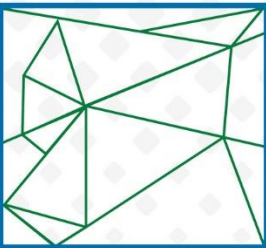


# Northeastern Syria: Detainees Tortured and Maltreated

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سوريون  
من أجل  
الحقيقة  
والعدالة  
Syrians  
For Truth  
& Justice



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## **Northeastern Syria: Detainees Tortured and Maltreated**

*The Autonomous Administration must carry out a public, transparent, and impartial investigation into the torture cases this report documents*

In this report, Syrians for Truth and Justice (STJ) documents the stories of three detainees who were tortured and/or maltreated in the prisons and detention facilities operated by the Autonomous Administration in northeastern Syria.

In addition to cases of torture, STJ also investigated the death of a fourth detainee, who lost his life in a detention facility due to health negligence.

The report draws on the accounts and testimonies of several informed sources that STJ interviewed throughout 2021. The sources reported that the detainees were leveled two charges; belonging to the Islamic State (IS) or dealing with the Turkish intelligence services, which their families denied.

Probing into the details of the incidents, STJ discovered that the local authorities initially refused to reveal the whereabouts of the detainees, one of whom STJ verified was subjected to beating and abuse during the arrest procedure.

In view of the violations committed against the detainees' rights, STJ calls on the local and military authorities in northeastern Syria, namely the Autonomous Administration and the Syrian Democratic Forces (SDF), to carry out an impartial, transparent, and public investigation into the report's findings to ensure that the perpetrators are held accountable. Additionally, STJ calls on the authorities to make reparations to the victims, apologize to them, and perform necessary reforms to guarantee that similar violations will not be repeated.

## Man Killed in Detention

In December 2019, two groups of the SDF and the US-led Global Coalition against Daesh raided the house of Ahmad Yassin al-A'thal, which is located in [al-Tayyana village](#), in Deir ez-Zor's countryside. The joint force arrested al-A'thal on the charge of belonging to IS and held him in several detention centers. On 29 June 2021, al-A'thal's family was handed his dead body. Notably, al-A'thal lost his leg during an attack by the US-led coalition on al-Tayyana village in 2017.

The sources STJ interviewed reported that the family was banned from hiring a coroner to examine the dead body of their son when they wanted to obtain an official autopsy report to discover the actual cause of death.

One of the interviewed sources is a close relative of the victim, who recounted:

“Ahmad and several other young men from al-Tayyana were arrested during a raid by the SDF and the US-led coalition. Ahmad was transported to the Omar Oil Field, where the coalition have their military base. Later, he was relocated to a detention center in al-Shadadi, and from there to the [Geweran Prison](#) in [al-Hasakah](#), where he was held for nearly a year”

The relative added:

“On 29 June 2021, the authorities of the Autonomous Administration informed [al-'Athal's] family that their son died from a heart attack while he was being treated in the al-*Sha'ab* (People's) Hospital in al-Hasakah city. The family was handed over the body. The authorities only told them that he collapsed due to his deteriorating health but did not give them a medical report, to confirm the real cause of death.”

The relative, whose name has been obscured for his security, said that the family reached out to a doctor from the village and asked him to examine the body. The doctor discovered that the victim died due to health negligence and malnutrition. The doctor also told the family that the victim's body displayed traces of healing bruises and that Ahmad suffered from malnutrition for over six months.

STJ reached out to the doctor who ran the examination. He said:

“The principal cause of death was poor healthcare . . . Ahmad apparently was suffering from severe chest infections that caused him breathing difficulties. This could be easily treated with anti-inflammatory drugs. However, negligence worsened his health status . . . and he ultimately died.”

## Torture in Detention Facilities

STJ documented three cases of torture and maltreatment against detainees held in several detention facilities operated by the Autonomous Administration.

### Mahmoud Al-Ahmad was Electroshocked

In April 2021, a patrol of the Anti-Terrorism Units (HAT), affiliated with the Internal Security Forces (Asayish) of the Autonomous Administration, arrested Mahmoud Abdulfatah al-Ahmad (26) in Raqqa province. A member of the victim's family told STJ that al-Ahmad was released in August 2021 after his health deteriorated due to torture.

For additional information about the case, STJ reached out to one of the victim's relatives. He said:

“Mahmoud left for Turkey in 2019, seeking a job opportunity to help his family. He returned to his family home in Tabqa, in Raqqa, in April 2021, intending to get married. Only 48 hours from his arrival, an intelligence patrol—of two HAT-marked black vehicles, a Toyota Hilux and Kia Sportage—raided the house, arrested Mahmoud, and led him to an unknown destination. We later learned that he was held in the Abu Ghazaleh prison in Tabqa city.”

The relative added:

“The young man's family continued to search for him in the area's detention facilities and repeatedly asked the local authorities to declare his whereabouts, but they refused to cooperate in any way. Four months after his arrest, the Tabqa Public Relations Office of the Autonomous Administration informed the family that they had to immediately go to the Tabqa Military Hospital. Their son was there receiving treatment for a broken arm and left leg. The young man had evident marks of torture across his body.”

A second relative of the victim narrated:

“Mahmoud was charged with dealing with the Turkish Intelligence Services. They tortured him to force him into confessing. He was beaten with batons and sticks. They subjected him to *Shabeh*, a torture position whereby the victim is dangled from the ceiling by the wrists or the ankles, for hours. They also electroshocked his genitals. They put him in solitary confinement for the duration of his detention, which lasted for four months. When his health deteriorated, they took him to the Tabqa Military Hospital and informed his parents of his location. The security services did not allow the family to take him from the hospital. He remained there for 27 days until the marks of torture on his body all faded away. However, after he was discharged from the hospital, the young man discovered that his leg fractures were not properly treated. He still suffers from walking difficulties.”

## Ahmad Al-Hamad Was Routinely Tortured

On 22 May 2021, a HAT-patrol arrested Ahmad Mohsen al-Hamad (21), from al-Bassira village, in Deir ez-Zor. Al-Hamad was arrested for four months, during which he was tortured and suffered from multiple fractures.

STJ talked to one of al-Hamad's relatives, who is informed of the detention's intricacies. The relative recounted:

“A patrol of the Anti-Terrorism Units (HAT) arrested Ahmad from his father's shop, where they sold livestock and fodder. The patrol consisted of three vehicles, an armored Hummer, a Hyundai, and a Toyota, with several recruits in uniforms resembling those of the YPG. They transported Ahmad to a detention center in al-Kasra town in Deir ez-Zor. The recruits severely beat Ahmad on the way to the center, and he ultimately lost consciousness. The moment he arrived at the center the recruits took him to the interrogation room. The interrogator asked him to confess at once, without even telling him about his charges. When Ahmad inquired into the presumed subject of the confession, three recruits beat him extensively . . . Then, they placed him in a solitary cell, which was merely a dark toilet with an iron door.”

The relative added:

“They routinely tortured Ahmad and denied him treatment even though his health was deteriorating. They even beat him when he asked for them to treat him . . .”

The source added that al-Hamad was later charged with belonging to IS, establishing a sleeper cell, and planting explosive devices. He denied all the charges they accused him of, but still they kept him in detention. To save his son's life, al-Hamad's father paid an officer within the Intelligence Service 10,000 USD. The detaining force immediately released al-Hamad and even gave him a ride home on 7 September 2021.

## Juma'a Al-Bari was Detained for a Personal Vendetta

On 4 July 2021, a patrol, likely of the SDF and likely commanded by a person called Rouny, arrested Juma'a al-Bari (39), from al-Tayaneh village in Deir ez-Zor. The patrol did not declare the charges and took al-Bari to the al-Kasra Prison. One of al-Bari's relatives told STJ:

“After he was arrested, [Juma'a] was extensively beaten with batons and plastic pipes. He was released after 24 hours. Later, he learned that an SDF commander called Rouny perpetrated his arrest because they had a personal disagreement.”

## The Autonomous Administration Violated its Own Laws

The reported arrests and accompanying torture undermine and jeopardize several of the guiding principles of the Autonomous Administration, which have been established in the Constitution of the Autonomous Administration of North and East Syria—officially titled charter of the social contract in Rojava (Syria) (Hereinafter the Charter).<sup>1</sup>

These practices breach numerous rights the Administration pledged to provide and protect, including those in Article 21, which states that “The self-management ensures the human rights [...] in accordance with the international covenants and conventions”,<sup>2</sup> and given that the Administration considers “All members and democratic autonomies are equal in front of the law in their rights and duties” as stated in Article 6.<sup>3</sup>

The practices are also at odds with the Administration’s declared commitment to international human rights covenants, which are “an essential part and complements this contract” as provided in Article 20,<sup>4</sup> adopting particular they frameworks of “the International Bill of human rights, the International Covenant on Civil and political rights and the cultural, social, economic and other relevant instruments” which the charter highlights in Article 22.<sup>5</sup>

Accordingly, the Autonomous Administration—as the governing authority in its territories of control—is responsible for ensuring the security and safety of all individuals in those territories, without discrimination, in addition to safeguarding their rights and freedoms, especially those it pledged to abide by in the Charter.

The Charter dedicates a separate section to the subject of the right to freedom, as well as the use of incarceration and prisons. In Article 25, the Administration emphasizes that “The personal liberty is inviolable and no one may be arrested”, while pledging to provide “a decent life for the prisoners to make prison a place for rehabilitation and reform not a place for punishment.”<sup>6</sup>

Drawing from these core principles, the Administration prohibits torture entirely, stressing that “Human dignity shall not be tortured mentally or physically and that who does that will be punished himself” in provision B of Article 25.<sup>7</sup>

Importantly, the International Human Rights Law (IHRL) aims to protect individuals from arbitrary practices that may be committed against them by governments or any party exercising power.<sup>8</sup> Even though the law provides for exceptions under certain circumstances, such as extreme states of emergency and armed conflicts, these exceptions do not include fundamental rights, among them the prohibition of torture and all forms of cruel, inhumane, or degrading treatment or punishment. The imperative to implement and protect these rights

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<sup>1</sup> “Charter of the social contract in Rojava (Syria),” Kurdish Institute <https://www.kurdishinstitute.be/en/charter-of-the-social-contract/> (Last visited: 18 October 2021). The Charter first appeared in Arabic on the PYD’s Website, 6 January 2014

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> “What is the difference between IHL and human rights law?” ICRC, 22 January 2015, <https://www.icrc.org/en/document/what-difference-between-ihl-and-human-rights-law> (last visited: 8 January 2022).

does not conflict with any other legal text or framework, including the Law of Armed Conflict (LOAC).

Based on this, the practices documented in this report, which evidently fall under torture, are a blatant violation worthy of punishment under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984, which in its first article defines torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”<sup>9</sup>

The Convention also stipulates unprejudiced prohibition of all forms of torture and inhuman treatment, stressing in Article 2(2) that “No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”<sup>10</sup> The same logic runs across the International Humanitarian Law (IHL), which prohibits torture and considers it a violation that amounts to a war crime. The IHL does not allow for torture-related exceptions, not even during conflicts, whether of an international<sup>11</sup> or non-international<sup>12</sup> character, especially since all people, and particularly detainees, enjoy full access to their rights of life and personal safety against all forms of torture and nonhuman treatment that the IHL and the IHRL guarantee at times of war inasmuch at times of peace.<sup>13</sup>

Within this extensive legal context, the cases of torture the report documents are undoubtedly a crime and a violation of several of the detainees’ human rights, which are given particular importance in the legal frames of the Autonomous Administration. Therefore, the Administration should recognize that these violations are primarily a breach of the obligations it considers binding in the charter and that they adversely affect its legal status. Accordingly, the Administration must act upon its legal guidelines and obligations and take actions to prevent the repetition of these practices and guarantee that perpetrators are held accountable. To achieve this, we recommend that the Administration start a transparent, impartial, and public investigation into the reported incidents, otherwise it will prove its failure to materialize its commitments towards individuals and groups in the areas it controls.

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<sup>9</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984.

<https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>

<sup>10</sup> Ibid.

<sup>11</sup> Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949, Article 147.

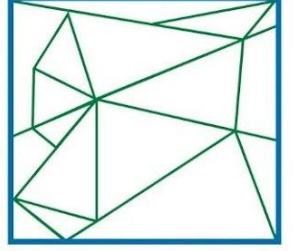
<https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Comment.xsp?action=openDocument&documentId=BE12C9954AC2AEC2C12563CD0042A25C>

<sup>12</sup> Ibid, common Article 3.

<sup>13</sup> Rome Statute of the International Criminal Court of 1988, Article 8 (2) (a) (ii), and (2) (c) (i).

<https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>





## About Us:

Syrians for Truth and Justice (STJ) is a nonprofit, nongovernmental organization monitoring human rights violations in Syria. Founded in 2015, STJ has been based in France since 2019.

STJ is an impartial and independent Syrian human rights organization operating across Syria. Our network of field researchers monitor and report human rights violations occurring on the ground in Syria, while our international team of human rights experts, lawyers, and journalists gather evidence, examine emerging patterns of violations, and analyze how violations break domestic Syrian and international law.

We are committed to documenting violations of human rights committed by all parties in the Syrian conflict and elevating the voices of all Syrians victimized by human rights violations, regardless of their ethnicity, religion, political affiliation, class, and/or gender. Our commitment to human rights monitoring is founded on the idea that professional human rights documentation meeting international standards is the first step to uncovering the truth and achieving justice in Syria.



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