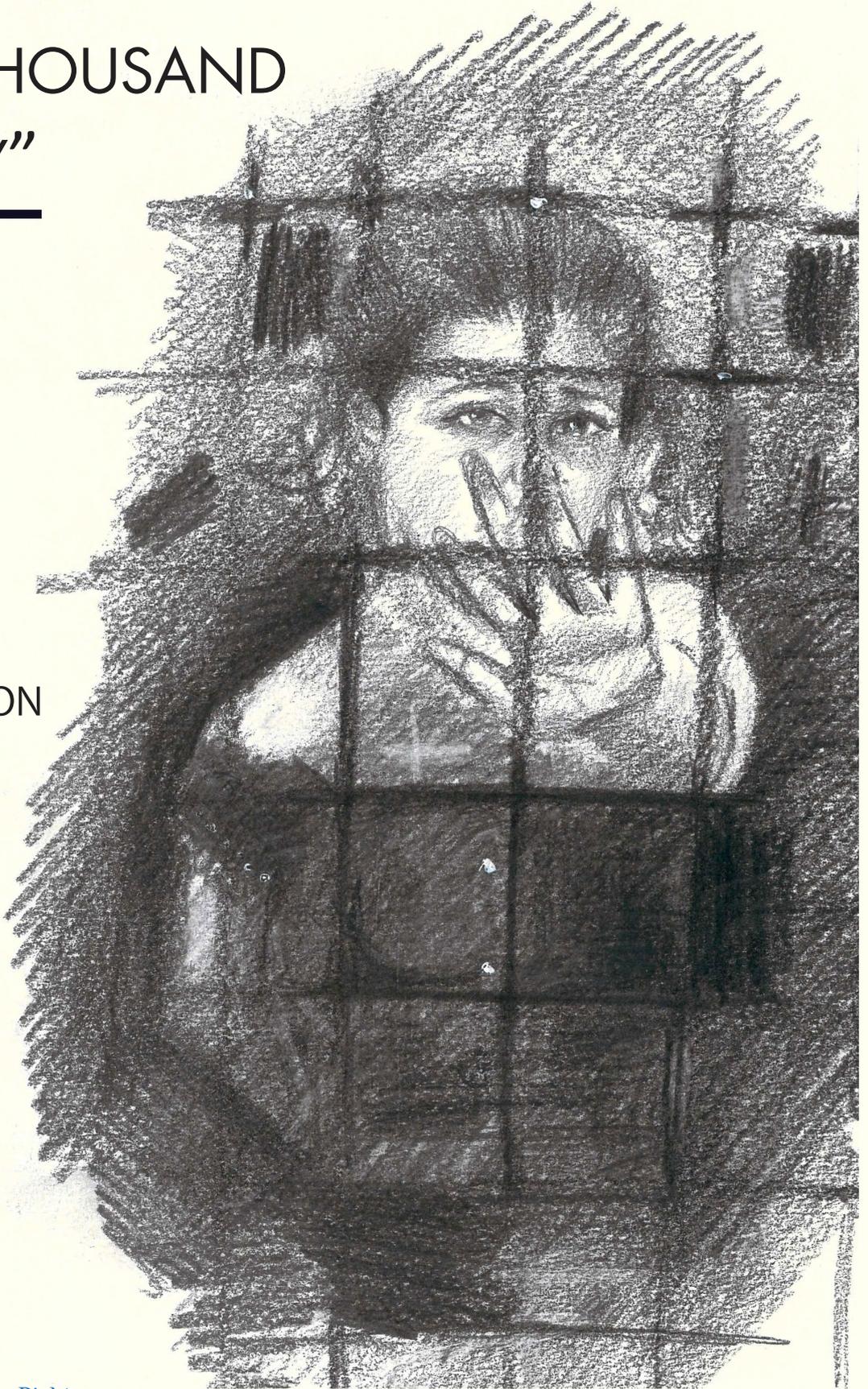


“DYING A THOUSAND TIMES A DAY”

SEXUAL SLAVERY
IN SYRIAN DETENTION



Lawyers & Doctors for Human Rights

محامون وأطباء من أجل حقوق الإنسان

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Acknowledgements

Lawyers and Doctors for Human Rights (LDHR) would like to acknowledge and thank the brave survivors whose stories serve as the foundation for this report. Many survived arbitrary arrest, detention, torture, cruel and inhuman treatment, and multiple forms of sexual violence. Although this report focuses solely on the crime of sexual slavery, it is important to note that the survivors interviewed were also subjected to other horrific forms of abuse and violations that rise to the level of other international crimes including crimes against humanity and war crimes, as well as crimes under Syrian laws. Unfortunately, they continue to suffer from the complex, long-term impacts of their traumatic experiences. These survivors courageously documented their cases and agreed to share their stories in our reports to give a voice to those still detained, to those who did not survive detention, and to those who continue to suffer from the long-term effects of their detention and cruel treatment in order to effect desperately needed change.

Survivors of various forms of sexual violence face unique challenges in disclosing what happened to them in detention, and encounter harmful gendered stigma and reactions from their communities and sometimes their own families, which can become an obstacle in their full recovery from the physical and psychological effects of the violence to which they were subjected. This report honours their courage and their steps towards recovery and justice.

We are indebted to the dedicated expert doctors from LDHR who tirelessly prepared medical expert reports with survivors in extremely challenging circumstances, and upon whose excellent work this report is based. This report would not have been possible without their hard work, and is a tribute to their work and dedication.

We also would like to acknowledge the dedication and perseverance of all members of LDHR teams and thank them for their flexibility and ingenuity in implementing programming during challenging times and in a challenging environment.

We are also grateful to our donors for their ongoing and generous support of our work, and to Synergy for Justice's legal experts, who generously provided guidance and feedback on this report.

Finally, we are grateful to Hosam Ahmad, a Syrian artist who has provided his powerful artwork for this report.

Executive Summary

LDHR has been providing holistic responses for survivors of torture and sexual violence since 2016. This report is part of a series of LDHR reports on sexual violence in detention. Having focused separately on sexual violence against men, women, and children in Syrian detention centres, and building on our previous report on the treatment of women in detention¹, we address the specific crime of sexual slavery in this report.

Although there has been numerous reports of sexual slavery by the Islamic State of Iraq and the Levant (ISIL), the crime of sexual slavery in government-run detention facilities or by other armed groups and de facto authorities has not been recognised or acknowledged. In most armed conflicts, particularly in certain cultures, sexual violence is under-reported due to stigma. Sexual slavery, which is a form of enslavement that includes an additional element of sexual violence, was not necessarily on the radar of documenters of human rights violations committed in Syrian detention centres or by the different sides to the conflict. In this report, we try to shed light on this crime and its impact on survivors. It is hoped that the report will catalyse Syrian and international organisations working with Syrian survivors to pay more attention to this crime when documenting and when creating support systems and designing programming to address the needs of survivors. We also hope that this report will serve as a reference for other human rights organisations and professionals to have a greater understanding of the legal aspects of this crime in order to further investigate and document cases that might amount to sexual slavery. This is why we decided to include an extensive section on the legal framework of the crime, which will also be available in the Arabic version of the report for the easier reference of Arabic-speaking professionals.

In this report, we focus on four detailed accounts of survivors of sexual slavery, three of which took place in government detention facilities and one in the custody of a non-state armed group. In addition to those, this report also considers eight accounts of eyewitnesses who referred to treatment that could amount to sexual slavery, corresponding to six incidents in government detention facilities and one that took place in the custody of an armed group affiliated with the Syrian government. Taken together, these accounts show that different groups within Syrian communities have been subjected to sexual slavery in Syrian detention centres, including women, men, girls and boys.

Recognising that sexual slavery did take place in Syrian detention centres is the first step towards addressing the needs of the survivors to receive support and care

¹ LDHR, “The Whole World Has Let Me Down”: Understanding What Syrian Women Face During and After Detention, April 2021, available at: <https://ldhrights.org/en/?p=6465>

that targets the effects of being victims of such crime. These require looking at the impacts the crime has on them at all levels: physical, psychological, sexual, social, and economic, which may contribute to providing guidance for relevant entities, parties, organisations, and groups working to support survivors. Examples of some of the most prominent impacts on the survivors whose accounts are included in this report include self-blame, shame, stigma, and abandonment by family and community, which may lead to serious consequences, including the infliction of self-harm. The impacts detailed in this report are nearly always interconnected and compound each other. Therefore, it is important to provide support and design programming that addresses all the impacts, which for certain aspects include not only the survivors but also their families and communities.

Recognising sexual slavery as one of the crimes taking place in Syria is also the first step towards accountability and serving justice, as it will open the door for the investigation of this crime by asking the right questions, recognising signs and symptoms, and creating an environment conducive for disclosure. Additionally, this will contribute to ensuring that legal frameworks according to which crimes in Syria will be adjudicated allow for charging, prosecuting, and convicting perpetrators of this crime. The impacts also play a crucial role in serving justice through reparations for the victims, as well as determining the gravity of the crimes, which is relevant for sentencing.

By addressing the crime of sexual slavery and analysing cases of sexual slavery in Syrian detention, LDHR seeks to:

- Add to the body of work on sexual violence in the Syrian context;
- Improve understanding of the legal background and framework of the specific crime of sexual slavery;
- Contribute to the recognition and better understanding of the occurrence, context, and patterns of sexual slavery, in order to more accurately document the crime and its impacts on the survivors;
- Provide a greater understanding of the impacts of sexual slavery to organisations, groups, and parties wishing to provide targeted support and care to the survivors and others affected by this crime;
- Help shape a more attuned set of access points and support services, which meet the needs and respond to the impacts on survivors of the crime of sexual slavery; and
- Create awareness for investigations, prosecutions, and accountability for sexual slavery committed in Syria.

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



Recommendations

In addition to the recommendations enumerated in our previous reports² regarding arbitrary arrest and detention, torture, and sexual violence in the Syrian context to the different stakeholders and actors, we recommend the following:

The Syrian Government

Within the Syrian context, while all sides have committed violations of human rights and humanitarian law, the Syrian government remains the main perpetrator and is responsible, not only for protecting and enhancing the human rights of its citizens, but also for stopping crimes committed on its territory or by its security forces and other groups either affiliated or aligned with it. These include crimes relating to treatment and violations during detention, and particularly those of a sexual nature, which are committed in a systematic and organised manner to demoralise and break those who politically oppose the government. We reiterate

² All LDHR reports are available at: https://ldhrights.org/en/?page_id=6032

our repeated call on the Syrian government to:

- Immediately cease its policy and systematic practices of all forms of sexual violence, torture, and ill-treatment, including those rising to the level of sexual slavery.
- Take all reasonable measures to prevent and punish all those responsible for sexual violence crimes, and remove immunities creating an obstacle for full accountability.
- Cooperate fully with the International Impartial and Independent Mechanism (IIIM) and all other mandated justice actors and investigation bodies to facilitate unimpeded investigation of all allegations of sexual violence crimes under international law, and violations and abuses covered by international human rights law and international humanitarian law.
- Allow immediate unrestricted access for international monitors, health care professionals, and sexual violence expert response teams to all places under its control where people are deprived of liberty.
- Accede as a State Party to and ratify the Rome Statute of the ICC, and amend Syrian legislation to incorporate crimes relating to torture, sexual violence, including sexual slavery, and other forms of violence and ill-treatment as international crimes.
- Establish an independent and impartial criminal court with highly qualified judges to adjudicate sexual violence crimes, as well as a civil court to receive human rights claims against the State, applying international human rights law and the international instruments and corresponding human rights obligations that Syria has ratified or which constitute customary international law.

Other Syrian Authorities

Areas outside the control of the Syrian government have also reportedly witnessed violations by various armed groups, some of which are affiliated with de facto authorities in those areas. We call on the authorities in those areas to:

- Take all reasonable measures to prevent and punish those responsible for sexual violence crimes in the areas under their control.
- Cease any and all torture and sexual violence crimes.
- Impose on all armed groups affiliated with them courses to raise awareness about international humanitarian law and international human rights law, and their obligations thereunder as a side to a conflict, with a focus on the gravity of sexual violence crimes.

The International Community

We call on the international community to:

- Take all necessary measures at its disposal to ensure the Syrian government's

immediate and unconditional compliance with United Nations Security Council Resolutions 2165, 2139, 2258, 2191 and 2332 through “the immediate release of all persons arbitrarily detained”, as additional time in detention means further torture, sexual violence, including sexual slavery, and imminent threat to life.

- Support training and equipping Syrian organisations and groups to better respond to the needs of survivors and support accountability efforts through building prosecution cases related to sexual violence crimes committed by all sides, with training for all the types of sexual violence criminalised under international law, including sexual slavery, in addition to providing training on the Murad Code³ to help coordinate and improve survivor-centered approaches.
- Assist organisations and groups working on providing support for survivors, particularly medical care and Mental Health and Psychological Support (MHPSS) services for survivors of all sexual violence crimes.
- Require and support the development of immediate and longer-term security and detention system reform in Syria, including efforts that contribute to meaningful reforms to the legal framework, particularly attuned to and implementing best practice for sexual violence crimes, and include judicial and legal measures on reparations responsive to the impacts on the survivors and victims.
- Fund the inter-agency cluster system and related NGOs that are preventing and responding to sexual violence crimes and providing support and care to survivors, including awareness-raising programming and services aimed at addressing the impacts of sexual violence crimes on survivors, as well as addressing cultural issues and stigma-related effects to ensure families and communities are supportive of the survivors, instead of rejecting, abandoning, or criminalising them.

International Organisations

We take note particularly of international organisations and commissions working towards justice in Syria, including the IIIM, the United Nations Commission of Inquiry on Syria (COI), and other organisations. We call on them to:

- Ensure the full extent of crimes faced by survivors of torture in detention, especially sexual violence, including sexual slavery, is fully recognised, investigated, analysed, and reflected in case building and any recommended charges, and encourage the same from any justice actors who might benefit from such work.
- Integrate into their work with survivors the provision of clear service referral pathways that include an attuned consideration and support of access points

³ The Murad Code is a code of conduct for those collecting information from survivors of systematic and conflict-related sexual violence. For more information, see <https://www.muradcode.com/>

and appropriate support services which respond to sexual violence survivors of all ages and identities, where they are needed within and close to Syrian communities.

Syrian Groups and Organisations

Different Syrian civil society and human rights groups and organisations have been working for years on advocacy and provision of services to detainees and survivors of detention, particularly survivors of sexual violence crimes. These groups should work together to:

- Coordinate, collaborate and unify efforts, including exchange of skills relating to specialised violations like sexual violence crimes, to minimise retraumatisation of survivors and ensure protection and enhancement of survivor rights, including by working together on the principles of the Murad Code.
- Familiarise themselves with the crime of sexual slavery and its legal aspects in order to appropriately document it by asking the right questions, recognising signs and symptoms, and creating an environment conducive for disclosure.
- Expand the network of organisations and groups providing support services (psychological, medical, social, legal, protective, rehabilitation, and economic) to survivors of sexual violence, particularly those who might continue to suffer in their communities following release, especially women and other vulnerable groups.
- Continue discussions and awareness-raising activities in local communities to reduce stigmatisation of sexual violence, including all forms of gendered stigma which compound sexual violence stigma, and encourage access points and support for survivors through discussions and forums, advocacy, establishing victims' associations and support centres, and raising awareness with regard to certain groups who might suffer from additional vulnerability like women and children.
- Work with the families and communities of survivors of sexual violence crimes to raise awareness, discuss the needs of the survivors, and provide necessary support to the families and communities in order to enable them to be better and more supportive of the survivors.
- Develop proposals for reforms to the Syrian legal system (including the Constitution and the Penal Code) and the security sector, in addition to other relevant sectors and governmental institutions to better conform and comply with international standards, and ensure criminalisation of sexual violence crimes, including sexual slavery.

Methodology

Doctors trained by LDHR and Synergy for Justice conducted medical expert evaluations that adhere to the Istanbul Protocol, the United Nations Professional Training Series No. 1/8 Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment⁴. This methodology applies international standards and procedures on how to recognise and document the signs and symptoms of torture to serve as valid evidence in court. Each medical expert evaluation included a clinical interview, a physical examination, and a psychological assessment. The experts recorded all physical and psychological findings from the evaluation in a standardised fashion. Physical injuries were photographed. Diagnostic tests or consultations were requested, if this would assist the medical experts to more fully document, record, and assess the medical findings. The experts then gave their expert opinion as to the degree of consistency between the narrated events and the medical findings, in accordance with the Istanbul Protocol.

LDHR has relied on these medical expert reports as the application of science as evidence of torture, sexual violence, and other violations. The men and women who were detained during the Syrian conflict courageously sought medical evaluations as evidence of their lived experience, to support justice and accountability for the crimes committed against detainees. For this report, LDHR analysed a dataset of 12 medical evaluations (four survivors and eight eyewitnesses) in order to explore the phenomenon of sexual slavery within Syrian prisons.

We have concealed the identities of the survivors interviewed for this report, giving them pseudonyms rather than using their real names. This has been done to protect them, especially in light of struggles and dangers that they can face in their own communities following detention and as perceived or actual survivors of sexual violence. At the start of each medical evaluation, LDHR doctors listened carefully to how the survivor wished their report to be used, and in every case, respected those wishes. This report includes only the experiences of survivors who consented to allow the use of their story in our human rights reports to raise awareness, seek action against the crimes in detention, and give a voice to both survivors and those currently lost within the darkness and depravity of the detention system in Syria.

Cultural and societal barriers and taboos render sharing the experience of detention and abuse extremely difficult. LDHR is extremely grateful to these courageous survivors for their contributions to breaking these taboos, and to ensuring a better

⁴ OHCHR, Istanbul Protocol, New York and Geneva, 2004, available at: <https://www.ohchr.org/sites/default/files/documents/publications/training8rev1en.pdf>

understanding of sexual violence, including sexual slavery, in Syria.

To ensure a continuum of care, LDHR oversees a confidential network for survivor support. Through this network, survivors are able to obtain documentation of their cases, as well as receive referrals and case management for a variety of follow-up care (medical, psychosocial support services, and legal) related to protection needs. LDHR vets each service provider to ensure its capacity and commitment to treating survivors sensitively.

We have chosen not to name or identify any individual perpetrators in this report in order to ensure due process, fair trial standards, and full criminal accountability in the future. Where consent is provided by survivors, we pass any names, identification, and descriptions of possible perpetrators to investigative entities, which either have a mandate to build criminal files against perpetrators of crimes in Syria or provide lists of such perpetrators to the United Nations Security Council or other bodies that use such lists for sanctions and future accountability.

The findings in this report are analysed against the elements required for international crimes, mainly in the Rome Statute. Syria signed the Rome Statute in 2000 but it has not ratified it. While it does not seem likely, after more than ten years of paralysis, that the United Nations Security Council will refer the crimes in Syria to the International Criminal Court's (ICC) jurisdiction any time soon, this option is not entirely ruled out whether through the ICC or a special tribunal whose statute derives largely from the Rome Statute. Additionally, crimes committed in Syria, such as sexual slavery, can be adjudicated through trials in court systems that have universal jurisdiction (such as the recent trial in Koblenz, Germany, in which a former Syrian intelligence officer was convicted of crimes against humanity). Any wholesale justice process for the crimes in Syria might also depend upon customary international law and relevant treaty laws as they pertain to international crimes. LDHR notes that the definition of crimes in the Rome Statute does not always reflect customary international law.

Syria is also bound by its obligations under international human rights law. It has ratified the following international human rights instruments:

- The International Covenant on Civil and Political Rights (R. 1969)
- The International Covenant on Economic, Social and Cultural Rights (R.1969)
- The International Convention on the Elimination of All Forms of Racial Discrimination (R. 1969)
- The Convention on the Rights of the Child (CRC) (R.1993) together with the Optional Protocols on Armed Conflict and the Sale of Children

- The Convention on the Elimination of Discrimination Against Women (CEDAW) (R. 2003 with a reservation)
- The Convention against Torture and other Cruel, Inhuman or Degrading Treatment (R. 2004)
- The International Convention on the Rights of Migrant Workers (R. 2005)
- The Convention on Disability Rights (R. 2009) together with the Optional Protocol
- The Arab Charter on Human Rights (State Party, in force since 2008)



Legal Background and Framework of Sexual Slavery

The body of work addressing the crime of sexual slavery in Syria has mainly been focused on the extensive slave trade created by ISIL but not on sexual slavery in the detention context. In providing an extensive legal framework and the development of the law on the crime of sexual slavery, this report aims to serve as a reference for other human rights organisations and professionals documenting human rights violations and sexual violence crimes in Syria. LDHR is hoping that this legal framework will contribute to a greater understanding of the crime in order to allow these organisations to further investigate and document cases that might amount to sexual slavery. Additionally, the report includes references to the International Criminal Tribunal for the former Yugoslavia (ICTY) and the Special Court for Sierra Leone (SCSL) regarding sexual slavery, also with the view of making this case law more accessible to Syrian organisations and activists by making it available in the Arabic language.

A. Domestic Law

The Syrian legal system does not criminalise all sexual violence crimes and does not mention sexual slavery at all. Instead, there are a few articles in the law criminalising specific instances of actions of a sexual nature. The crime of sexual slavery includes elements that could be adjudicated under Syrian law, such as torture, treatment in a humiliating manner, and rape.

In fact, sexual violence against prisoners is prohibited under Syrian law. The Syrian Constitution (2012) includes several articles relating to detention and treatment of persons suspected of committing a crime. Article 53 of the Constitution prohibits torture and humiliating treatment: “No one may be tortured or treated

in a humiliating manner, and the law shall define the punishment for those who do so”.⁵ Additionally, the Syrian Penal Code (Law 148 of 1949, as amended)⁶ criminalises torture and certain forms of sexual violence. For example, Article 391 stipulates that “whoever unlawfully subjects a person to forms of cruelty in order to obtain a confession or information about a crime shall be imprisoned for a period between three months and three years” and “if the acts of violence against the person lead to illness or injury, the minimum punishment shall be one year of imprisonment”. In addition, the Syrian Penal Code (Articles 499-489) criminalises rape, defined as forced sexual intercourse with someone other than a spouse, using violence or threat of violence, as well as sexual assault, particularly against women and minors. The punishment is aggravated when the perpetrator is a government official (Article 497) or when there are multiple perpetrators (Article 498).

B. International Law

Sexual slavery has been used as a weapon in many armed conflicts, for example by the Japanese Imperial Army during World War II.⁷ Nevertheless, it was not explicitly criminalised as a crime or underlying crime in its own right under international law until 1998, when it was explicitly included in the Rome Statute of the ICC as an act of sexual violence. The crime of sexual slavery is expressly included among forms of sexual violence in both Article 7 (Crimes Against Humanity)⁸ and Article 8 (War Crimes, including in conflicts not of an international character)⁹. Sexual slavery has also been included in the statutes of international tribunals like the ICTY¹⁰ and the SCSL¹¹.

⁵ Syrian Constitution, Art. 53(2); available at: https://constituteproject.org/constitution/Syria_2012?lang=en

⁶ An official Arabic copy of the Syrian Penal Code (Law 148 of 1949, as amended in 2011) can be accessed on the Syrian Parliament’s official page.

⁷ See Gay J. McDougall, Contemporary Forms of Slavery, Systematic Rape, Sexual Slavery and Slavery-like Practices During Armed Conflict; United Nations Economic and Social Council, Commission on Human Rights, Sub-Commission on the Promotion and Protection of Human Rights, E/CN.4/Sub.2/2000/21, 6 June 2000 (McDougall report), paras. 71-78.

⁸ “1- For the purpose of this Statute, ‘crime against humanity’ means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:... (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity.” Article 7(1)(g), Rome Statute (emphasis added).

⁹ “2- For the purpose of this Statute, ‘war crimes’ means:... (e) Other serious violations of the laws and customs applicable in armed conflicts not of an international character, within the established framework of international law, namely any of the following acts:... (vi) Committing rape, sexual slavery, enforced prostitution, forced pregnancy, as defined in article 7, paragraph 2(f), enforced sterilization, and any other form of sexual violence also constituting a serious violation of article 3 to the four Geneva Conventions.” Article 8(2)(c)(ii) and (e)(vi), Rome Statute (emphasis added).

¹⁰ Article 5 of the ICTY Statute “Crimes against humanity” lists “enslavement” among the crimes that fall within the jurisdiction of the Court. Sexual slavery was specifically adjudicated by the ICTY in *Prosecutor v. Kunarac*, discussed in detail in this report.

¹¹ Article 2 of the SCSL Statute “Crimes against humanity” lists “sexual slavery” among the crimes that fall within the jurisdiction of the Court. Sexual slavery was adjudicated by the SCSL in several cases, including *Prosecutor v. Sesay, at al.*, SCSL-04-15-T, 2 March 2009, and *Prosecutor v. Taylor*, SCSL-03-1-T, 26 April 2012.

Elements of the Crime of Sexual Slavery in the Rome Statute¹²

1. The perpetrator exercised any or all of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending, or bartering such a person or persons, or by imposing on them a similar deprivation of liberty.
2. The perpetrator caused such person or persons to engage in one or more acts of a sexual nature.

The ICC Elements of Crimes for sexual slavery “refocused the attention on the actions of the perpetrator, who exercises powers attaching to the right of ownership over another person and forces that person to engage in sexual acts.”¹³

This meant that it was not required to show that the victims of such crimes were aware of being enslaved or felt they were being treated like slaves.

The first element of the crime of sexual slavery relating to “the powers attaching to the right of ownership over one or more person” is the one that distinguishes sexual slavery from the other sexual violence crimes and overlaps with the crime of enslavement. During the negotiations for drafting the Rome Statute, extensive discussion went into this particular element, which in the final text provided an illustrative list of examples by using the phrase “such as” and leaving it to the ICC judges to evaluate whether the actions by the perpetrator(s) rise to the level of “powers attaching to the right of ownership” on a case-by-case basis.¹⁴

The Syrian Arab Republic was one of the Arab States that submitted a proposal regarding the first element of the crime of sexual slavery (and enslavement) during the negotiations on the elements of crimes against humanity. In this proposal, the Arab States, including Syria, which as noted above, signed the Rome Statute but did not ratify it, wanted to exempt from the definition of the crime of sexual slavery “duties and obligations incident to marriage between a man and a woman”. These countries considered that these crimes as defined might be used as tools of “social engineering” that would undermine religious or cultural practices. The proposal by the Arab States was not accepted.¹⁵

The report of the UN Special Rapporteur for Systematic Rape, Sexual Slavery, and Slavery-like Practices in Armed Conflict, Gay J McDougall, is particularly relevant to better understand the crime of sexual slavery. In the report, McDougall indicates that “even in the absence of armed conflict, sexual slavery and other forms of sexual

¹² ICC, Elements of Crimes, pp. 6, 19, and 26.

¹³ Valerie Oosterveld, Sexual Slavery and the International Criminal Court: Advancing International Law, 25 MICH. J. INT'L L. 605 (2004), p. 608.

¹⁴ Id., p. 640.

¹⁵ Id., pp. 636-637.

violence, including rape, may be prosecuted under existing legal norms as slavery, crimes against humanity, genocide or torture.”¹⁶ She reiterated the definition of slavery as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, including sexual access through rape or other forms of sexual violence”, adding that “slavery, when combined with sexual violence, constitutes sexual slavery”.¹⁷ McDougall expanded on the “ownership” element, providing a definition that goes beyond the conventional definition of slavery, usually more limited to a commercial transaction, such as buying, selling or trading the victims.

“Critical elements in the definition of slavery are limitations on autonomy and on the power to decide matters relating to one’s sexual activity and bodily integrity. A claim of slavery does not require that a person be bought, sold or traded; physically abducted, held in detention, physically restrained or confined for any set or particular length of time; subjected to forced labour or forced sexual activity; or subjected to any physical or sexual violence - although these are indicia of slavery.”¹⁸

“Based on customary law interpretations of the crime of slavery, and thus sexual slavery, there are no requirements of any payment or exchange; of any physical restraint, detention or confinement for any set or particular length of time; nor is there a requirement of legal disenfranchisement [...] One respect in which slavery differs from imprisonment or arbitrary detention is that the limitations on autonomy can be solely psychological or situational, with no physical restraints.”¹⁹

McDougall noted that “the detention or confinement of women and girls in their homes or in other locations for the purpose of rape or other sexual abuse constitutes slavery and should be prosecuted as such.”²⁰ For example, she concluded that a particular incident that took place in Sierra Leone constituted slavery “as the victims did not have the freedom to leave or to refuse to comply with the orders, and as repeated sexual access to the victims was gained through the use and threat of force, the control of the physical environment and abduction.”²¹ Regarding raising consent of the victim as a defense, McDougall noted that “a person cannot, under any circumstances, consent to be enslaved or subjected to slavery”.²²

¹⁶ McDougall report, para. 2.

¹⁷ Id., para. 47.

¹⁸ Id., para. 8.

¹⁹ Id., para. 50.

²⁰ Id., para. 14.

²¹ Id., para. 17.

²² Id., para. 51.



ICTY - Prosecutor v. Kunarac, Kovac & Vukovic

*Kunarac, Kovac & Vukovic*²³ is one of the most important precedents, as it was the first time an international tribunal ruled on a case of sexual slavery. The accused were brought before the ICTY for their roles in the commission of crimes against Bosnian Muslim civilians between April 1992 and February 1993. Among the relevant facts is that Muslim men were separated from the women and children, where the men were detained at the prison facility, and the women and children were taken to collection points and transferred to a high school and later to a sports hall. There, they were subjected to unhygienic conditions and mistreatment, including repeated rapes.

Kunarac “took several [Muslim women] to his men and raped some of them himself”, and he “removed many Muslim girls from various detention centres and kept some of them for various periods of time for him or his soldiers to rape.”²⁴ Additionally, Kovac kept four girls in his apartment, where he abused them and raped three of them many times. He would also invite his friends to his apartment, and sometimes allowed them to rape one of the girls.²⁵ The four women and girls were held captive for periods ranging from a week up to six months, and while there, the accused used them for “sexual services”.²⁶ They were “constantly raped,

²³ ICTY, Prosecutor v. Kunarac, Kovac and Vukovic, Trial Judgement, IT-96-23-T and IT-96-23/1-T, 22 February 2001 (Kunarac, Trial Judgement) and ICTY, Prosecutor v. Kunarac, Kovac and Vukovic, Appeals Judgement, IT-96-23-T and IT-96-23/1-A, 12 June 2001 (Kunarac, Appeals Judgement).

²⁴ Kunarac, Trial Judgement, para. 583.

²⁵ Id., para. 587.

²⁶ Id., para. 739.

humiliated, and degraded” and “sometimes beaten, slapped or threatened”.²⁷ The girls “were denied any control over their lives... They had to obey all orders... [and] were subjected to other mistreatments”.²⁸ The victims were also “frequently sexually assaulted and they were beaten, threatened, psychologically oppressed and kept in constant fear”; they “could not and did not leave”.²⁹

The ICTY conducted an in-depth analysis of the crime of enslavement in the trial judgement, outlining some indicators to be taken into consideration in determining whether there was enslavement and indicating the exercise of powers attaching to the right of ownership. On appeal, the Tribunal noted that “even if some treaties have defined the concept of slavery narrowly, today ‘enslavement as a crime against humanity must be given a much broader definition because of its diverse contemporary manifestations’.”³⁰

Indicators of enslavement, according to the ICTY, may include: “the restriction or control of an individual's autonomy, freedom of choice or freedom of movement”³¹; “exploitation; the exaction of forced or compulsory labour or service”³²; “control of someone's movement, control of physical environment, psychological control, measures taken to prevent or deter escape, force, threat of force or coercion, duration, assertion of exclusivity, subjection to cruel treatment and abuse, control of sexuality, and forced labour”³³; “the threat or use of force or other forms of coercion; the fear of violence, deception or false promises; the abuse of power; the victim's position of vulnerability; detention or captivity, psychological oppression or socio-economic conditions”³⁴; “repeated violations of the victim's sexual integrity”³⁵; “subjection to degrading treatments, including beatings and other humiliating treatments”³⁶; “the exaction of forced or compulsory labour or service”³⁷; among other factors.

²⁷ Id., para. 749.

²⁸ Id., para. 742.

²⁹ Id., paras. 747, 749-750.

³⁰ Kunarac, Appeal Judgement, para. 112.

³¹ Kunarac, Trial Judgement, para. 542 (endorsed in SCSL, Brima et al., Trial Judgement, SCSL-04-16-T, 20 June 2007).

³² Kunarac, Trial Judgement, para. 542.

³³ Id., para. 543.

³⁴ Id., para. 542.

³⁵ Id., para. 554.

³⁶ Id., para. 780.

³⁷ ICTY, Prosecutor v. Krnojelac, Trial Judgement, IT-97-25-T, 15 March 2002 (Krnojelac, Trial Judgement), para. 359.

Kunarac and Kovac were found guilty of enslavement. The Tribunal found that “the alleged repeated violations of sexual integrity of the victims, by various means, is one of the main factors to be considered when determining whether enslavement was committed.... All the controls exerted served that purpose. Repeated violations of the victim’s sexual integrity, through rape and other sexual violence, were some of the most obvious exercises of ownership by the accused.”³⁸ The judgement was affirmed on appeal.

Among the aggravation factors mentioned by the Tribunal are the youthful age of certain victims, the fact that the offences were committed over an extended period of time, the involvement of more than one victim and/or more than one perpetrator, and the fact that the offences were committed against particularly vulnerable and defenceless women and girls.³⁹

ICC - Prosecutor v. Dominic Ongwen

In *Prosecutor v. Ongwen*,⁴⁰ Dominic Ongwen, a Brigade Commander of the Sinia Brigade of the Lord’s Resistance Army (LRA), was tried at the ICC for the commission of crimes in the context of the armed rebellion of the LRA against the government of Uganda. On 4 February 2021, the ICC’s Trial Chamber IX declared Ongwen guilty on 61 crimes characterised as crimes against humanity and war crimes, among which was sexual slavery and enslavement.

The ICC discussed the crime of enslavement, listing some of the indicia for the exercise of the powers attaching to the right of ownership, which include: “control or restrictions of someone’s movement and, more generally, measures taken to prevent or deter escape; control of physical environment; psychological control or pressure; force, threat of force or coercion; duration of the exercise of powers attaching to the right of ownership; assertion of exclusivity; subjection to cruel treatment and abuse; control of sexuality; forced labour or subjecting the person to servile status; and the person’s vulnerability and the socio-economic conditions in which the power is exerted.”⁴¹

³⁸ Kunarac, Trial Judgement, para. 554.

³⁹ Id., paras. 864-867, 874-875.

⁴⁰ ICC, *Prosecutor v. Ongwen*, Trial Judgement, ICC-02/04-01/15, 4 February 2021 (Ongwen, Trial Judgement).

⁴¹ Ongwen, Trial Judgement, para. 2712.

The ICC stated that sexual slavery “is a specific form of the crime of ‘enslavement’, penalising the perpetrator’s restriction or control of the victim’s sexual autonomy while in the state of enslavement”.⁴² It also noted that a commercial transaction is not required to conclude that the perpetrator exercised the powers attached to the right of ownership.⁴³ As for “acts of a sexual nature”, the Court stated that they include “acts of rape, but are not limited to them”, and do not need to involve “penetration or even physical contact”, as the term “sexual” may refer to “acts carried out through sexual means or by targeting sexuality”.⁴⁴ The Court reiterated that “the crime of sexual slavery, as defined under the [Rome] Statute, may be committed through subjecting the victim to any act of sexual nature and not only rape”.⁴⁵

Ongwen was found guilty of the crime of sexual slavery. The seven women he placed under heavy guard were not allowed to leave and were subjected to beatings.⁴⁶ Thus, Ongwen “deprived them of their personal liberty, restricted and dictated their movement, including by threats and subjecting them to armed guard, subjected them to forced labour, and physically and psychologically abused them,” therefore exercising “powers attaching to the right of ownership over these women by imposing on them a deprivation of liberty”.⁴⁷ He had “sex by force” with some of them, whenever he wanted during the time in which these women were deprived of their personal freedom.⁴⁸

The cases discussed in the “Sexual Slavery in Detention” section below satisfy the elements of sexual slavery and can be considered as crimes against humanity and/or war crimes.

⁴² Id., para. 2175.

⁴³ Id., para. 2713.

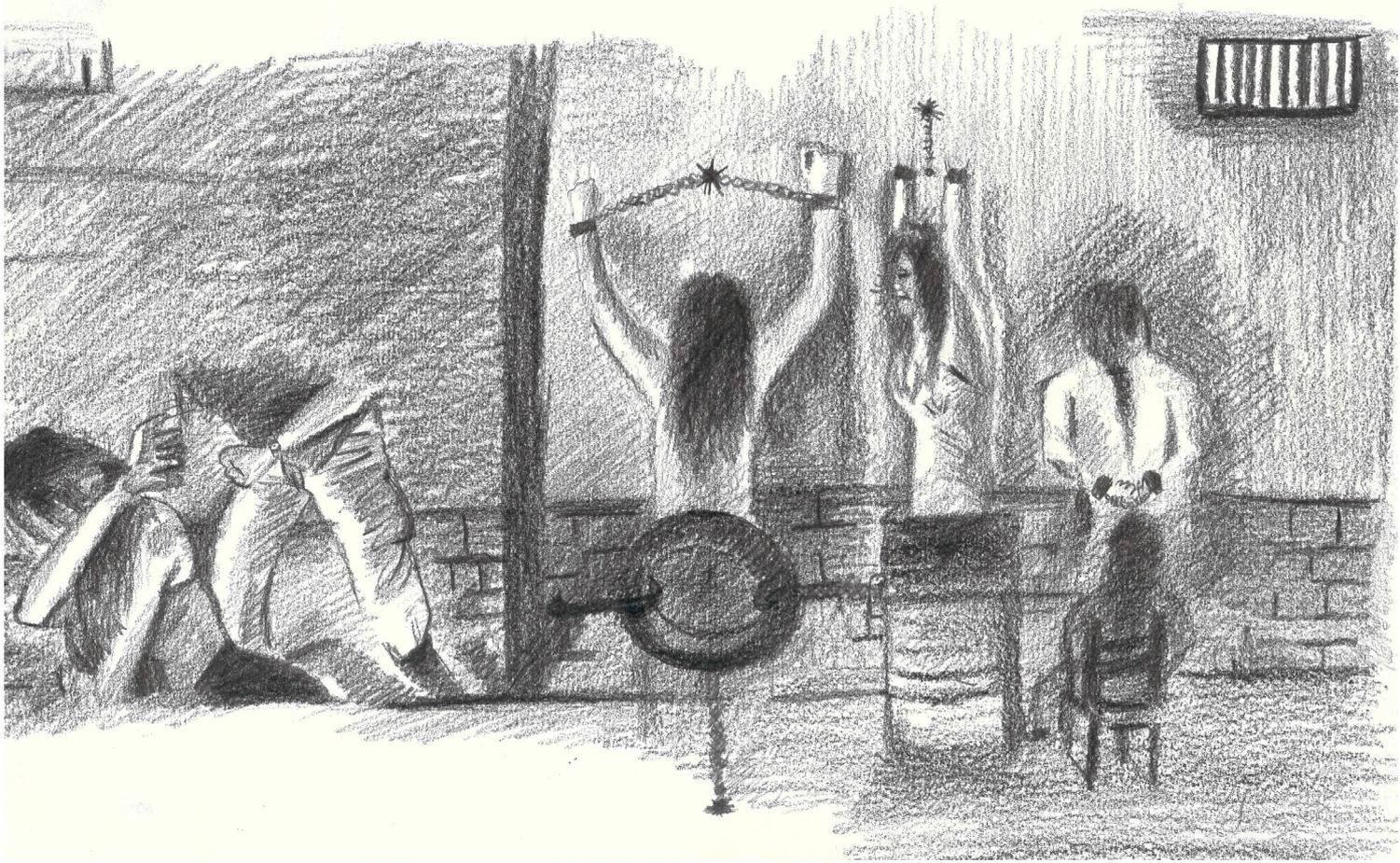
⁴⁴ Id., para. 2176.

⁴⁵ Id., para. 3037.

⁴⁶ Id., para. 3045.

⁴⁷ Id., para. 3046.

⁴⁸ Id., para. 3047



Sexual Slavery in Detention

LDHR documented the cases of three survivors who were detained in facilities run by the Syrian government, in addition to one survivor who was detained by a non-state armed group, all of whom were subjected to treatment that could amount to sexual slavery. Additionally, seven eyewitnesses whose cases were documented by LDHR and who were also detained by the Syrian government recounted six incidents of treatment that could amount to sexual slavery, in addition to one eyewitness detained by an armed group aligned with the Syrian government. These accounts are supported by reports of other highly reliable organisations, namely Human Rights Watch (HRW) and the UN Independent International Commission of Inquiry on the Syrian Arab Republic (COI). Without referring to the violations as crimes of sexual slavery, these organisations reported at least four incidents that could fall under the legal definition of sexual slavery.⁴⁹ This indicates that incidents that can amount to sexual slavery took place in Syrian detention centers against various groups, and possibly more often than the current reports available indicate. Taken together, these accounts show that different groups within Syrian communities (including women, men, girls and boys) were subjected to crimes rising to the level of sexual slavery, the majority of which by or with the acquiescence or support of Syrian government officials.

In analysing these cases, the focus is on illustrating the first element of the crime of sexual slavery, the one relating to the exercise of any or all of the powers attaching to the right of ownership over one or more persons, such as by purchasing, selling, lending, or bartering such a person or persons, or by imposing on them a similar deprivation of liberty. The analysis is based on the case law cited in the legal framework section above, laying out examples of what constitutes “ownership”. For each of the cases, the impact from the devastating violence the survivors experienced is detailed in the “Impacts” section below.

Explicit details of the sexual violence are included in the description of the cases in order to provide evidence of the level of control the perpetrators exercised over the survivors and the utter violation of their autonomy and bodily integrity, as well as to understand the true nature of the perpetrators’ acts and what these survivors have endured.

⁴⁹ See UN Human Rights Council, Report of the independent international commission of inquiry on the Syrian Arab Republic, A/HRC/48/70, 13 August 2021, para. 89, available at: <https://undocs.org/en/A/HRC/48/70>; UN Human Rights Council, “I lost my dignity”: Sexual and gender-based violence in the Syrian Arab Republic, A/HRC/37/CRP.3, 8 March 2018, para. 48, available at: <https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A-HRC-37-CRP-3.pdf>; and Human Rights Watch, “They Treated Us in Monstrous Ways” Sexual Violence Against Men, Boys, and Transgender Women in the Syrian Conflict, 29 July 2020, p. 36-39, available at <https://www.hrw.org/report/2020/07/29/they-treat-ed-us-monstrous-ways/sexual-violence-against-men-boys-and-transgender>

A. Sexual Slavery Against Women



In the cases of three women survivors - “Sahar”, “Nazira”, and “Zara” - detailed below, the fact patterns strongly suggest that each of the incidents could amount to sexual slavery. Some of the factors taken into consideration to conclude that these cases may amount to sexual slavery include at least the following: limited autonomy and power to decide matters relating to their sexual activity and bodily integrity; no freedom to leave or refuse to comply with the perpetrators’ orders and demands; assertion of exclusivity by the perpetrators; abuse of power by the perpetrators over the women; the women’s position of vulnerability as detainees at the mercy of the perpetrators; subjection to degrading treatment; and subjection to physical and psychological abuse.

“Sahar”

“Sahar” was arrested in 2015 at a Syrian government checkpoint, while trying to get her 11-years-old daughter medical assistance for an injury she sustained as a result of shelling in the area where they were living. During her detention at the Political Security branch in Homs, she was held by herself in a dark underground room. Five men rotated raping her almost every day. They would come to the room at night, bring food and alcohol, then one would stay to rape her. They would force her to get naked for them. She described them as “hungry dogs”. Initially, she tried to stop them but they beat her and repeatedly threatened to rape her daughter if she did not do as they ordered. As she described it, they used her for entertainment and humiliation. She explained that they further forced her to touch their penises and to swallow their semen, and poured alcohol on her body (at times her breasts)

and sucked it off. They also forced her to watch pornographic films and to drink alcohol. On one evening, while they were drunk, two of them tried to rape her at the same time. She screamed to try to get them to stop. She said she felt like she was “dying a thousand times a day” and looked for sharp objects to kill herself. Sometimes she would not take a shower, thinking this would make them not desire her, but that did not change anything, and sometimes they even forced her to shower. This lasted for nearly four months, after which she was transferred to another branch.

“Nazira”

In 2012, “Nazira” was in a bus, when the bus was stopped at a checkpoint of the 4th Division of the Syrian army. She was taken along with other women to a location she could not identify. The soldiers insulted the women, calling them “bitches, whores, and prostitutes”. She was separated from others, blindfolded, and isolated into a dark room. Four men came into the room and stripped her naked. She begged them to stop and kept telling them she was married and needed to preserve her honour, to no avail. One of the soldiers made humiliating sexualised comments about parts of her body in front of the others. One of them lied down and the others lifted her from her shoulders, and forced her down on his penis. She felt like she was “torn apart from the inside”. He was telling his colleagues to come and watch as he penetrated her.

The men carried “Nazira” around the room and moved her into different positions so that all four took turns raping her. One pulled hard backwards on her neck. She found herself dissociating as the ordeal continued. Over the next few days, she was kept naked and they took turns raping her every day. She started recognising them by their voices and the way they raped her. She was beaten, bitten (especially on her breasts), cut with a razor, punched in the mouth hard enough to break her teeth, and had hot tea poured on her hand. The men tore and pulled at her breasts. They demanded that she make moaning noises while being raped. They raped her vaginally and anally, once using an object she thought was a perfume bottle. All the while, they called out to each other to watch or join in. She was forced to eat and drink with them. They bathed her with cold water before raping her to get rid of the smell of the milk, as she was still lactating from breastfeeding. She could also hear other women being subjected to sexual violence in adjacent rooms, and heard one girl pleading not to be raped because she was still a virgin; afterwards, she heard the girl begging not to return her to her parents because she has become a dishonour to them. She could not tell exactly how long she was there, but she estimates it was about two weeks.

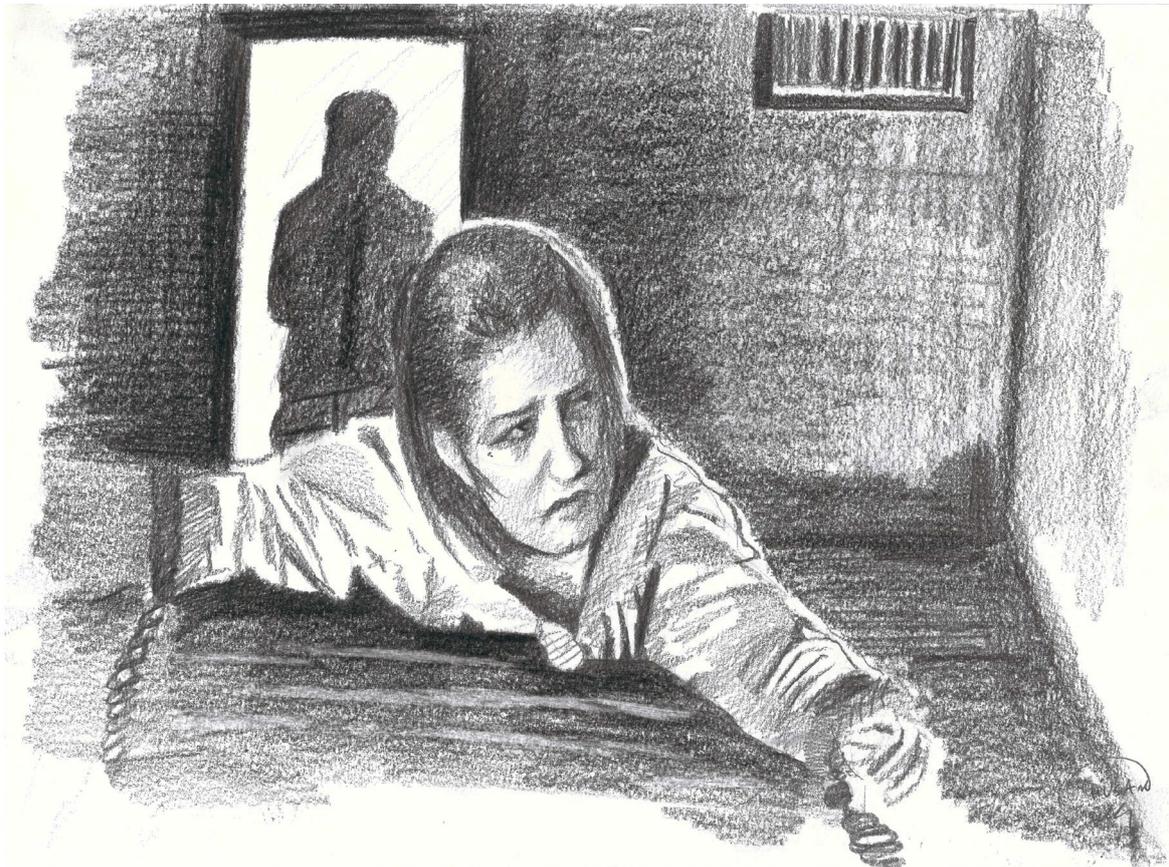
The cases of “Sahar” and “Nazira” have a lot of similarities in that they were both

isolated and locked in a solitary cell, which was only accessed by the same guards (five for “Sahar” and four for “Nazira”). They were both repeatedly raped, forced to engage in other acts of a sexual nature and other degrading and humiliating acts, and subjected to other forms of physical and psychological torture. The fact that they both endured these treatments for extended periods of time, and were abused by more than one perpetrator at the same time while in conditions of vulnerability and defencelessness, are additional factors to be considered by prosecuting authorities.

“Zara’s” case, detailed below, is a little different in that, while detained with other women, one of the officials, a detective, had access to her during interrogations. He had her brought to him, had her tortured, repeatedly raped her and subjected her to other acts of sexual nature. She got pregnant as a result of the rape. The treatment lasted for about a month. This case may also amount to sexual slavery considering that the detective exercised the right of ownership over “Zara”, as he asserted exclusivity over her body when she had no freedom to leave or refuse to comply with his demands.

“Zara”

In 2012, “Zara”, went to visit her children who were living with her mother. An hour after going into the house, a group of men, whom she later found out were from



the General Intelligence branch in Hama, raided the house and arrested her. She was beaten on the way to the branch, and taken to “Detective S’s” office, who started eating pistachios and flicking the shells at her. He questioned her and then sent her to a small underground cell with other women. They were not allowed to leave the cell except once a day to the bathroom, and they were given very little food.

“Zara” was interrogated and subjected to torture during the first four days of her detention, including suspension for two days (shabah), being whipped with ‘Al-akhdahr Al-Brahimi’ (a green plumbing hose), and her breast burned with hot metals. The jailers cut her hair and punched her so hard in her mouth that she lost consciousness and some teeth, and poured dirty water on her. On the fourth evening, she was taken with some of the women to an interrogation room, which led to another room that had a bed in it. “Detective S” was drinking alcohol with other men. He gave her and the women alcohol and when they refused to drink, he poured alcohol on Zara’s hair and body, and tied another woman to the bed, then had another man hold “Zara” and watch as he raped the other woman. He then pushed “Zara” on the bed, tore off her clothes, lied on her, kissed her face and body, and raped her anally and vaginally. “Detective S” repeated this every night in the same room. She was kept almost naked the entire time due to her ripped clothes. By the time she left detention, she was pregnant. “Detective S” subjected “Zara” to these acts under his control for approximately one month.

B. Sexual Slavery Against Men



Survivor evidence of sexual slavery against men

Incidents documented by LDHR suggest that men have also been subjected to similar violations as the women whose accounts are described above, and in similar circumstances. Their treatment may amount to sexual slavery. Examples include the case of a male survivor who was held by a non-state armed group affiliated with the Kurdistan Workers' Party (PKK), as well as the cases of three eyewitnesses to abuses that may amount to sexual slavery taking place in the custody of the Syrian government.

“Majed”

In 2017, “Majed”, with a group of people, was trying to flee an ISIL-controlled area when they were stopped at a checkpoint affiliated with the PKK. The men were told to get out and were taken to a school in the area, from which they could not escape. They were divided among different classrooms in the school, and for the next three days they were subjected to different forms of torture and abuse by armed men and women who spoke the Kurdish language. “Majed” was forced to engage in acts of a sexual nature and other degrading and humiliating acts, and was subjected to other forms of torture. He was kicked and hit on his reproductive organs with the butts of rifles, had cigarettes put out on his testicles, and was anally raped with a finger. There were notably two women who mainly tortured the detainees and focused in the torture on their reproductive organs, kicking them often on the testicles. At one point, the two women took off most of their

clothes and made the men kiss their genitals. One sat on “Majed” and urinated on his chest. “Majed” also witnessed the same happen to others, including a family member, which is a form of psychological torture. The fact that “Majed” was locked in a classroom where two women exercised control over him and other detainees to subject them to sexual and other types of violence may indicate that “Majed” was subjected to sexual slavery.

Eyewitness evidence of sexual slavery against men

Three survivors interviewed by LDHR were eyewitnesses to similar violations committed against men in Syrian detention centres. Some of the facts include the male victim being taken routinely to a specific place for coerced sexual activities. This may amount to sexual slavery as the detainees were singled out by the guards and interrogators, and “chosen” for repeated sexual violence. The perpetrators exercised control over aspects of their being, including their sexual autonomy and bodily integrity, using their control for the purpose of subjecting them to repeated sexual violence. The guards in these cases also exercised ownership through limiting and restricting access to the victims, so as to have the exclusive power to subject them to sexual violence. Their accounts are detailed herein.

“Firas”

“Firas” was detained in Damascus in 2014, for almost two and a half years, during which he was moved among several branches. One of the locations he was detained at was Branch 248, where he was tortured and threatened with rape. While he was there, he witnessed the rape of other male detainees. One of those detainees was a “good looking” young man from Homs, who was often called by the interrogators and repeatedly raped, as a result of which he suffered from anal bleeding and severe pain. Another male detainee, who was also often raped by the guards, committed suicide.

“Mohab”

“Mohab” was detained at a checkpoint in Damascus in 2014 for around two and a half years, during which he was transferred among several detention centres, including the Sednaya prison. There, he was put in a solitary confinement cell for several months, before being moved to a group cell where he was assigned to do certain chores including transporting dead bodies. He recounted that during his time in Sednaya, “good looking” male detainees would be chosen and brought to the guards’ rooms each night. They would return with blood on their clothes and walking strangely, and this was, according to some of the other detainees, because

they were getting subjected to repeated violent rape.

“Raji”

“Raji” was detained for nearly seven months in 2014, four of which he spent at Branch 601.⁵⁰ While there, “Raji” was tasked with the distribution of food. On one occasion, he witnessed a detainee who was taken to the guards’ room, where he saw the guards drinking wine. The detainee remained in the room for one hour and came out crying but without traces of beating or torture on his body. “Raji” later learned from other detainees that the man was not tortured because the guards used him as an informant, and they used to regularly rape him.

⁵⁰ What is known as “Branch 601” is actually a floor in the Military Hospital in Al-Mezzeh, Damascus, dedicated to prisoners who require medical attention. It is known also as the “Death Branch” and by many accounts, detainees get tortured, some to death, while there. Sometimes, it is referred to as “Hospital 601”.

C. Sexual Slavery Against Children

Survivors interviewed by LDHR were also eyewitnesses to similar fact patterns of violations committed against children, both boys and girls, in Syrian detention centres. Four survivors reported incidents that could amount to sexual slavery against children in government-run detention facilities, two of them witnessing the same incident, in addition to one incident perpetrated by an armed group aligned with the government. In three of these examples, the ones witnessed by “Taha”, “Nadir” and “Shahd”, the children were in captivity with servile status, while being subjected to sexual violence. The children had to perform tasks as assigned by their jailers, including cleaning and distributing food in the prison, which constitutes forced or compulsory labour or services, and were also forced to engage in one or more acts of a sexual nature. In the incident witnessed by “Jamal”, the children were detained with adults, and were forced to engage in acts of a sexual nature with other detainees, while “Lubna” witnessed the case of a minor who was singled out by the guards, taken out of the cell and repeatedly raped. All were also subjected to other forms of physical and psychological torture. Aggravating factors include their youthful age and the fact that most of the crimes were committed against multiple victims, sometimes by multiple perpetrators.

“Taha” and “Nadir”

Two independent eyewitnesses corroborated sexual abuse against a group of children held at the Air Force Intelligence Al-Mezzeh Airport in late 2012. During his detention at the Airport, “Taha” reported that he was detained in an arena-turned-detention centre, also called “Hall 400”, where they had put together a large number of male detainees, including many children. He said that the children were sometimes called out of the arena, allegedly to carry out cleaning duties, but found out later that these young boys were being taken to “satisfy the sexual needs” of the guards. “Nadir”, who was detained in the same location during a similar period, also stated that he was detained in a big arena, with a part of it dedicated to children. He said that there were around 70 children in total. Like “Taha”, he stated that the children were taken out of the arena to clean the prison but that, in fact, they were “used to satisfy the sexual needs” of the guards.

“Shahd”

“Shahd”, who was detained at the Military Security branch in Tartous in 2013, explained to the LDHR doctor evaluating her case that “there [was] nothing harsher than what I saw them doing to the children”. She described similar incidents where children were used for menial tasks and subjected to sexual abuse. She recounted that there were children who had been arrested on a bus, and detained for nine months. They were used to distribute food to the other prisoners. Jailers subjected

them to physical abuse, including beatings with whips and chains. One day, one of the boys gave extra yoghurt to a woman and her eight-month-old daughter because they reminded him of his mother and little sister. When a jailer saw this, the boy was dragged into the corridor and two of the jailers anally raped him, one after the other. While one was raping the boy, the other filmed it. The child was bleeding profusely, and was unable to walk. They then forced the boy to watch the video of his rape, further torturing him psychologically. The boy was screaming, hitting his head against the wall and trying to drag himself away. The other jailers brought two more children out of the cell and did the same to them. “Shahd” recounted that the place echoed with the screams of children, and that she witnessed all of it.



“Jamal”

Between 2012 and 2017, while in Sednaya prison, “Jamal” recounted that he was detained with adults and children. He said that, around twice a week, in the afternoon or evening, five to six jailers would enter one of the prison cells and order all detainees to face the wall and cover their eyes. A jailer would then call some detainees by their names (mostly children), and force the detainees to have sex with one another, while some of the guards filmed it. Whoever refused would be severely beaten. “Jamal” said that the children who were subjected to those acts would be in a state of shock, unable to speak for weeks, and completely isolated themselves from others. He mentioned two boys in particular who were routinely targeted by the jailers and subjected to sexual violence in this way.

The incidents described above have been perpetrated by agencies of the Syrian

government or affiliated therewith in different detention centres. LDHR has further eyewitness accounts indicating wider occurrences of similar fact patterns and crimes that may amount to sexual slavery in other locations or by other parties, including armed groups not directly affiliated with the Syrian government but are aligned with it. To illustrate this, LDHR documented the case of a detainee who witnessed incidents that could amount to sexual slavery at the hands of the Popular Front for the Liberation of Palestine, an armed group aligned with the government.

“Lubna”

“Lubna” was held captive by a militia affiliated with the Popular Front for the Liberation of Palestine in 2013. She stated that there were many girls under the age of 18 held captive with her in the same cell at an informal detention location, which was an abandoned school. There, they were interrogated and tortured, and several of them were subjected to sexual violence. “Lubna” talked about a 15-year-old girl who was detained with her mother in the same cell. One night, a guard came into the cell, apparently drunk, chose the girl and took her with him. She was gone for around half an hour, then came back to the cell with blood on her legs. She told the other women that two guards took off her clothes, made her sit on a chair, pulled her legs up and alternated raping her. After that day, the girl was taken and raped almost on a daily basis by several people, according to what she told the women in the cell.

The case of the 15-year-old girl is similar to the accounts by each of “Firas”, “Mohab” and “Raji”, described above, and can amount to sexual slavery, as she was being held captive by the pro-regime militia, which controlled her freedom of movement, subjected her to physical and psychological abuse, and violated her bodily integrity and autonomy by repeatedly subjecting her to sexual violence. The fact that she was a minor at the time of the events should be taken into consideration as an aggravating factor for sentencing following a conviction for these crimes.

Impacts of Sexual Slavery

Documenting crimes and violations, such as the ones discussed in this report, is crucial to responding and accounting for these crimes and their impacts, whether legally, medically, socially, or financially. While criminal accountability focuses on establishing the guilt or innocence of the accused individuals, it is critical that the victims are not forgotten, as they are the ones who live with the impacts of these crimes. Therefore, a survivor-centered approach is of utmost importance to ensure provision of support and recovery for survivors, their families, and even their communities, and to design responsive programming.

The impacts of sexual violence crimes, including sexual slavery, can be divided into several categories: physical, psychological, reproductive and sexual, social, and economic. The majority of the survivors experience most or all of these to varying degrees, and the impacts often overlap and are crosscutting. In other words, while a physical impact on a survivor might be exhibited through a physical condition or problem, the latter might cause psychological issues, or affect the survivor's ability to work, therefore having economic impacts as well. This makes it even more important to understand all the impacts and how they are interconnected, in order to better address and provide the survivors with the appropriate care and support.

Furthermore, the impacts of these crimes are not limited to only the survivors, but often can also affect those who were eyewitnesses to such crimes, and radiate out to their families. Although the eyewitnesses are also survivors of detention and have suffered as a result of the violence to which they were subjected, there are some impacts resulting from them seeing and hearing what others were experiencing.

The majority of the impacts identified herein are in a large part similar to those experienced by survivors of other forms of sexual violence crimes. Preliminary observations indicate that aspects of certain impacts discussed in this report, particularly the psychological, have long-lasting effects. In many cases, the survivors reported thoughts of suicide, and in several cases they self-harmed or attempted to take their own lives, some multiple times.

A. Physical Impact

The physical impact that survivors experience includes scars they bear as well as some bodily disabilities resulting from the different types of torture to which they were subjected during their detention. In some cases, existing disabilities get

exacerbated by the bodily torture combined with medical neglect. These physical issues nearly always impact other aspects of their lives, including psychologically due to, for example, their awareness of having visible scars; socially, as a result of stigma associated with certain physical issues that affect their appearance; or financially, resulting from limited mobility.

The survivors and eyewitnesses whose testimonies are discussed herein have suffered physical effects as a result of their detention, some of which are highlighted below. Many of these effects continue to affect their daily lives and require medical care and/or medication. Some physical injuries cannot be treated and will always remain a reminder of the pain and suffering to which they were subjected.

During her detention, “Sahar” was subjected to physical abuse including being slapped, punched, and kicked during interrogations, in addition to the sexual violence. She told the LDHR doctor that since being released, she feels pain all over her body, particularly in her lower abdomen, as well as a constant headache. She also talked about feeling overall weakness in her body that prevents her from doing ordinary daily work. She also suffers from high blood pressure, something she did not have prior to being detained.

“Nazira” was also exposed to many forms of physical abuse, including hitting and punching on her face and head, slapping, and having a hot liquid poured on her hand, in addition to the sexual violence, which was sometimes committed using foreign objects. She has missing teeth as a result of being hit in the mouth. She also has many scars on her body, which are consistent with the torture to which she was subjected and some of which she said are the result of being cut with a razor by her captors. There are also some razor marks that were self-inflicted in some of her suicide attempts.

In the case of “Zara”, her body bears the scars of detention, during which she was subjected to many forms of torture and physical abuse. She has scars on her wrists as a result of her suspension, and scars on her back, legs, and hands due to whipping with metal cables. Additional scars on her arms and legs are due to electrocution and cigarette burns, burns on her breast from pouring boiling water, and missing teeth due to being punched. Her genitals are also scarred from cigarette burns, and other forms of sexual violence. She also suffers from constant weakness accompanied with a headache, and when she recalls what happened to her, she feels abdominal pain and shortness of breath.

“Majed” also suffered several injuries as a result of the torture he was subjected to while in custody, such as recurrent pain when exposed to cold weather, always

reminding him of what happened in detention. He also bears scars and feels pain associated with being kicked and hit on his reproductive organs with the butts of rifles, and as a result of having cigarettes put out on his testicles and being anally raped.

B. Psychological Impact

The crimes of sexual violence are frequently committed to break the victims, and used as an effective weapon to suppress and silence opposition, particularly in cultures where a great amount of importance is placed on the honour of the woman and where homosexuality is entirely rejected and criminalised. In most cases, the psychological aspect of these crimes is far worse than the physical, and the psychological consequences of traumatic crimes such as the ones discussed herein are long-lasting and can have catastrophic results on the victims, particularly when they are internalised and/or left untreated, and they often are. This is also supported by the fact that despite most of the cases discussed in this report being documented years after being released, the signs and symptoms of the psychological impact on the survivors was still evident. Additionally, in many cultures, including in Syria, seeking professional help relating to psychological issues can be stigmatised, which constitutes an obstacle for seeking help or do so secretly even from their immediate families, further exacerbating the psychological impact on the survivors.

Psychological consequences of these types of crimes and the different forms of violence to which the survivors were subjected nearly always impact all other aspects of their lives, limiting their ability to deal with ordinary life situations and tasks, and even the ability to socialise and work. This becomes further exacerbated when these consequences are not addressed promptly and professionally, and in particular in societies where the community and the family might turn on the victims instead of supporting them.

“Sahar” talked about the psychological effects of stigma, and of internalised stigma, shame, and blame. It affected her every day and prevented her from carrying out ordinary daily chores and work. She talked about “the pain of self-blame that burns her soul and increases every day”. When giving her testimony, nearly three years after being released, she said that she still did not feel that she had confronted and dealt with what had happened to her. She constantly blamed herself for what had happened. The doctor who examined her noted that “she feels shame and disgrace as she blames herself for not resisting and defending herself or killing and getting rid of [her abusers]”. She also blames herself for the bad living conditions that she and her children live in. Emotions of shame do not leave her alone no matter how hard she tries. She feels inferior and deprived.

“Nazira” was detained several times over a period of three years, including the detention during which she was subjected to the violence discussed above. At one point in between two detentions, she had gotten pregnant by her husband, but he accused her of getting pregnant while detained, even though the doctor had confirmed that she was pregnant prior to the second detention. She said that “she thought of committing suicide several times”. She testified that she continued to have these thoughts, felt despair, and she asked the doctor who documented her case during her interview “whether she deserves to be alive”. She also expressed being “constantly worried, especially fearing that her husband would leave her”. She also admitted becoming more violent with her children and highly irritable where she becomes very angry easily. She also talked about always blaming herself and feeling she was “an adulterer because of being repeatedly subjected to sexual violence”. She also avoids small rooms and yellow light, and anything else that reminds her of the room in which she used to get raped.

“Zara” remains profoundly anxious and cannot sleep for days until she takes medication. She is plagued by persistent intrusive memories and flashbacks. She is irritable and argues with and shouts at her family. She worries what will happen to her daughter and wishes for a better life for her. She blames herself for what has happened, and she is deeply ashamed of it. She has some issues with her memory of events prior to and subsequent to detention. She suffers from decreased concentration. She says that she lost self-confidence, especially that she feels that her parents have disowned her because she brought them shame. She has repeatedly tried to commit suicide to end her painful life and get rid of the dishonor. She also does not eat certain foods that remind her of detention.

Some survivors continue to feel somehow connected or emotionally attached to the perpetrators even after their release, and feel some sort of absence from those who held them captive. This was the case of “Majed”, although he was only detained for a few days.

Eyewitnesses to sexual violence also suffer from serious psychological consequences as a result of what they saw and heard in detention. For example, “Mohab”, who was an eyewitness to violence against young men, said that he will never forget what he has seen in detention, and although he tries to get rid of those memories, they will haunt him until his death. He cannot see people tied up, even in movies or television shows. “Nadir”, who witnessed sexual violence against children, said that what he saw continues to cause him anxiety. This was also the case with “Jamal”, who witnessed similar incidents which deeply affected him psychologically. “Lubna” said that she “feels extreme pain and sadness as a result of the horrific things she experienced and witnessed in detention”. She became less active and lively, her

appetite has decreased, and she has become more irritable. She also would not leave her house and neighbourhood.

During conflict, particularly where the use of sexual violence becomes a prominent weapon, the extreme psychological impact on the survivors can make them unable to deal with daily life pressures, pushing them to withdraw more, leave their communities, and leave the country, as was the case of many survivors interviewed by LDHR.

C. Reproductive and Sexual Health Impact

Sexual violence crimes frequently have long-lasting, even permanent, effects on the survivors' reproductive and sexual health, including getting triggered by sexual relations with their spouses and even rejecting them, which can place a great amount of strain on marriages, sometimes leading to ending them. Some women, especially young girls, might become unable to have sexual relationships due to trauma. Furthermore, many women and men survivors might suffer physically from violent sexual abuse, particularly when penetrated by foreign objects. Finally, things such as sexually transmitted diseases and pregnancies resulting from sexual violence crimes have medical and psychological effects on the survivors, as well as social effects, including stigma and abandonment by loved ones.

For example, “Zara” suffered from the different forms of sexual violence to which she was subjected, including scarring of her genitals from cigarette burns. She also said that she was pregnant by the time she was released.

After detention, some women survivors develop a fear of men. For example, “Sahar” said that she avoids men, is scared of them, and would rather not talk or deal with them, because she feels that they would exploit her. Others describe a different phenomenon, as was the case of “Nazira”. The repeated sexual violence that she was subjected to had consequences that included a set of sexualized behaviours and patterns of speech towards men which were highly inconsistent with her behaviour prior to detention. This phenomenon has been described in children and young adults who have been subject to child sexual abuse, leading them to engage in risky sexual behaviours.⁵¹

⁵¹ See e.g. Castro and al., Childhood Sexual Abuse, Sexual Behavior, and Revictimization in Adolescence and Youth: A Mini Review, *Frontiers in Psychology*, 30 August 2019, available at <https://www.frontiersin.org/articles/10.3389/fpsyg.2019.02018/full> [accessed 14 February 2022]; and Zurbriggen and Freyd (2004), The Link Between Child Sexual Abuse and Risky Sexual Behavior: The Rule of Dissociative Tendencies, Information-Processing Effects, and Consensual Sex Decision Mechanisms, in Koenig and al. From Child Sexual Abuse to Adult Sexual Risk: Trauma, Revictimization, and Intervention, Washington, DC, American Psychological Association, pp. 135-158.

D. Social Impact

The social impact of sexual violence crimes has long been one of the most prominent and long-lasting adverse effects on the survivors, including abandonment by family (including divorce) and rejection by the community, when these are the groups and individuals whose support is needed most by the survivors. LDHR's previous reports have looked at some of these effects in great detail, in particular in a report on stigma around sexual violence.⁵² Survivors and eyewitnesses whose accounts are discussed in this report experienced some of the social effects detailed below.

In the case of "Sahar", she said that she avoids dealing with men in general. Additionally, as noted by the doctor who documented her case, she does not trust anyone and "does not want anyone in her life; she just wants to live with her children away from everyone". She said that she was surrounded by "a community that looks at her in a negative and abusive manner, which was the most difficult thing". She was obliged to travel to a new country to start a new life with her children.

"Nazira" blames society for judging her, and not caring about what happened to her. She has negative expectations from others around her and feels despair, which also makes her reclusive with decreasing interest in what is going on around her. This was also the case of "Majed", who reported that he withdrew from everyone and everything around him due to a feeling of seclusion and also fear of being judged as less of a man as a result of what he experienced during detention.

"Zara" reported that she also isolates herself from everyone. She no longer likes to speak with others and distrusts everyone but she is too afraid to be on her own. Her fear keeps her awake and makes her irritated, further impacting her relations with others. As a result of her detention, her parents disowned her and her husband divorced her after her release. Her feeling of deep shame further isolates her. Nevertheless, she tries to "build a foundation for her children so they can succeed, even if their mother was detained".

For some survivors, what they experienced in detention affected their behaviour towards their daughters. For example, "Nazira", due to the sexual violence she experienced, married off her two daughters at a very young age, out of fear for them. Also, "Lubna" said that she forced her daughter to drop out of college as a result of what she witnessed happening to those who got detained.

⁵² See LDHR, Knowledge, Attitudes and Stigma Surrounding Sexual Violence and its Survivors in Syrian Communities, January 2021, report can be accessed at: <https://ldhrights.org/en/?p=6447>

E. Economic Impact

The lives of survivors of detention in general, and sexual violence crimes in particular, change drastically as a result of these crimes. In the Syrian context, as in most other armed conflicts, most of those who are detained lose their jobs and sources of livelihood. Some bear, along with their families, massive financial burdens to get them released (if they are lucky enough). Many lose their homes and possessions, and often have to flee the area under the control of the authority that detained them out of fear of being detained again, or even flee their communities and families. Some might even be unable to go back to work due to physical or psychological effects.

“Sahar” said she “left detention empty-handed, owning no shelter, no job, and no degree”. At the time she was interviewed, she said that she still has not been able to “stand on her feet and start anew”. The situation is similar for “Nazira”, who said that she does not even have official documents in the country where she resides and that her financial situation is very bad, although she was relatively well-off prior to detention. She feels incapable of working due to the physical harm to which she was subjected, as her physical injuries do not allow her to exercise her profession. “Zara” would like to work but cannot due to her injuries. She feels that financial hardship and displacement worsened her psychological condition.

Conclusions

LDHR has published several reports relating to detention and ensuing crimes committed against different groups of Syrian society, the vast majority of whom are civilians. This report focuses on practices against detainees that may rise to the level of sexual slavery based on international standards, in particular the Rome Statute of the ICC. Similar standards have also been applied in special tribunals including the ICTY and the SCSL. At the domestic level, while Syrian laws prohibit and criminalise torture and certain forms of sexual violence, they do not include any provisions specific to sexual slavery. In any case, Syrian laws have rarely been observed or respected by the government or any of the other de facto authorities and groups in the current Syrian context.

The findings in this report demonstrate the existence of sexual slavery in detention, illustrated by several examples documented by LDHR. Sexual slavery is a specific form of sexual violence crime, where the perpetrator(s) exercise powers attaching to the right of ownership over the victims, and cause them to engage in acts of sexual nature. This report demonstrates that sexual slavery has been committed against many groups within Syrian communities, which were opposed or perceived as opposing the Syrian government or armed non-state actors, including women, men, girls and boys. Although sexual slavery committed by ISIL has drawn extensive attention from the international community, sexual slavery by the Syrian government and other actors in the Syrian context had not been addressed to date. The survivor and eyewitness accounts included in this report suggest that sexual slavery might have been committed more extensively than the figures we currently have might indicate; hence the importance of drawing attention to its occurrence in order to document it properly, create effective support systems responding to the severe needs of this group of survivors, and seek the appropriate forms of accountability against perpetrators.

The cases described in this report demonstrate how the nature and impacts of sexual slavery can be devastating for survivors, including being used as property and repeatedly subjected to sexual violence and other forms of torture and degrading treatment, and the absolute dominance over their bodily integrity and autonomy. This is also why it is important to understand this crime, its perpetration as a strategy to dominate, terrorise and break opponents, and to understand how to effectively support survivors. The impacts of these crimes affect almost all aspects of the survivors' lives. Many have ended up displaced internally or across borders, often away from their families and communities. Many of the women have been rejected by their families and communities due to the stigma associated with having been sexually assaulted in detention, sometimes by several perpetrators.

These all combine to further impact their lives at the psychological, social, and economic levels, in addition to having to deal with sexual and reproductive health effects, as detailed herein.

Documenting these types of crimes is also crucial for accountability purposes. Obtaining relevant testimonies of survivors and eyewitnesses will support future criminal prosecutions in the appropriate tribunals, whether international or domestic. Also, when advocating and pushing for the type of crimes that should be adjudicated in future prosecutions and the legal basis thereof, specific crimes like sexual slavery should be considered, and the relevant provisions of the Rome Statute, under which sexual slavery is a crime against humanity and a war crime, should be specifically referenced and incorporated. Furthermore, understanding the full range and scope of the crimes committed during the conflict will be of great relevance when the time comes to grant reparations for victims and their families, whether through governmental or nongovernmental mechanisms and channels.

It is, however, important to consider that judicial channels, particularly during or in the aftermath of an armed conflict, have many limitations. Proceedings are usually lengthy, and limited to a fraction of the crimes committed and to a small number of perpetrators. Therefore, a victim-focused approach is critical in ensuring provision of support and recovery for survivors, as well as their families; which is of particular importance in sexual violence crimes, regardless of whether or not the perpetrators are tried and/or convicted. In that respect, understanding the impacts of these crimes will help design responsive programming and support for the survivors, their families and their communities. These efforts can be shouldered by civil society organisations as well as international and domestic nongovernmental entities. Importantly, and as illustrated by some of the accounts in this report, eyewitnesses to these crimes are also affected by what they have seen and heard in detention. The impacts on them should therefore also be addressed. Other cases akin to the cases included in this report might have similar impacts that need similar forms of support, and should also be addressed by the various actors involved.

Furthermore, identifying the root causes can assist in making policy recommendations to domestic and international authorities. Specifically, in cases of a conflict such as the one in Syria, where sexual violence in detention has been and continues to be extensively used as a weapon to silence, suppress, terrorise, and demoralise anyone who opposes the authority, having a comprehensive understanding of the types of crimes committed would have a direct bearing on the anticipated political settlement, a major part of which are expected to be transitional justice measures.

The survivors and eyewitnesses who had the strength and resilience to seek help, and consent to making their testimonies accessible by human rights organisations and groups for the purpose of achieving justice, should be commended for their bravery. They are a living example of why these types of support programs are essential and must continue to be funded and empowered to reach more survivors, who need the assistance to overcome the repercussions of the hardships through which they went, and to ensure justice is reached, change is effectuated, and reparations are obtained.



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