke to anyone who might have seen him or stayed with him in detention. Nothing. I paid a lawyer and tried every possible way to find information. We begged a lot of people for news of Okba or where he was being held, but I never received any reliable information.
23. We received news from here and there. A woman who had connections with the security forces told us that Okba was in Damascus and was transferred to the field court. Another woman, the mother of a detainee, said he was at Mezzeh airport with her son. I met people who had been detained with him. They'd seen him when they were all being transported between branches and said he was being moved to Damascus, but after that there was no trace. The last we heard of Okba was that he was transferred to the Mezzeh Prison, at the military airport there. Without any confirmed information, we remained confused and bewildered.
24. I tried to convince my family that we had to get the children out of Syria, but my parents refused because they were hoping that someday Okba would come back. We could not leave our home because we didn't know how he would find us once he was released. We waited during the bombing for him.
25. In May 2012, my father was arrested. The officials gave no reason. He was a teacher in a public school, so we never thought he would be a target. It might simply have been because he was asking about Okba. A force with four armored vehicles raided our home in the village of Muhasan. Four armored vehicles to arrest a 70-year-old man. We could not follow up on his situation because the army then stormed the city of Deir ez-Zor for the second time.
26. Eventually, my mother grew worried about her grandchildren and feared that it would be her fault if anything happened to them, so we all left our home in June 2012. Only Tishreen remained behind.
27. More than two months later, my father called to let us know that he had been released. No reason was given for the decision. He emerged from prison exhausted. He had been transferred between detention centers multiple times, from Deir ez-Zor to Aleppo, then Damascus, then back to Aleppo.
28. On Oct. 13, 2012, while I was in Damascus looking for any sign of my other brother, Okba, I received news that Obeidah had been shot dead while he was working as a paramedic, saving lives in the aftermath of bombings. I did not get to see him, and we could not give him a funeral. It took us months to even find out where he was buried. I could neither cry nor sleep.
29. Only ten days after Obeidah was killed, Tishreen was killed in his home when a sniper's bullet entered through a hole in the wall and killed him on the spot.
30. My youngest brother, Bashar, disappeared in mid-May in 2014. He was 19 years old. We did not know if he was killed or captured. We later heard he was slaughtered by

the Islamic State, which had taken over the city, and his body was thrown into the river, but there were other conflicting stories. We still have not found out the truth about what happened to him.

31. After the danger to us increased because of the Islamic State, we decided to leave for Turkey in February 2015. We lived in Derik Camp in Mardin Province.
32. In the middle of March 2015, at around midnight, I received a message and a photo from one of the activists from my city asking if I could identify the person in the photo. I did not need much time to work out that it was my brother Okba. He had died under torture in detention, with a number on his forehead. But he was not a number. He was Okba.
33. I thought, how could I tell Mom and Dad? That night, I could not sleep. I had to go to their tent and tell them the news. I went out at 7 a.m. looking for Qutaiba. I called to him to fix something for me, and he came to my tent. I told him the news, and he sat in shock. My mother, who always sensed everything about us, stepped in and asked, “Tell me who’s dead. Don’t be afraid. I’ll be patient.” I told her about Okba, and she said, “Thank God, he rested!” and she went away to tell my father. Despite the horror of the photos, knowing he had died brought a kind of peace or tranquility to our hearts. His torments had ended.

### **Impact**

34. I lost five of my six brothers in two years. Pain enveloped us. We hardly recovered from one shock when the next one hit us. I have carried enormous pain with me — the pain of terrifying loss, of uncertainty and waiting. I felt lost and useless. I no longer had feelings for anyone around me. There was something inside me that wanted to explode. I worry that I am passing the pain on to my children. That there will be generations of Syrians who carry the trauma with them.
35. My brothers left behind 20 women and children whose lives were completely destroyed. I watched their children grow up without knowing their father, and for some, without knowing if he would be back or not.
36. I used to be the only sister with six brothers. They pampered me. How beautiful is the sacred love that binds siblings! Now we were alone. My remaining brother Qutaiba and I grieved every day. I spend a lot of time remembering joy-filled moments with my brothers. Only the good memories of them offered us consolation, and hardly a day elapsed without their souls passing by me.
37. Every time news of one of her sons reached my mother, we would find her patient, in pain without crying, always remembering the characteristics of each one of them, laughing and then crying when she remembered a joke they had made. She wasn’t just our mother; she was a friend and sister to all of us. She used to discuss everything with us and had insight and understanding about how to solve our problems when we turned to her for help.
38. Gaps in memory are mixed up with questions. Justice, however, is one way of answering the questions and helping to process our pain.

### **Our Demands for Justice**

39. My feelings later turned into strength, and I had to do something for my brothers and for the sake of my children’s future. I had to resist.
40. After arriving in Europe, I became even more active, and I met mothers who had devoted their lives to learning about their children’s fate. I met incredible women who

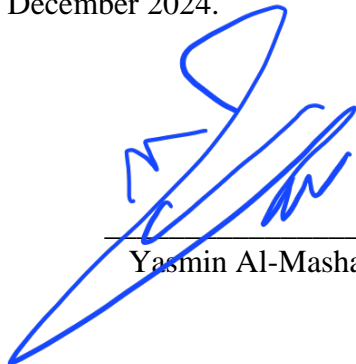


have been through the same pain and uncertainty, and we are now dear friends, colleagues and an inspiration to many people. They all followed my path in search of the truth, in search of justice, so that their own tragedy would not be repeated in other families. Together, we are a powerful movement. There is solidarity in working together.

41. Along with other victims and family groups, I have urged the U.N. to establish an international institution to uncover the fate and whereabouts of Syria's disappeared and give much-needed answers to families like mine. Finally, our efforts are being heard: The U.N. General Assembly established the Independent Institution on Missing Persons in Syria.
42. I have the right to know how my brother died. I have the right to bury him in a manner worthy of his dignity. His daughters have the right to know that their father committed no sin except to demand a measure of freedom. It is their right to lift their chins and say, "This is our dad, and this is his tomb. He chose freedom."
43. What happened to my family could have been avoided if we had only discovered Oqba's fate at the moment he had been killed. We could have escaped – instead, we stayed in Syria, waiting for him to return until the leaked Caesar photos revealed he had been killed before Obaida and Tishreen, and before Bashar was abducted.
44. It is time for accountability. Many individuals, activists and human rights organizations have sought to hold the Syrian regime accountable for these violations, including through legal proceedings.
45. Obadah Mzaik's case is now my case. He was arrested and tortured at the same time and place where my brother Okba was tortured and killed. This similarity made me seek in every way possible to use this case to lobby for the release of all detainees in Syria, to uncover the fate of the disappeared and to recover the remains of those who died so they can be buried in a decent manner.
46. Mzaik's case will not bring the comprehensive justice that Syria needs. They will not bring the peace our country is crying out for, but a ruling by a U.S. court against the Syrian state would be a hugely significant step nonetheless, because it would confirm the key role played by Syrian Air Force Intelligence in state-sponsored torture, and hopefully open the door to more cases. As families, we are left with imperfect routes to justice, but still, we must take them.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my recollection.

Executed in Sachsen, Germany, on 3 December 2024.

A handwritten signature in blue ink, appearing to be 'Yasmin Al-Mashan', written over a horizontal line.

Yasmin Al-Mashan